



The Journal OF THE House of Representatives

Number 20

Monday, April 30, 2001

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

Trovillion	Waters	Wiles	Wishner
Wallace	Weissman	Wilson	

Prayer

The following prayer was offered by the Honorable Jerry Louis Maygarden:

Most gracious God, creator of all things both great and small, we pause in the midst of another glorious spring day to offer a prayer of thanksgiving. Thank You for our communities, our homes, thank You for this great state, and thank You for this wonderful country. Most of all, Father, we're grateful for our people and we're grateful for their representation here today. Bless us with humility in victory. Grant us peace in our darkest hours. Serve as a lamp to our feet and guide and direct us in the path of Thy ways and we'll give You all the praise. We pray these things in total adoration of the one true living God. Amen.

The following Members were recorded present:

Session Vote Sequence: 211

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

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

A quorum was present.

Pledge

The Members, led by Katelyn M. Baird of Palatka, Robert Justin Berry of Clermont, Amber Lynn Brown of Tallahassee, Jessica Harmsen of Tallahassee, and Taylor Johnson-Rule of Tallahassee, pledged allegiance to the Flag. Katelyn M. Baird served at the invitation of Rep. Pickens. Robert Justin Berry served at the invitation of Rep. Baker. Amber Lynn Brown served at the invitation of Speaker Feeney. Jessica Harmsen served at the invitation of Rep. Justice. Taylor Johnson-Rule served at the invitation of Rep. Barreiro.

House Physician

The Speaker introduced Dr. Sankar Swaminathan of Gainesville, who served in the Clinic today upon invitation of Rep. Kendrick.

Correction of the Journal

The *Journal* of April 27 was corrected and approved as follows: On page 1303, column 1, line 5 from the top, delete "which was adopted" and insert in lieu thereof: which failed of adoption

On page 1389, column 2, line 22 from the top, insert: Representative Ball's vote was recorded as a Nay vote.

On page 1390, column 1, line 8 from the top, delete "HB 1819" and insert in lieu thereof: CS for SB 1118

The *Journal* of April 26 was further corrected as follows: On page 965, column 1, line 15 from the top, delete "By the Committees on Fiscal Policy & Resources; Elder & Long-Term Care" and insert in lieu thereof: By the Fiscal Responsibility Council; Committee on Elder & Long-Term Care

Messages from the Senate

On motion by Rep. Benson, the rules were waived by the required two-thirds vote and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1400, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Posey—

SB 1400—A bill to be entitled An act relating to swimming pool/spa servicing contractors; amending s. 489.111, F.S.; providing eligibility requirements to take the licensure examination for the swimming pool/spa servicing contractor's license; providing an effective date.

—was taken up instanter and read the first time by title. On motion by Rep. Benson, the rules were waived and the bill was read the second time by title.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Barreiro, the rules were waived by the required two-thirds vote and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB's 1526 & 314 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Finance and Taxation, Commerce and Economic Opportunities, Banking and Insurance and Senator Constantine and others—

CS for CS for CS for SB's 1526 & 314—A bill to be entitled An act relating to the Money Transmitter's Code; amending s. 560.103, F.S.; revising definitions; amending s. 560.111, F.S.; providing penalties for specified violations of the deferred presentment act; amending s. 560.114, F.S.; providing additional grounds for disciplinary action; providing for continuation of certain administrative proceedings under certain circumstances; amending s. 560.118, F.S.; eliminating the authority to assess examination fees; amending s. 560.119, F.S.; revising the deposit of fees and assessments; amending s. 560.204, F.S.; clarifying exemption from registration fees under part III of ch. 560, F.S.; amending s. 560.205, F.S.; adding a fee for authorized vendor or branch locations; amending s. 560.206, F.S.; amending the registration period; amending s. 560.207, F.S.; conforming and clarifying the fee for late renewals; amending the renewal application fee; amending s. 560.208, F.S.; requiring notification of vendor or branch locations; requiring a nonrefundable fee and financial statement; amending s. 560.307, F.S.; applying the application fee to check cashers and foreign currency exchanges and adding a fee for authorized vendors or branch locations; requiring notification of vendor or branch locations; amending s. 560.308, F.S.; increasing the registration and renewal fee for each registrant; clarifying the fee to be charged for late renewal; creating part IV, ch. 560, F.S., consisting of ss. 560.401, 560.402, 560.403, 560.404, 560.405, 560.406, 560.407, and 560.408, F.S.; providing a short title; providing definitions; providing registration requirements for deferred presentment transactions; providing for filing fees; providing limitations; specifying requirements and limitations for engaging in deferred presentment transactions; providing prohibitions; providing for fees; providing limitations; requiring certain notice; specifying criteria and requirements for deposit and redemption of a drawer's check; providing procedures for recovering damages for worthless checks; requiring maintenance of records for a time certain; providing legislative intent; requiring the Comptroller to submit a report to the President of the Senate and the Speaker of the House of Representatives concerning the effectiveness of this act; providing an effective date.

—was taken up instanter and read the first time by title. On motion by Rep. Barreiro, the rules were waived and the bill was read the second time by title.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Haridopolos, the rules were waived by the required two-thirds vote and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 924, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Webster and others—

CS for SB 924—A bill to be entitled An act relating to health care providers; amending ss. 458.331, 459.015, F.S.; providing an additional ground for discipline of persons licensed under ch. 458, F.S., or ch. 459, F.S.; providing an effective date.

—was taken up instanter and read the first time by title. On motion by Rep. Haridopolos, the rules were waived and the bill was read the second time by title.

Representative(s) Needelman offered the following:

(Amendment Bar Code: 335817)

Amendment 1 (with title amendment)—Delete everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraphs (nn) and (oo) are added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Delegating postoperative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level of care provided by medical practitioners in accordance with the same or similar community standards. Delegation of ocular postoperative responsibility shall be subject to the written informed consent of the patient, and the postoperative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds the care which the other licensed health care practitioner is authorized or trained to perform.*

(oo) *Failing to report to the department, as required by s. 456.072, any person licensed under this chapter, chapter 459, or the chapter regulating the alleged violator, who fails to provide appropriate postoperative care.*

Section 2. Paragraphs (pp) and (qq) are added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Delegating postoperative responsibilities to a person not licensed as a physician under this chapter or chapter 459, except where delegation to another licensed health care practitioner is deemed medically appropriate by the delegating physician and the other licensed health care practitioner is required by law to conform to the same level of care provided by medical practitioners in accordance with the same or similar community standards. Delegation of ocular postoperative responsibility shall be subject to the written informed consent of the patient, and the postoperative care shall be performed pursuant to a co-management protocol which requires regular reporting to the surgeon and immediate consultation with a surgeon when the care required by the patient exceeds*

the care which the other licensed health care practitioner is authorized or trained to perform.

(qq) *Failing to report to the department, as required by s. 456.072, any person licensed under this chapter, chapter 458, or the chapter regulating the alleged violator, who fails to provide appropriate postoperative care.*

Section 3. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1, line 4, strike the words "an additional ground"

and insert in lieu thereof: additional grounds

Rep. Needelman moved the adoption of the amendment.

Representative(s) Fasano, Haridopolos and Ritter offered the following:

(Amendment Bar Code: 954763)

Amendment 1 to Amendment 1—
remove from the amendment: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (nn) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 14 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.*

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 458. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 14 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.*

Section 3. This act shall take effect July 1, 2001.

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

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

Rep. Needelman moved to withdraw **Amendment 1**. Subsequently, Rep. Ritter objected to the withdrawal of **Amendment 1**.

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

Session Vote Sequence: 212

Yeas—57

The Chair	Byrd	Holloway	Prieguez
Andrews	Cantens	Jennings	Ritter
Argenziano	Diaz de la Portilla	Jordan	Romeo
Arza	Diaz-Balart	Joyner	Rubio
Attkisson	Fasano	Justice	Seiler
Atwater	Fiorentino	Kilmer	Slosberg
Ball	Flanagan	Kravitz	Smith
Barreiro	Garcia	Kyle	Sobel
Baxley	Gardiner	Littlefield	Sorensen
Bean	Gelber	Mack	Trovillion
Bennett	Gibson	Mahon	Waters
Bense	Greenstein	Maygarden	Wishner
Benson	Haridopolos	Miller	
Berfield	Harrell	Negron	
Bilirakis	Henriquez	Paul	

Nays—56

Alexander	Cusack	Heyman	Needelman
Allen	Davis	Hogan	Peterman
Ausley	Detert	Johnson	Pickens
Baker	Dockery	Kallinger	Rich
Bendross-Mindingall	Farkas	Kendrick	Richardson
Betancourt	Fields	Kosmas	Ross
Bowen	Frankel	Kottkamp	Ryan
Brown	Gannon	Lerner	Simmons
Brummer	Goodlette	Machek	Siplin
Brutus	Gottlieb	Mayfield	Spratt
Bucher	Green	McGriff	Stansel
Bullard	Harper	Meadows	Wallace
Carassas	Harrington	Mealor	Weissman
Crow	Hart	Melvin	Wiles

Votes after roll call:

Nays—Lee

Nays to Yeas—Brutus, Crow

Representative(s) Farkas, Pickens, Needelman, Kottkamp, Bowen, Allen, Brown, and Ross offered the following:

(Amendment Bar Code: 481301)

Amendment 2—
Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (nn) is added to subsection (1) of section 458.331, Florida Statutes, is amended to

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459 or an ophthalmologist with an active, unencumbered license in another state in which the patient is a resident. Nothing herein shall be construed to prohibit an ophthalmologist performing ocular surgery from delegating ocular post-operative responsibilities relating to that ocular surgery to a board certified optometrist licensed under chapter 463; provided, that the delegation occurs no sooner than 7 days following the ocular surgery, the board certified optometrist is under general supervision by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's postoperative care. General supervision means regular reporting to the*

surgeon, and immediate availability of an ocular surgeon for consultation or to direct treatment.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), including conduct that would constitute a substantial violation of subsection (1) which occurred prior to licensure, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or certification with restrictions, to the department an application for licensure, certification, or registration.

(b) Revocation or suspension of a license.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another physician.

(g) Issuance of a letter of concern.

(h) Corrective action.

(i) Refund of fees billed to and collected from the patient.

(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459 or an ophthalmologist with an active, unencumbered license in another state in which the patient is a resident. Nothing herein shall be construed to prohibit an ophthalmologist performing ocular surgery from delegating ocular post-operative responsibilities relating to that ocular surgery to a board certified optometrist licensed under chapter 463; provided, that the delegation occurs no sooner than 7 days following the ocular surgery, the board certified optometrist is under general supervision by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's postoperative care. General supervision means regular reporting to the surgeon, and immediate availability of an ocular surgeon for consultation or to direct treatment.*

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or certify with restrictions, to the department an application for certification, licensure, renewal, or reactivation.

(b) Revocation or suspension of a license or certificate.

(c) Restriction of practice.

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense.

(e) Issuance of a reprimand.

(f) Issuance of a letter of concern.

(g) Placement of the osteopathic physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the osteopathic physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another osteopathic physician.

(h) Corrective action.

(i) Refund of fees billed to and collected from the patient.

(j) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.

In determining what action is appropriate, the board must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the physician. All costs associated with compliance with orders issued under this subsection are the obligation of the physician.

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

Rep. Farkas moved the adoption of the amendment.

Representative(s) Fasano, Haridopolos, and Ritter offered the following:

(Amendment Bar Code: 110995)

Amendment 1 to Amendment 2—
remove from the amendment everything after the enacting clause:

and insert in lieu thereof:

Section 1. Paragraph (nn) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 459. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under chapter 463 provided that the delegation occurs no sooner than 14 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.*

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Except as otherwise provided herein, delegating ocular post-operative responsibilities to a person other than an ophthalmologist licensed as a physician under this chapter or chapter 458. Nothing herein shall be construed to prohibit an ophthalmologist performing cataract surgery from delegating ocular post-operative responsibilities relating to that cataract surgery to a board certified optometrist licensed under*

chapter 463 provided that the delegation occurs no sooner than 14 days following cataract surgery, the board certified optometrist is supervised by the operating surgeon or an equivalently trained ophthalmologist, and the operating surgeon remains responsible for the management of the patient's post-operative care.

Section 3. This act shall take effect July 1, 2001.

Rep. Fasano moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 2** was withdrawn.

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

Session Vote Sequence: 213

Yeas—73

Alexander	Crow	Kallinger	Pickens
Allen	Cusack	Kendrick	Prieguez
Atwater	Davis	Kilmer	Rich
Ausley	Detert	Kosmas	Richardson
Baker	Dockery	Kottkamp	Ross
Ball	Farkas	Lee	Russell
Baxley	Fields	Lerner	Ryan
Bean	Frankel	Littlefield	Simmons
Bendross-Mindingall	Gannon	Machek	Siplin
Berfield	Gardiner	Mayfield	Sorensen
Betancourt	Goodlette	Maygarden	Spratt
Bilirakis	Gottlieb	McGriff	Stansel
Bowen	Green	Meadows	Wallace
Brown	Harper	Mealor	Weissman
Brummer	Harrington	Melvin	Wiles
Brutus	Hart	Miller	Wilson
Bucher	Heyman	Murman	
Carassas	Hogan	Needelman	
Clarke	Justice	Peterman	

Nays—43

The Chair	Cantens	Harrell	Ritter
Andrews	Diaz de la Portilla	Henriquez	Romeo
Argenziano	Diaz-Balart	Holloway	Rubio
Arza	Fasano	Jennings	Seiler
Attkisson	Fiorentino	Johnson	Slosberg
Barreiro	Flanagan	Joyner	Smith
Bennett	Garcia	Kravitz	Sobel
Bense	Gelber	Kyle	Trovillion
Benson	Gibson	Mahon	Waters
Bullard	Greenstein	Negron	Wishner
Byrd	Haridopolos	Paul	

Votes after roll call:

Yeas to Nays—Brutus

Nays to Yeas—Henriquez, Smith

Representative(s) Melvin offered the following:

(Amendment Bar Code: 950775)

Amendment 3 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. *Study commission created.—*

(1) *The Lieutenant Governor shall chair a commission to study the issues contained in Committee Substitute for Senate Bill 924 relative to ocular post-operative responsibilities.*

(2) *Membership of the commission shall include two members appointed by the Governor, two members appointed by the President of the Senate, and two members appointed by the Speaker of the House of Representatives.*

(3) *The Office of the Governor shall provide the staff and monies necessary to carry out the purposes of the commission.*

(4) *The commission shall submit its findings no later than December 15, 2001 to the Governor, the President of the Senate, and the Speaker of the House of Representatives.*

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

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to health care providers; providing for a study commission; providing for membership; providing for a report; providing an effective date.

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

Representative(s) Ryan offered the following:

(Amendment Bar Code: 045333)

Amendment 4—On page 1, line 10

remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (nn) is added to subsection (1) of section 458.331, Florida Statutes, to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(nn) *Performing ocular surgery at any site unless the physician has hospital privileges to perform such surgery at a hospital licensed under chapter 395 which is within 25 miles of the location in which the surgery is performed.*

Section 2. Paragraph (pp) is added to subsection (1) of section 459.015, Florida Statutes, to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(pp) *Performing ocular surgery at any site unless the physician has hospital privileges to perform such surgery at a hospital licensed under chapter 395 which is within 25 miles of the location in which the surgery is performed.*

Section 3. This act shall take effect July 1, 2001.

Rep. Ryan moved the adoption of the amendment. Subsequently, **Amendment 4** was withdrawn.

Representative(s) Haridopolos offered the following:

(Amendment Bar Code: 721573)

Amendment 5—On page 1, line 25, and page 2, line 14, remove from the bill: 28

and insert in lieu thereof: 14

Rep. Haridopolos moved the adoption of the amendment.

On motion by Rep. Haridopolos, further consideration of **CS for SB 924**, with pending amendment, was temporarily postponed under Rule 11.10.

On motion by Rep. Green, the rules were waived by the required two-thirds vote and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1200 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Brown-Waite—

SB 1200—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk-management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk-management and quality-assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was taken up *instanter* and read the first time by title. On motion by Rep. Green, the rules were waived and the bill was read the second time by title.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Green, the rules were waived by the required two-thirds vote and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 1202, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Judiciary, Health, Aging and Long-Term Care and Senators Brown-Waite and Holzendorf—

CS for CS for CS for SB 1202—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S.; clarifying duties of the local ombudsman councils with respect to inspections of nursing homes and long-term-care facilities; amending s. 400.021, F.S.; defining the terms “controlling interest” and “voluntary board member” and revising the definition of “resident care plan” for purposes of part II of ch. 400, F.S., relating to the regulation of nursing homes; requiring the Agency for Health Care Administration and the Office of the Attorney General to study the use of electronic monitoring devices in nursing homes; requiring a report; amending s. 400.023, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney’s fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; providing burden of proof; providing that a violation of a right is not negligence *per se*; prescribing the duty of care; prescribing a nurse’s duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; creating s. 400.0233, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing the time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.0234, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.0235, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part II of ch. 400, F.S.; creating s. 400.0236, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.0237, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms “intentional misconduct” and

“gross negligence”; prescribing criteria governing employers’ liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.0238, F.S.; prescribing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney’s fees; amending s. 768.735, F.S.; providing that the section is inapplicable to actions brought under ch. 400, F.S.; amending s. 415.1111, F.S.; limiting actions against nursing homes and assisted living facilities; amending s. 400.0255, F.S.; providing for applicability of provisions relating to transfer or discharge of nursing home residents; amending s. 400.062, F.S.; increasing the bed license fee for nursing home facilities; amending s. 400.071, F.S.; revising license application requirements; requiring certain disclosures; authorizing the Agency for Health Care Administration to issue an inactive license; requiring quality assurance and risk-management plans; amending s. 400.102, F.S.; providing additional grounds for action by the agency against a licensee; amending s. 400.111, F.S.; prohibiting renewal of a license if an applicant has failed to pay certain fines; requiring licensees to disclose financial or ownership interests in certain entities; authorizing placing fines in escrow; amending s. 400.118, F.S.; revising duties of quality-of-care monitors in nursing facilities; amending s. 400.121, F.S.; specifying additional circumstances under which the agency may deny, revoke, or suspend a facility’s license or impose a fine; authorizing placing fines in escrow; requiring that the agency revoke or deny a nursing home license under specified circumstances; providing standards for administrative proceedings; providing for the agency to assess the costs of an investigation and prosecution; specifying facts and conditions upon which administrative actions that are challenged must be reviewed; amending s. 400.126, F.S.; requiring an assessment of residents in nursing homes under receivership; providing for alternative care for qualified residents; amending s. 400.141, F.S.; providing additional administrative and management requirements for licensed nursing home facilities; requiring a facility to submit information on staff-to-resident ratios, staff turnover, and staff stability; requiring that certain residents be examined by a licensed physician; providing requirements for dining and hospitality attendants; requiring additional reports to the agency; requiring minimum amounts of liability insurance coverage; requiring daily charting of specified certified nursing assistant services; creating s. 400.1413, F.S.; authorizing nursing homes to impose certain requirements on volunteers; creating s. 400.147, F.S.; requiring each licensed nursing home facility to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term “adverse incident”; requiring that the agency be notified of adverse incidents; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring the reporting of sexual abuse; limiting the liability of a risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of nursing homes; creating s. 400.148, F.S.; providing for a pilot project to coordinate resident quality of care through the use of medical personnel to monitor patients; providing purpose; providing for appointment of guardians; creating s. 400.1755, F.S.; prescribing training standards for employees of nursing homes that provide care for persons with Alzheimer’s disease or related disorders; prescribing duties of the Department of Elderly Affairs; amending s. 400.19, F.S.; requiring the agency to conduct surveys of certain facilities cited for deficiencies; providing for a survey fine; providing for inspections; amending s. 400.191, F.S.; requiring the agency to publish a Nursing Home Guide Watch List; specifying contents of the watch list; specifying distribution of the watch list; requiring that nursing homes post certain additional information; amending s. 400.211, F.S.; revising employment requirements for nursing assistants; requiring in-service training; amending s. 400.23, F.S.; revising minimum staffing requirements for nursing homes; requiring the documentation and posting of compliance with such standards; requiring correction of deficiencies prior to change in conditional status; providing definitions of deficiencies; adjusting the fines imposed for certain deficiencies; amending s. 400.235, F.S.; revising requirements for the Gold Seal Program; creating s. 400.275, F.S.; providing for training of nursing-home survey teams; amending s.

400.407, F.S.; revising certain licensing requirements; providing for the biennial license fee to be based on number of beds; amending s. 400.414, F.S.; specifying additional circumstances under which the Agency for Health Care Administration may deny, revoke, or suspend a license; providing for issuance of a temporary license; amending s. 400.419, F.S.; increasing the fines imposed for certain violations; creating s. 400.423, F.S.; requiring certain assisted living facilities to establish an internal risk management and quality assurance program; providing requirements of the program; requiring the use of incident reports; defining the term "adverse incident"; requiring that the agency be notified of adverse incidents and of liability claims; requiring reporting of liability claims; specifying duties of the internal risk manager; requiring that the agency report certain conduct to the appropriate regulatory board; requiring that the agency annually report to the Legislature on the internal risk management of assisted living facilities; amending s. 400.426, F.S.; requiring that certain residents be examined by a licensed physician; amending s. 400.429, F.S.; providing for election of survival damages, wrongful death damages, or recovery for negligence; providing for attorney's fees for injunctive relief or administrative remedy; providing that ch. 766, F.S., does not apply to actions under this section; prescribing the burden of proof; providing that a violation of a right is not negligence per se; prescribing the duty of care; prescribing a nurse's duty of care; eliminating presuit provisions; eliminating the requirement for presuit mediation; requiring copies of complaints filed in court to be provided to the agency; creating s. 400.4293, F.S.; providing for presuit notice; prohibiting the filing of suit for a specified time; requiring a response to the notice; tolling the statute of limitations; limiting the discovery of presuit investigation documents; limiting liability of presuit investigation participants; authorizing the obtaining of opinions from a nurse or doctor; authorizing the obtaining of unsworn statements; authorizing discovery of relevant documents; prescribing a time for acceptance of settlement offers; requiring mediation; prescribing the time to file suit; creating s. 400.4294, F.S.; requiring the availability of facility records for presuit investigation; specifying the records to be made available; specifying what constitutes evidence of failure to make records available in good faith; specifying the consequences of such failure; creating s. 400.4295, F.S.; providing that the provisions of s. 768.21(8), F.S., do not apply to actions under part III of ch. 400, F.S.; creating s. 400.4296, F.S.; providing a statute of limitations; providing a statute of limitations when there is fraudulent concealment or intentional misrepresentation of fact; providing for application of the statute of limitation to accrued actions; creating s. 400.4297, F.S.; requiring evidence of the basis for punitive damages; prohibiting discovery relating to financial worth; providing for proof of punitive damages; defining the terms "intentional misconduct" and "gross negligence"; prescribing criteria governing employers' liability for punitive damages; providing for the remedial nature of provisions; creating s. 400.4298, F.S.; providing limits on the amount of punitive damages; providing for a criminal investigation with a finding of liability for punitive damages under certain circumstances; providing for the admissibility of findings in subsequent civil and criminal actions; providing for the calculation of attorney's fees; amending s. 400.434, F.S.; authorizing the Agency for Health Care Administration to use information obtained by certain councils; amending s. 400.441, F.S.; clarifying facility inspection requirements; creating s. 400.449, F.S.; prohibiting the alteration or falsification of medical or other records of an assisted living facility; providing penalties; amending s. 409.908, F.S.; prohibiting nursing home reimbursement rate increases associated with changes in ownership; modifying requirements for nursing home cost reporting; requiring a report; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; authorizing employment of certain nursing assistants pending certification; requiring continuing education; amending s. 397.405, F.S., relating to service providers; conforming provisions to changes made by the act; prohibiting the issuance of a certificate of need for additional nursing home beds; providing intent for such prohibition; reenacting s. 400.0255(3), (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under a specified age residing in nursing home facilities; reenacting s. 400.191(2), (6), F.S., relating to requirements for providing information to consumers; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys for nursing

homes; reenacting s. 400.141(4), (5), F.S., relating to the repackaging of residents' medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), (9), F.S., relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to the requirement for licensure under pt. IX of ch. 400, F.S.; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication-dispensing machines in nursing facilities and for demonstration projects and a report; amending s. 627.351, F.S.; creating the Senior Care Facility Joint Underwriting Association; defining the term "senior care facility"; requiring that the association operate under a plan approved by the Department of Insurance; requiring that certain insurers participate in the association; providing for a board of governors appointed by the Insurance Commissioner to administer the association; providing for terms of office; providing requirements for the plan of operation of the association; requiring that insureds of the association have a risk-management program; providing procedures for offsetting an underwriting deficit; providing for assessments to offset a deficit; providing that a participating insurer has a cause of action against a nonpaying insurer to collect an assessment; requiring the department to review and approve rate filings of the association; amending s. 400.562, F.S.; revising requirements for standards to be included in rules implementing part V of ch. 400, F.S.; providing for applicability of specified provisions of the act; providing appropriations; providing for severability; providing effective dates.

—was taken up *instanter* and read the first time by title. On motion by Rep. Green, the rules were waived and the bill was read the second time by title.

On motion by Rep. Green, further consideration of **CS for CS for CS for SB 1202**, was temporarily postponed under Rule 11.10

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney

April 30, 2001

Speaker, House of Representatives

Mr. Speaker

Pursuant to Special Rule 01-11, your Procedural & Redistricting Council herewith submits as a Third Reading Calendar for Monday, April 30, 2001. Consideration of the House Bills on the Third Reading Calendar shall include the Senate Companion Measures on the House Calendar.

I. Consideration of the following bill(s):

SB 708—Educ. Employees/Unused Sick Leave
 HB 489—High-Speed Rail Study Commission
 CS/SB 1610—Funeral & Cemetery Services
 HB 1943—Bargaining Agent's Dues/Assessments
 CS/CS/HB 1193—Education
 HB 1655—Labor & Employment Security Dept.
 HB 1845—Criminal Use of Personal ID Info.
 HB 1931—Health Insurance Subsidy/Retirees
 HB 1981—Tax Administration
 HB 1909—Purchasing & Transportation Support
 HB 1941—Trust Funds
 CS/HB 1633—Student Assessment
 HB 1811—Information Technology
 SB 814—Entertainment Industry
 SB 540—White Collar Crime Victim Protection
 HB 1673—Domestic Violence
 CS/HB 1803—Workers' Compensation
 HB 1695—Public Records/Student Assessments
 CS/CS/HB 1533—Education Governance Reorganization
 (Special Rule 01-14)

II. Special Order:

CS/SB 778—Lawyer Assistance Programs

A quorum of the Council was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Johnnie B. Byrd, Jr.
 Chair

On motion by Rep. Byrd, the rules were waived and the above report was adopted.

Motions Relating to Committee or Council References

On motion by Rep. Byrd, agreed to by two-thirds vote, HB 821 was withdrawn from the Procedural & Redistricting Council and placed on the Calendar of the House.

Motion

On motion by Rep. Byrd, the rules were waived and **HB 821** was added to the Special Orders for April 30.

Bills and Joint Resolutions on Third Reading

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

—was read the third time by title.

Further consideration of **SB 708** was temporarily postponed under Rule 11.10.

HB 489—A bill to be entitled An act relating to high-speed rail; creating the High-Speed Rail Commission; providing for membership and appointment; providing for staff; providing for duties of the commission; providing for dissolution of the commission upon submission of a required report; directing the Department of Transportation to begin collecting and organizing existing data on high-speed rail systems; providing an appropriation; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Johnson offered the following:

(Amendment Bar Code: 053915)

Amendment 7—On page 4, line 23, remove from the bill: *\$3 million*

and insert in lieu thereof: *\$4.5 million*

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

The question recurred on the passage of HB 489. The vote was:

Session Vote Sequence: 214

Yeas—88

The Chair	Bilirakis	Diaz de la Portilla	Gelber
Andrews	Brummer	Diaz-Balart	Gibson
Arza	Bullard	Farkas	Goodlette
Ausley	Byrd	Fasano	Gottlieb
Baker	Cantens	Fields	Green
Barreiro	Carassas	Fiorentino	Harper
Baxley	Clarke	Flanagan	Harrell
Bendross-Mindingall	Crow	Frankel	Harrington
Bense	Cusack	Gannon	Hart
Benson	Davis	Garcia	Henriquez
Berfield	Detert	Gardiner	Heyman

Holloway	Lerner	Needelman	Seiler
Johnson	Littlefield	Paul	Simmons
Jordan	Machek	Peterman	Smith
Joyner	Mack	Pickens	Sorensen
Justice	Mahon	Prieguez	Spratt
Kallinger	Mayfield	Rich	Stansel
Kilmer	Maygarden	Richardson	Wallace
Kosmas	McGriff	Romeo	Waters
Kottkamp	Mealor	Rubio	Wiles
Kravitz	Melvin	Russell	Wilson
Lee	Miller	Ryan	Wishner

Nays—14

Alexander	Bowen	Greenstein	Ross
Argenziano	Brown	Kendrick	Weissman
Attkisson	Bucher	Negron	
Bean	Dockery	Ritter	

Votes after roll call:

Yeas—Atwater, Betancourt, Murman
 Nays—Siplin, Sobel
 Yeas to Nays—Gottlieb

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

CS for SB 1610—A bill to be entitled An act relating to funeral and cemetery services; amending s. 497.003, F.S.; revising references relating to need determinations; amending s. 497.005, F.S.; providing and revising definitions; amending s. 497.201, F.S.; increasing minimum acreage requirements to establish a cemetery company; eliminating need determinations for new cemeteries; clarifying provisions governing authorized trust companies, banks, and savings and loan associations; revising experience requirements for the general manager of a cemetery company; amending s. 497.237, F.S.; authorizing care and maintenance trust funds to be established with a federal savings and loan association holding trust powers in this state; amending s. 497.245, F.S.; revising provisions governing burial rights; amending s. 497.253, F.S.; revising minimum acreage requirements and references, to conform; revising requirements for sale or disposition of certain cemetery lands, to conform; repealing s. 497.353(12), F.S., relating to prohibiting the use in need determinations of spaces or lots from burial rights reacquired by a cemetery, to conform; amending s. 497.405, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; amending s. 497.417, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations; revising the authority of certificateholders offering preneed funeral and burial merchandise and services contracts to revert title to trust assets by posting a bond or using other forms of security or insurance; providing a time limitation on such authority; amending s. 497.425, F.S.; providing a time limitation on the authority to post certain bonds to secure preneed contract assets; amending s. 497.429, F.S.; clarifying provisions relating to authorized trust companies, banks, and savings and loan associations with respect to alternative preneed contracts; amending s. 470.002, F.S.; redefining the term "legally authorized person" for purposes of ch. 470, F.S.; providing an effective date.

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

Session Vote Sequence: 215

Yeas—109

The Chair	Ausley	Berfield	Bullard
Alexander	Baker	Betancourt	Byrd
Allen	Barreiro	Bilirakis	Cantens
Andrews	Baxley	Bowen	Clarke
Argenziano	Bean	Brown	Crow
Arza	Bennett	Brummer	Davis
Attkisson	Bense	Brutus	Detert
Atwater	Benson	Bucher	Diaz de la Portilla

Diaz-Balart	Henriquez	Machek	Ross
Dockery	Heyman	Mack	Rubio
Farkas	Hogan	Mahon	Russell
Fasano	Holloway	Mayfield	Ryan
Fields	Jennings	Maygarden	Seiler
Fiorentino	Johnson	McGriff	Simmons
Frankel	Jordan	Meadows	Smith
Gannon	Joyner	Mealor	Sobel
Garcia	Justice	Melvin	Sorensen
Gardiner	Kallinger	Miller	Spratt
Gelber	Kendrick	Murman	Stansel
Gibson	Kilmer	Needelman	Trovillion
Goodlette	Kosmas	Negron	Wallace
Gottlieb	Kottkamp	Paul	Waters
Green	Kravitz	Peterman	Weissman
Greenstein	Kyle	Pickens	Wiles
Harper	Lacasa	Prieguez	Wilson
Harrell	Lee	Rich	
Harrington	Lerner	Richardson	
Hart	Littlefield	Romeo	

Jennings	Machek	Richardson	Sobel
Jordan	Mahon	Ritter	Sorensen
Joyner	Mayfield	Romeo	Stansel
Justice	McGriff	Ryan	Weissman
Kendrick	Meadows	Seiler	Wiles
Kosmas	Miller	Simmons	Wilson
Kravitz	Peterman	Siplin	Wishner
Lee	Pickens	Slosberg	
Lerner	Rich	Smith	

Nays—None

Votes after roll call:

Yeas—Flanagan, Haridopolos, Siplin

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

HB 1943—A bill to be entitled An act relating to the deduction and collection of a bargaining agent’s dues and uniform assessments; amending s. 447.303, F.S.; eliminating a right of certain bargaining agents to have certain dues and assessments deducted and collected by an employer from certain employees; providing legislative findings and intent; providing that the deduction and collection of certain dues and assessments is a proper subject of collective bargaining; providing requirements and limitations; providing for accounting of funds; providing for enforcement; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

Rep. Melvin suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 216].

The question recurred on the passage of HB 1943. The vote was:

Session Vote Sequence: 217

Yeas—50

The Chair	Brown	Harrell	Murman
Andrews	Brummer	Harrington	Needelman
Argenziano	Byrd	Hart	Negron
Arza	Diaz de la Portilla	Johnson	Paul
Attkisson	Dockery	Kallinger	Prieguez
Atwater	Fasano	Kilmer	Ross
Baker	Fiorentino	Kottkamp	Rubio
Baxley	Flanagan	Kyle	Russell
Bean	Gardiner	Lacasa	Trovillion
Bennett	Gibson	Littlefield	Wallace
Bense	Goodlette	Mack	Waters
Benson	Green	Maygarden	
Berfield	Haridopolos	Melvin	

Nays—62

Allen	Brutus	Cusack	Gottlieb
Ausley	Bucher	Davis	Greenstein
Ball	Bullard	Detert	Harper
Barreiro	Cantens	Fields	Henriquez
Bendross-Mindingall	Carassas	Frankel	Heyman
Betancourt	Clarke	Gannon	Hogan
Bilirakis	Crow	Gelber	Holloway

Votes after roll call:

Yeas—Bowen, Farkas

Nays to Yeas—Ball

So the bill failed to pass.

CS/CS/HB 1193—A bill to be entitled An act relating to education; amending s. 121.091, F.S.; eliminating the requirement that certain instructional personnel make an election to participate in the Deferred Retirement Option Program within 12 months after reaching normal retirement date; amending s. 228.041, F.S.; revising the definition of “other instructional staff” to include adjunct educators; amending s. 230.23, F.S.; authorizing a review by a principal prior to reassigning a teacher; deleting provisions relating to salary supplements provided to teachers selected to teach at certain low-performing schools; amending s. 231.095, F.S.; revising provisions relating to assignment of teaching duties out-of-field; amending s. 231.096, F.S.; requiring assistance in accessing resources for teachers teaching out-of-field; amending s. 231.15, F.S.; deleting provision of part-time certificate for athletic coach; creating an athletic coaching certificate; amending s. 231.17, F.S.; authorizing continued employment under specified circumstances; authorizing the use of an approved alternative certification program by a school district other than the school district that developed the program, upon notification to the department and approval of any modifications; creating s. 231.1726, F.S.; providing for certification of adjunct educators; amending s. 231.262, F.S.; requiring each district school board to develop policies and procedures relating to the reporting of complaints against teachers and administrators; providing criteria for policies and procedures; charging the superintendent of schools with knowledge of such policies and procedures; specifying conditions for penalty against superintendent; authorizing the temporary suspension of a teaching certificateholder pending the completion of proceedings in order to protect the health, safety, and welfare of students; correcting cross references to conform; amending s. 231.36, F.S.; including adjunct educators in provisions relating to contracts with instructional staff; requiring a school board to recognize and accept years of satisfactory performance for purposes of pay; providing an exemption; amending s. 231.6135, F.S.; exempting regional educational consortia from certain requirements to become eligible for grants to create professional development academies; amending s. 231.625, F.S.; requiring the Department of Education to develop and implement a system for posting teaching vacancies, establish a database of teacher applicants, develop a long-range plan for educator recruitment and retention, identify best practices for retaining high quality teachers, and develop a plan in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation for teacher recruitment and retention; deleting requirements that the department develop standardized resumes for teacher applicant data and review and recommend to the Legislature and school districts incentives for attracting teachers to Florida; amending s. 231.700, F.S.; revising the Florida Mentor Teacher School Pilot Program to conform terminology; clarifying requirements for mentor teachers; amending s. 236.08106, F.S.; clarifying requirements relating to the amount of required mentoring or related services for receipt of an Excellent Teaching Program bonus; amending s. 231.261, F.S.; correcting a cross reference; amending ss. 230.2305, 231.045, 231.1725, 231.471, and 232.435, F.S., relating to standards for staff of prekindergarten early intervention programs, periodic criminal history record checks, and employment of specified teachers, part-time teachers, and athletic trainers; revising provisions to include adjunct educators; amending s. 240.529, F.S.; establishing teacher education pilot programs for high-achieving students; providing an effective date.

—was read the third time by title.

Representative(s) Melvin offered the following:

(Amendment Bar Code: 193789)

Amendment 4—On page 23, line 1 after 228.0857, of the bill

insert: *which serve rural areas of critical economic concern*

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

On motion by Rep. Negron, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Negron offered the following:

(Amendment Bar Code: 054325)

Amendment 5 (with title amendment)—On page 3, line 29, of the bill

insert:

Section 1. Paragraph (k) of subsection (1) of section 236.081, Florida Statutes, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(k) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.24 full-time equivalent student membership shall be calculated for each student enrolled in an international baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an international baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. During the 1997-1998, 1998-1999, and 1999-2000 school years of the pilot program authorized in s. 240.116, students enrolled in the Advanced International Certificate of Education Program shall generate full-time equivalent student membership in a manner that is equitable to the manner in which students enrolled in the International Baccalaureate Program generate full-time equivalent student membership. During 1997-1998, a maximum of 40 students in each participating school district is authorized to generate full-time equivalent student membership in the pilot program, and in 1998-1999 and 1999-2000 a maximum of 80 students per year in each participating school district is authorized to generate full-time equivalent student membership in the pilot program. *The school district shall distribute to each classroom teacher who provided international baccalaureate instruction:*

1. A bonus in the amount of \$50 for each student taught by the International Baccalaureate teacher in each international baccalaureate course who receives a score of 4 or higher on the international baccalaureate examination.

2. An additional bonus of \$500 to each International Baccalaureate teacher in a school designated performance grade category "D" or "F" who has at least one student scoring 4 or higher on the international baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the international baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed \$2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 236.081, F.S.; providing for the distribution to classroom teachers who provided international baccalaureate instruction certain bonuses;

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

The question recurred on the passage of CS/CS/HB 1193. The vote was:

Session Vote Sequence: 218

Yeas—97

The Chair	Davis	Jennings	Negron
Alexander	Detert	Johnson	Peterman
Allen	Diaz de la Portilla	Justice	Pickens
Andrews	Dockery	Kallinger	Prieguez
Argenziano	Farkas	Kendrick	Richardson
Arza	Fasano	Kilmer	Ritter
Attkisson	Fields	Kosmas	Romeo
Atwater	Fiorentino	Kottkamp	Ross
Ausley	Flanagan	Kravitz	Rubio
Baker	Frankel	Kyle	Russell
Ball	Gardiner	Lacasa	Ryan
Barreiro	Gelber	Lee	Seiler
Bean	Gibson	Lerner	Simmons
Bennett	Goodlette	Littlefield	Siplin
Bense	Gottlieb	Mack	Slosberg
Benson	Green	Mahon	Sobel
Berfield	Greenstein	Mayfield	Spratt
Bilirakis	Haridopolos	Maygarden	Stansel
Bowen	Harper	McGriff	Trovillion
Brown	Harrell	Meadows	Wallace
Brutus	Harrington	Meador	Waters
Bucher	Henriquez	Melvin	Weissman
Bullard	Heyman	Miller	
Byrd	Hogan	Murman	
Crow	Holloway	Needelman	

Nays—1

Baxley

Votes after roll call:

Yeas—Brummer, Cusack, Gannon, Hart, Joyner, Rich, Wiles

Nays to Yeas—Baxley

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

HB 1655—A bill to be entitled An act relating to The Department of Labor and Employment Security; transferring the Division of Workers' Compensation from the Department of Labor and Employment Security to the Department of Insurance; providing exceptions; transferring various functions, powers, duties, personnel, and assets relating to workers' compensation to the Department of Education, the Agency for Health Care Administration, and the Department of Insurance; transferring certain rules to the Agency for Health Care Administration; amending s. 20.13, F.S.; providing for certain employees of the Division to be given hiring priority by the Department of Insurance; providing pay and employment guidelines for such employees; creating the Division of Workers' Compensation in the Department of Insurance; repealing s. 20.171, F.S., which creates the Department of Labor and Employment Security; amending s. 440.015, F.S.; designating state agencies to administer the workers' compensation law; amending s. 440.02, F.S.; providing definitions; amending ss. 110.025, 440.05, 440.09, 440.10, 440.021, 440.102, 440.103, 440.105, 440.106, 440.107, 440.108, 440.125, 440.13, 440.134, 440.14, 440.15, 440.17, 440.185, 440.191, 440.192, 440.1925, 440.20, 440.207, 440.211, 440.24, 440.25, 440.271, 440.345, 440.35, 440.38, 440.381, 440.385, 440.386, 440.40,

440.41, 440.42, 440.44, 440.49, 440.491, 440.50, 440.51, 440.52, 440.525, 440.572, 440.59, 440.591, 440.593, 443.012, 443.036, 447.02, 447.205, 447.305, 450.12, 450.197, 450.28, 468.529, 626.88, 626.989, 627.0915, 627.914, F.S., to conform to the transfers made by this act; providing for the continuation of contracts and agreements; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.4416, F.S.; revising the composition of the Workers' Compensation Oversight Board; providing for substitution of a successor agency as a party in judicial and administrative proceedings; providing severability; amending s. 624.3161, F.S.; providing for market conduct examinations with respect to workers' compensation; providing legislative intent; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing appropriations; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; creating ss. 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.810, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.823, 633.824, and 633.825, F.S.; designating such sections as the Florida Firefighter Occupational Safety and Health Act; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal to adopt rules related to firefighter safety inspections; requiring the division to conduct a study; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing for the source of funding of the division; specifying firefighter employee rights and responsibilities; providing penalties for firefighter employers who make false statements to the division or to an insurer; specifying applicability to volunteer firefighters and volunteer fire departments; authorizing the division to adopt rules for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name and membership of the Firefighters Standards and Training Council; amending ss. 383.3362, 633.30, and 633.32, F.S., to conform; amending s. 633.33, F.S.; revising certain powers of the council; providing effective dates.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 894799)

Technical Amendment 8—On page 2, lines 21-26, remove from the bill: all of said lines

and insert in lieu thereof: rulemaking authority; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; amending s. 624.3161, and on page 5, line 7, after the semicolon

insert: specifying controlling legislation in the event of a conflict; and on page 115, lines 6 and 7, remove from the bill: all of said lines and on page 149, lines 28 and 29, remove from the bill: all of said lines

and insert in lieu thereof:

Section 44. *Section 440.4416, Florida Statutes, is repealed.* and on page 182, line 5, remove from the bill: *implementation*

and insert in lieu thereof: *implementation*

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

Representative(s) Clarke offered the following:

(Amendment Bar Code: 615565)

Amendment 9—In the title, on page 1, lines 2-3, remove from the bill: all of said lines

and insert in lieu thereof: An act relating to workplace regulation; transferring the Division

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

Representative(s) Clarke offered the following:

(Amendment Bar Code: 182159)

Amendment 10—On page 7, line 1, remove from the bill: *Three senior*

and insert in lieu thereof: *Four*

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

Representative(s) Clarke offered the following:

(Amendment Bar Code: 614291)

Amendment 11—On page 206, lines 20 and 21, remove from the bill: all of said lines,

and insert in lieu thereof: ~~Division of Workers' Compensation of the department of Labor and Employment Security~~ or implement a safety program *pursuant*

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

The question recurred on the passage of HB 1655. The vote was:

Session Vote Sequence: 219

Yeas—73

The Chair	Bennett	Dockery	Hogan
Alexander	Bense	Farkas	Johnson
Allen	Benson	Fasano	Jordan
Andrews	Berfield	Fiorentino	Kallinger
Argenziano	Bilirakis	Flanagan	Kendrick
Arza	Bowen	Garcia	Kilmer
Attkisson	Brown	Gardiner	Kottkamp
Atwater	Brummer	Gibson	Kravitz
Baker	Carassas	Green	Kyle
Ball	Clarke	Haridopolos	Lacasa
Barreiro	Davis	Harrell	Littlefield
Baxley	Detert	Harrington	Mack
Bean	Diaz de la Portilla	Hart	Mahon

Mayfield	Needelman	Rubio	Trovillion	Harrell	Kosmas	Melvin	Ryan
Maygarden	Negron	Russell	Wallace	Harrington	Kottkamp	Miller	Seiler
Mealor	Paul	Simmons	Waters	Hart	Kravitz	Murman	Simmons
Melvin	Pickens	Sorensen		Henriquez	Kyle	Needelman	Siplin
Miller	Prieguez	Spratt		Heyman	Lacasa	Negron	Slosberg
Murman	Ross	Stansel		Hogan	Lee	Paul	Smith

Nays—41

Ausley	Gottlieb	Lerner	Siplin	Jennings	Littlefield	Pickens	Sorensen
Bendross-Mindingall	Greenstein	Machek	Slosberg	Johnson	Machek	Prieguez	Spratt
Betancourt	Harper	McGriff	Smith	Jordan	Mack	Rich	Stansel
Brutus	Henriquez	Meadows	Sobel	Joyner	Mahon	Richardson	Trovillion
Bucher	Heyman	Peterman	Weissman	Justice	Mayfield	Ritter	Wallace
Bullard	Holloway	Rich	Wiles	Kallinger	McGriff	Romeo	Waters
Cusack	Jennings	Richardson	Wilson	Kendrick	Meadows	Rubio	Weissman
Fields	Joyner	Ritter	Wishner	Kilmer	Mealor	Russell	Wishner
Frankel	Justice	Romeo					
Gannon	Kosmas	Ryan					
Gelber	Lee	Seiler					

Votes after roll call:

Yeas—Crow

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

HB 1845—A bill to be entitled An act relating to the criminal use of personal information; amending s. 817.568, F.S.; providing that the willful and fraudulent use of personal identification information of another individual is a felony of the second degree if the value of the pecuniary benefit services received, payment sought to be avoided, or injury or fraud perpetrated is of a specified amount or more; providing for reclassification of certain offenses involving the criminal use of personal-identification information if the offense was facilitated by the use of a public record; requiring that such offense be prosecuted in the county where the victim resides or in a county where any element of the offense occurred; limiting the time within which a person who fraudulently uses personal-identification information must be prosecuted; amending s. 921.0022, F.S., relating to the the offense severity ranking chart of the Criminal Punishment Code; ranking offenses relating to fraudulent use of personal identification information; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 765883)

Technical Amendment 2—On page 1, line 21, remove from the bill: “the the”

and insert in lieu thereof: the

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

The question recurred on the passage of HB 1845. The vote was:

Session Vote Sequence: 220

Yeas—108

The Chair	Bean	Byrd	Fiorentino
Alexander	Bendross-Mindingall	Carassas	Flanagan
Allen	Bennett	Clarke	Frankel
Andrews	Bense	Cusack	Gannon
Argenziano	Benson	Davis	Gardiner
Arza	Berfield	Detert	Gelber
Attkisson	Betancourt	Diaz de la Portilla	Gibson
Atwater	Bilirakis	Diaz-Balart	Goodlette
Ausley	Bowen	Dockery	Green
Baker	Brutus	Farkas	Greenstein
Barreiro	Bucher	Fasano	Haridopolos
Baxley	Bullard	Fields	Harper

Harrell	Kosmas	Melvin	Ryan
Harrington	Kottkamp	Miller	Seiler
Hart	Kravitz	Murman	Simmons
Henriquez	Kyle	Needelman	Siplin
Heyman	Lacasa	Negron	Slosberg
Hogan	Lee	Paul	Smith
Holloway	Lerner	Peterman	Sobel
Jennings	Littlefield	Pickens	Sorensen
Johnson	Machek	Prieguez	Spratt
Jordan	Mack	Rich	Stansel
Joyner	Mahon	Richardson	Trovillion
Justice	Mayfield	Ritter	Wallace
Kallinger	McGriff	Romeo	Waters
Kendrick	Meadows	Rubio	Weissman
Kilmer	Mealor	Russell	Wishner

Nays—None

Votes after roll call:

Yeas—Ball, Brown, Brummer, Crow, Wiles, Wilson

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

HB 1931—A bill to be entitled An act relating to state-administered retirement programs; amending s. 112.363, 121.052, 121.055, and 121.071, F.S.; changing the employer contribution for the retiree health insurance subsidy; amending s. 121.4501, F.S.; modifying provisions relating to opportunity to transfer between the Public Employee Optional Retirement Program and the defined benefit program of the Florida Retirement System, to establish the means by which the cost of such transfers would be covered; amending s. 121.571, F.S.; adding cross references; providing a finding of important state interest; providing an effective date.

—was read the third time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 235483)

Amendment 2 (with title amendment)—On page 1, line 19, of the bill

insert:

Section 1. Subsection (1), paragraph (a) of subsection (2), paragraph (e) of subsection (4), paragraph (b) of subsection (8), and paragraphs (a) and (b) of subsection (9) of section 121.4501, Florida Statutes, are amended, and paragraph (f) is added to subsection (9) of said section, to read:

121.4501 Public Employee Optional Retirement Program.—

(1) The Trustees of the State Board of Administration shall establish an optional defined contribution retirement program for members of the Florida Retirement System under which retirement benefits will be provided for eligible employees who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through employee-directed investments, in accordance with s. 401(a) of the Internal Revenue Code and its related regulations. The employers shall contribute, as provided in this section and s. 121.571, to the *Public Employee Optional Retirement Program Trust Fund* toward the funding of such optional benefits.

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

(a) “Approved provider” or “provider” means a private sector company that is selected and approved by the state board to offer one or more investment products or services to the Public Employee Optional Retirement Program, including a “bundled provider” that offers participants a range of individually allocated or unallocated investment products and may offer a range of administrative and customer services, which may include accounting and administration of individual participant benefits and contributions; individual participant

recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions; direct advice and guidance on its investments options; a broad array of distribution options; and asset allocation and retirement counseling and education. Private sector companies include investment management companies, insurance companies, depositories, and mutual fund companies.

(4) PARTICIPATION; ENROLLMENT.—

(e) After the period during which an eligible employee had the choice to elect the defined benefit program or the Public Employee Optional Retirement Program, the employee shall have one opportunity, *that is, a second election, at the employee's discretion,* to choose to move from the defined benefit program to the Public Employee Optional Retirement Program or from the Public Employee Optional Retirement Program to the defined benefit program. This paragraph shall be contingent upon approval from the Internal Revenue Service for including the choice described herein within the programs offered by the Florida Retirement System.

1. If the employee chooses to move to the Public Employee Optional Retirement Program, the applicable provisions of this section shall govern the transfer.

2. If the employee chooses to move from the Public Employee Optional Retirement Program to the defined benefit program, the employee must transfer from his or her *optional program Public Employee Optional Retirement Program* account and from other employee moneys as necessary, a sum representing all contributions that would have been made to the defined benefit plan for that employee and the actual return that would have been earned on those contributions had they been invested in the defined benefit program.

If, at the time of a member's election to transfer to the defined benefit program, the member's optional program account does not contain the total amount required to be transferred to the defined benefit program, the member must pay the remaining balance. If the member's optional program account contains more than the amount required to be transferred to the defined benefit program, such additional amount shall remain in the member's optional program account.

(8) ADMINISTRATION OF PROGRAM.—

(b)1. The state board shall select and contract with one third-party administrator to provide administrative services, *where those services do not duplicate services provided by the Division of Retirement within the Department of Management Services.* With the approval of the state board, the third-party administrator may subcontract with other organizations or individuals to provide components of the administrative services. As a cost of administration, the board may compensate any such contractor for its services, in accordance with the terms of the contract, as is deemed necessary or proper by the board. The third-party administrator may not be an approved provider or be affiliated with an approved provider.

2. *These administrative services may include, but are not limited to, enrollment of eligible employees, collection of employer contributions, disbursement of such contributions to approved providers in accordance with the allocation directions of participants; services relating to consolidated billing; individual and collective recordkeeping and accounting; asset purchase, control, and safekeeping; and direct disbursement of funds to and from the third-party administrator, the division, the board, employers, participants, approved providers, and beneficiaries. Nothing in this section shall prevent or prohibit a bundled provider from providing any administrative or customer service, including accounting and administration of individual participant benefits and contributions; individual participant recordkeeping; asset purchase, control, and safekeeping; direct execution of the participant's instructions as to asset and contribution allocation; calculation of daily net asset values; direct access to participant account information; periodic reporting to participants, at least quarterly, on account balances and transactions.*

3. The state board shall select and contract with one or more organizations to provide educational services. With approval of the board, the organizations may subcontract with other organizations or individuals to provide components of the educational services. As a cost of administration, the board may compensate any such contractor for its services in accordance with the terms of the contract, as is deemed necessary or proper by the board. The education organization may not be an approved provider or be affiliated with an approved provider.

4. Educational services shall be designed by the board and department to assist employers, eligible employees, participants, and beneficiaries in order to maintain compliance with United States Department of Labor regulations under s. 404(c) of the Employee Retirement Income Security Act of 1974 and to assist employees in their choice of defined benefit or defined contribution retirement alternatives. Educational services include, but are not limited to, disseminating educational materials; providing retirement planning education; explaining the differences between the defined benefit retirement plan and the defined contribution retirement plan; and offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. An approved provider may also provide educational information, including retirement planning and investment allocation information concerning its products and services.

(9) INVESTMENT OPTIONS OR PRODUCTS; PERFORMANCE REVIEW.—

(a) The board shall develop policy and procedures for selecting, evaluating, and monitoring the performance of approved providers and investment products to which employees may direct retirement contributions under the program. In accordance with such policy and procedures, the board shall designate and contract for a number of investment products as determined by the board. The board shall *also* select one or more *bundled* providers, *each of whom who* offer *nine multiple investment options and related services products* when such an approach is determined by the board to afford value to the participants otherwise not available through individual investment products. *Each approved bundled provider may offer investment options that provide participants with the opportunity to invest in each of the following asset classes, to be composed of individual options that represent either a single asset class or a combination thereof: money markets, U.S. fixed income, U.S. equities, and foreign stock.* The board shall review and manage all educational materials, contract terms, fee schedules, and other aspects of the approved provider relationships to ensure that no provider is unduly favored or penalized by virtue of its status within the plan.

(b) The board shall consider investment options or products it considers appropriate to give participants the opportunity to accumulate retirement benefits, subject to the following:

1. The Public Employee Optional Retirement Program must offer a diversified mix of low-cost investment products that span the risk-return spectrum, *and may include a guaranteed account as well as investment products such as individually allocated guaranteed and variable annuities, that meet the requirements of this subsection and that combine the ability to accumulate investment returns with the option of receiving lifetime income consistent with the long-term retirement security of a pension plan and similar to the lifetime income benefit provided by the Florida Retirement System.*

2. Investment options or products offered by the group of approved providers may include mutual funds, group annuity contracts, individual retirement annuities, interests in trusts, collective trusts, separate accounts, and other such financial instruments, *and shall include products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity.*

3. The board shall not contract with any provider that imposes a front-end, back-end, contingent, or deferred sales charge, or any other fee that limits or restricts the ability of participants to select any

investment product available in the optional program. *This prohibition shall not apply to fees or charges that are imposed on withdrawals from products that give participants the option of committing their contributions for an extended time period in an effort to obtain higher returns than could be obtained from investment products offering full liquidity, provided that the product in question, net of all fees and charges, produces material benefits relative to other comparable products in the program offering full liquidity.*

4. *Fees or charges for insurance features, such as mortality and expense risk charges, shall be reasonable relative to the benefits provided.*

(f)1. *An approved provider shall comply with all applicable federal and state securities and insurance laws and regulations, as well as the applicable rules and guidelines of the National Association of Securities Dealers (NASD) governing the ethical marketing of investment products. In furtherance of this mandate, an approved provider must agree in its contract with the board to establish and maintain a compliance education and monitoring system to supervise the activities of all personnel who directly communicate with individual participants and recommend investment products, which system is consistent with National Association of Security Dealers rules.*

2. *Approved provider personnel who directly communicate with individual participants and who recommend investment products shall make an independent and unbiased determination as to whether an investment product is suitable for a particular participant.*

3. *The board shall develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate regulatory agency.*

4. *Approved providers are prohibited from selling or in any way distributing any customer list or participant identification information generated through their offering of products or services through the optional retirement program.*

Section 2. *The appointment of the executive director of the State Board of Administration shall be subject to the approval by a majority vote of the Board of Trustees of the State Board of Administration and the Governor must vote on the prevailing side. Such appointment must be reaffirmed in the same manner by the Board of Trustees on an annual basis.*

And the title is amended as follows:

On page 1, line 3, after "programs;"

insert: amending s. 121.4501, F.S.; redefining the term "approved provider"; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing requirements for the appointment of the executive director of the State Board of Administration;

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

Further consideration of **HB 1931**, was temporarily postponed under Rule 11.10.

HB 1981—A bill to be entitled An act relating to tax administration; amending s. 45.031, F.S.; providing for notice of disbursement of the proceeds of a judicial sale to the Department of Revenue under certain conditions when it was performing unemployment compensation tax collection services pursuant to a contract with the Agency for Workforce Innovation; amending s. 69.041, F.S.; authorizing the department to participate in the distribution of surplus funds remaining after such disbursement when it has an interest in an unemployment compensation tax lien pursuant to such a contract; amending s. 213.053, F.S.; providing application of confidentiality and information sharing provisions to ch. 443, F.S., while the department is performing such tax collection services; amending s. 11, ch. 2000-165, Laws of Florida; specifying that the department is administering a revenue law when it

provides such tax collection services and specifying the provisions of ch. 213, F.S., that apply thereto; amending s. 201.02, F.S.; providing that the documentary stamp tax on deeds and other instruments relating to real property or interests in real property does not apply to a contract to sell the residence of an employee relocating at an employer's direction, or related documents, under specified circumstances; providing intent; exempting deeds and other instruments whereby property is conveyed from an electric utility to a regional transmission organization from said tax under certain circumstances; amending s. 212.02, F.S.; excluding from the definition of "lease," "let," "rental," or "license" payments made by such an organization to an electric utility under certain conditions; amending s. 212.031, F.S.; exempting property occupied or used by certain regional transmission organizations from the tax on the lease or rental of or license in real property; amending s. 212.06, F.S.; revising the definition of "fixtures" for purposes of determining if a person is improving real property under ch. 212, F.S.; providing intent; amending s. 212.08, F.S.; specifying conditions for receipt of sales tax exemptions provided to an entity under ch. 212, F.S., and subsection (7) of said section; providing for retroactive application; deleting obsolete provisions relating to registration with the WAGES Program Business Registry; providing for retroactive application; reinstating retroactively the sales tax exemption for parent-teacher organizations and parent-teacher associations; eliminating the specific sales tax exemption for organizations providing crime prevention, drunk driving prevention, and juvenile delinquency prevention services; providing for determination of a mileage apportionment factor for the first year of operation in this state of vessels, railroads, or motor vehicles engaged in interstate or foreign commerce and entitled to a partial sales tax exemption; correcting references; requiring a purchaser to file an affidavit stating the exempt nature of a purchase with the vendor instead of the department for purposes of the sales tax exemption for machinery and equipment used to produce electrical or steam energy; providing for retroactive application; revising the application of the sales tax exemption for the sale of drinking water in bottles or other containers; replacing the definitions of "section 38 property" with express definitions of "industrial machinery and equipment" and "motion picture or video equipment" and "sound recording equipment" for purposes of the sales tax exemptions therefor; providing intent and purpose; providing that provisions authorizing a partial sales tax exemption for a motor vehicle sold to a resident of another state do not require payment of tax to this state for prior assessments under certain conditions; providing for retroactive application; providing that a vehicle purchased by a nonresident corporation or partnership is not eligible for the partial sales tax exemption under certain circumstances; repealing s. 212.084(6), F.S.; eliminating provisions for temporary sales tax exemption certificates for newly organized charitable organizations; repealing s. 4, ch. 96-395, Laws of Florida, which provides for the repeal of sales tax exemptions for certain citizen support organizations and the Florida Folk Festival; providing for retroactive application; amending s. 213.285, F.S.; delaying the future repeal of the certified audits project; amending ss. 213.053 and 213.21, F.S., to conform; amending s. 213.30, F.S., relating to compensation for information relating to a violation of tax laws; specifying that said section is the only available means of obtaining compensation for information regarding another person's failure to comply with the state's tax laws; providing applicability; repealing s. 213.27(9), F.S., which authorizes the department to contract with certain vendors to develop and implement a voluntary system for sales and use tax collection and administration; creating s. 213.256, F.S., the Simplified Sales and Use Tax Administration Act; defining terms; authorizing the department's participation in the Streamlined Sales and Use Tax Agreement; providing that the agreement must require each state to abide by certain requirements in order for the department to enter into the agreement; authorizing the state to enter into multistate discussions and providing for appointment of delegates; specifying relationship of the agreement to state law; specifying the effect of the agreement with respect to persons other than member states; providing that government actions or state laws cannot be challenged on the basis of inconsistency with the agreement; providing liabilities and responsibilities of sellers, certified service providers, and providers of certified automated systems; providing for maintenance of confidentiality of certain information; providing a penalty; requiring the department to make annual recommendations to the Legislature

regarding compliance with the agreement; reviving and readopting s. 215.20(3), F.S., which provides for deduction of a service charge from certain trust funds; amending s. 220.22, F.S.; eliminating the initial year's corporate tax information return for subchapter S subsidiaries and directing the department to designate by rule entities that are not required to file a corporate tax return; amending s. 443.131, F.S.; reducing the Unemployment Compensation Trust Fund balance thresholds used in computing unemployment compensation contribution rate adjustment factors; creating s. 443.1315, F.S.; providing definitions; providing for treatment of Indian tribes under the Unemployment Compensation Law; providing that Indian tribes or tribal units may elect to make payments in lieu of contributions and providing requirements with respect thereto; providing that such Indian tribe or tribal unit may be required to file a bond or deposit security at the discretion of the director of the Agency for Workforce Innovation; providing effect of failure of such tribe or unit to make required payments; providing requirements for notices; providing responsibility for certain extended benefits; providing for rules; providing for retroactive application; repealing s. 624.509(10), F.S., which provides an exemption from the insurance premium tax for insurers who write monoline flood insurance policies not subsidized by the Federal Government; providing effective dates.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 751745)

Technical Amendment 3—On page 70, line 28, remove from the bill: (1) On page 72, line 3, remove from the bill: (3)

and insert in lieu thereof: (3)

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

Representative(s) Wallace offered the following:

(Amendment Bar Code: 534261)

Amendment 4 (with title amendment)—On page 12, between lines 25 and 26,

insert:

Section 8. Paragraph (b) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for exclusive use by a new business in spaceport activities as defined by s. 212.02 or for use in new businesses which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2.a. Industrial machinery and equipment purchased for exclusive use by an expanding facility which is engaged in spaceport activities as defined by s. 212.02 or for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of \$40,000 ~~\$50,000~~ per calendar year upon an affirmative showing by the

taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded facility or business by not less than 10 percent.

b. Notwithstanding any other provision of this section, industrial machinery and equipment purchased for use in expanding printing manufacturing facilities or plant units that manufacture, process, compound, or produce for sale items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such an expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, oil or gas exploration or production operations, publishing firms that do not export at least 50 percent of their finished product out of the state, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, or any firm which does not manufacture, process, compound, or produce for sale items of tangible personal property or which does not use such machinery and equipment in spaceport activities as required by this paragraph. The exemptions provided in subparagraphs 1. and 2. shall apply to machinery and equipment purchased for use in phosphate or other solid minerals severance, mining, or processing operations only by way of a prospective credit against taxes due under chapter 211 for taxes paid under this chapter on such machinery and equipment.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue

Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of spaceport activities or of the manufacturing, processing, compounding, or producing for sale of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

And the title is amended as follows:

On page 1, line 14, after the semicolon,

insert: amending s. 212.08, F.S.; reducing the maximum amount of the tax which is imposed upon industrial machinery and equipment;

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

The question recurred on the passage of HB 1981. The vote was:

Session Vote Sequence: 221

Yeas—109

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

Nays—4

Bucher	Gottlieb	Lee	Smith
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Votes after roll call:

Yeas—Peterman

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

HB 1909—A bill to be entitled An act relating to trust funds; creating s. 287.103, F.S.; creating the Purchasing and Transportation Support Trust Fund, to be administered by the Department of Management Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Session Vote Sequence: 222

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Gottlieb

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

HB 1941—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services and the Agency for Workforce Innovation; providing for disposition of balances in and revenues of such trust funds; declaring the findings of the Legislature that specified trust funds within the Department of Management Services are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; renaming specified trust funds within the Department of Management Services and the Department of Education; amending s. 272.161, F.S.; providing for the deposit of fees from rental of reserved parking spaces into the Facilities Management Trust Fund, to conform; amending s. 284.01, F.S.; providing for rental value insurance for loss of income from certain buildings operated and maintained by the Department of Management Services from the Facilities Management Trust Fund, to conform; amending s. 235.2195, F.S.; providing for deposit of proceeds from bond sales under the 1997 School Capital Outlay Bond Program into the Lottery Capital Outlay and Debt Service Trust Fund; amending

s. 215.196, F.S.; providing for deposit of proceeds from fixed capital outlay management assessments into the Facilities Management Trust Fund, to conform; amending s. 287.16, F.S.; providing for deposit of proceeds from fees charged to state agencies to which aircraft or motor vehicles are furnished into the Purchasing and Transportation Support Trust Fund; amending s. 287.161, F.S.; providing for deposit of proceeds from fees collected for use of the executive aircraft pool into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 217.07, F.S.; providing for deposit of federal surplus property assets into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.042, F.S.; providing for deposit of proceeds from fees collected for use of electronic information services of the Department of Management Services and for deposit of funds from certain governmental agencies pursuant to joint purchasing agreements into the Purchasing and Transportation Support Trust Fund, to conform; amending s. 287.1345, F.S.; providing for deposit of proceeds from the surcharge on users of state term contracts into the Purchasing and Transportation Support Trust Fund, to conform; expanding uses of the surcharge proceeds; amending s. 215.22, F.S.; providing for the Technology Enterprise Trust Fund to be exempt from the general revenue service charge, to conform; amending s. 216.292, F.S.; providing for billings for state communications system services to be transferred to the Technology Enterprise Trust Fund, to conform; repealing s. 282.20(6), F.S., relating to the Technology Resource Center's reserve account of its working capital trust fund, to conform; repealing s. 110.151(7), F.S., relating to reestablishment of the State Employee Child Care Revolving Trust Fund, to conform; providing for contingent effect of certain provisions; providing effective dates.

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

Session Vote Sequence: 223

Yeas—117

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

Nays—2

Brutus	Meadows
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Votes after roll call:

Nays to Yeas—Brutus, Meadows

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

CS/HB 1633—A bill to be entitled An act relating to student assessment; amending s. 229.57, F.S.; revising provisions relating to the designation of school performance grade categories; revising the basis for such designations; revising provisions relating to statewide annual assessments; revising provisions relating to the use of a statistical system for assessment; requiring the Commissioner of Education to establish a schedule for administration of assessments; reenacting ss. 230.23(16)(c), 231.085(4), 231.17(15), 231.29(3)(a), and 231.2905(4), F.S., relating to supplements for teachers based on assessment of student learning gains, use of student assessment data, comparison of routes to a professional certificate, assessment procedures for school personnel, and the School Recognition Program, to incorporate the amendment to s. 229.57, F.S., in references thereto; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 762333)

Technical Amendment 2 (with title amendment)—On page 10, line 20, remove from the bill: all of said line and insert in lieu thereof:

Section 3. *The Department of Education, in consultation with*

And the title is amended as follows:

On page 1, line 21, after the semicolon

insert: providing Department of Education duties relating to identification of student learning gains;

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

The question recurred on the passage of CS/HB 1633. The vote was:

Session Vote Sequence: 224

Yeas—68

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

Nays—43

Ausley	Gannon	Jennings	Meadows
Bendross-Mindingall	Gelber	Joyner	Peterman
Betancourt	Goodlette	Justice	Rich
Brutus	Gottlieb	Kosmas	Richardson
Bucher	Greenstein	Kravitz	Ritter
Bullard	Harper	Lee	Romeo
Cusack	Henriquez	Lerner	Ryan
Fields	Heyman	Machek	Seiler
Frankel	Holloway	McGriff	Siplin

Slosberg	Sobel	Wiles	Wishner
Smith	Weissman	Wilson	

Votes after roll call:

Yeas—Paul
Nays—Garcia

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

HB 1811—A bill to be entitled An act relating to information technology; amending s. 20.22, F.S.; creating the State Technology Office within the Department of Management Services; requiring the office to operate and manage the Technology Resource Center; amending s. 110.205, F.S.; providing that specified officers within the State Technology Office are exempt from career service; providing that the office shall set the salaries and benefits for such officers in accordance with the rules of the Senior Management Service; providing for the personal secretary to specified officers within the State Technology Office to be exempt from career service; providing for all managers, supervisors, and confidential employees of the State Technology Office to be exempt from career service; providing that the office shall set the salaries and benefits for those positions in accordance with the rules of the Selected Exempt Service; amending s. 186.022, F.S.; revising the entities required to annually develop and submit an information technology strategic plan; providing for the State Technology Office to administer and approve development of information technology strategic plans; amending s. 216.013, F.S.; revising provisions relating to the review of long-range program plans for executive agencies by the Executive Office of the Governor; providing that the Executive Office of the Governor shall consider the findings of the State Technology Office with respect to the State Annual Report on Enterprise Resource Planning and Management and statewide policies adopted by the State Technology Office; amending s. 216.0446, F.S., relating to review of agency information resources management needs; eliminating the Technology Review Workgroup; providing for assumption of the duties of the Technology Review Workgroup by the State Technology Office; requiring the reporting of specified information to the Executive Office of the Governor; providing powers and duties of the State Technology Office; amending s. 216.181, F.S., relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original approved operating budget for specified information technology projects or initiatives; amending s. 216.235, F.S.; transferring specified responsibilities with respect to the Innovation Investment Program Act from the Department of Management Services to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; revising the membership of the State Innovation Committee; amending s. 216.292, F.S.; authorizing state agencies to transfer positions and appropriations for fiscal year 2001-2002 for the purpose of consolidating information technology resources to the State Technology Office; amending s. 282.005, F.S.; revising legislative findings and intent with respect to the Information Resources Management Act of 1997; providing that the State Technology Office has primary responsibility and accountability for information technology matters within the state except as to information technology or information technology personnel that a constitutional officer under s. 4 Art. 4 deems necessary for the performance of his or her constitutional or statutory duties; amending and renumbering s. 282.303, F.S.; revising definitions; defining “information technology”; amending s. 282.102, F.S.; revising powers and duties of the State Technology Office; providing that the office shall be a separate budget entity within the Department of Management Services; providing that the Chief Information Officer shall be considered an agency head; providing for administrative support and service from Department of Management Services; authorizing the office to perform, in consultation with a state agency, the enterprise resource planning and management for the agency; authorizing the office to apply for, receive, and hold specified patents, copyrights, trademarks, and service marks; authorizing the office to purchase, lease, hold, sell, transfer, license, and dispose of specified real, personal, and intellectual property; providing for deposit of specified fees in the Law Enforcement Radio Operating Trust Fund; providing for a State Chief Privacy Officer; amending s. 282.103, F.S., to conform;

authorizing the State Technology Office to grant an agency exemption from required use of specified SUNCOM Network services; amending s. 282.104, F.S., to conform; amending s. 282.105, F.S., to conform; amending s. 282.106, F.S., to conform; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; providing conforming amendments; renaming the State Agency Law Enforcement Radio System Trust Fund as the Law Enforcement Radio Operating Trust Fund; requiring the office to establish policies, procedures, and standards for a comprehensive plan for a statewide radio communications system; eliminating provisions relating to establishment and funding of specified positions; amending s. 282.111, F.S., to conform; amending s. 282.20, F.S., relating to the Technology Resource Center; providing conforming amendments; removing provisions relating to the acceptance of new customers by the center; authorizing the center to spend funds in the reserve account of the Technology Enterprise Operating Trust Fund; amending s. 282.21, F.S., to conform; amending s. 282.22, F.S.; revising terminology; removing specified restrictions on the office’s authority to sell services; creating s. 282.23, F.S.; authorizing the State Technology Office, in consultation with the Department of Management Services, to establish a State Strategic Information Technology Alliance; providing purposes of the alliance; providing for the establishment of policies and procedures; repealing s. 282.3041, F.S., which provides that the head of each state agency is responsible and accountable for enterprise resource planning and management within the agency; amending s. 282.3055, F.S.; authorizing the Chief Information Officer to appoint or contract for Agency Chief Information Officers to assist in carrying out enterprise resource planning and management responsibilities; amending s. 282.3063, F.S.; requiring Agency Chief Information Officers to prepare and submit an Agency Annual Enterprise Resource Planning and Management Report; amending s. 282.315, F.S.; renaming the Chief Information Officers Council as the Agency Chief Information Officers Council; revising the voting membership of the council; amending amending s. 282.318, F.S., to conform; amending s. 282.322, F.S.; requiring the Enterprise Project Management Office of the State Technology Office to report on, monitor, and assess risk levels of specified high-risk technology projects; amending s. 216.163, F.S.; providing that the Governor’s recommended budget shall include recommendations for specified high-risk information technology projects; amending s. 119.07, F.S.; defining “information technology resources” and “data processing software”; amending ss. 119.083, F.S.; correcting cross references; requiring certain state agencies to transfer described positions and administrative support personnel to the State Technology Office by specified dates; providing limits on the number of positions and administrative support personnel transferred; providing that the State Technology Office and the relevant agencies are authorized to request subsequent transfers of positions, subject to approval by the Legislative Budget Commission; providing requirements with respect to transferred resources which were dedicated to a federally funded system; providing appropriations; repealing s. 282.404, F.S.; abolishing the Florida Geographic Information Board within the State Technology Office; provides for Legislative Budgeting Commission review of certain agency plans, State Technology Office policies, and certain budget amendments; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 780059)

Technical Amendment 9 (with title amendment)—On page 51, lines 19 & 20,

remove from the bill: all of said lines

and insert in lieu thereof:

Section 27. Section 282.322, Florida Statutes, is amended to read:

282.322 Special monitoring process for designated information resources management projects.

and on page 57, lines 12 & 13,

remove from the bill: all of said lines

and insert in lieu thereof:

Section 33. Subsection (6) is added to section 11.90, Florida Statutes, to read:

And the title is amended as follows:

On page 2, lines 7 through 21,
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 216.0446, F.S.; relating to review of agency information resources management needs; providing that the Technology Review Workgroup and the State Technology Office shall independently review specified long-range program plans and make recommendations with respect thereto; providing reporting requirements; revising powers and duties of the Technology Review Workgroup; amending s. 216.181, F.S.; relating to approved budgets for operations and fixed capital outlay; providing requirements with respect to an amendment to the original operating budget for specified information technology projects or initiatives;
and on page 3, lines 9 through 14,
remove from the title of the bill: all of said lines

and insert in lieu thereof: matters within the state; providing that the office shall take no action with respect to specified information technology and information technology personnel deemed necessary by cabinet officers; amending and renumbering s.
On page 6, lines 22 through 25,
remove from the title of the bill: all of said lines

and insert in lieu thereof: State Technology Office; amending s. 11.90, F.S.; requiring the Legislative Budgeting Commission to review specified information resources management needs, State Technology Office policies, and specified budget amendments;

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

The question recurred on the passage of HB 1811. The vote was:

Session Vote Sequence: 225

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Paul

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

Consideration of **SB 814** was temporarily postponed under Rule 11.10.

SB 540—A bill to be entitled An act relating to criminal activities; creating the White Collar Crime Victim Protection Act; providing legislative intent; providing definitions; specifying crimes and acts that constitute a white collar crime; providing that a person commits an aggravated white collar crime if the white collar crime is committed against certain persons or against a state agency or political subdivision; providing enhanced penalties for aggravated white collar crimes; requiring that a defendant convicted of an aggravated white collar crime pay court costs and restitution; requiring that payment of restitution be a condition of probation; amending s. 910.15, F.S.; providing that a communication made by or through the use of the Internet was made in every county of the state for purposes of prosecuting certain fraudulent practices; amending s. 921.0022, F.S.; adding certain aggravated white collar crimes to the Criminal Punishment Code offense severity ranking chart; providing for severability; providing an effective date.

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

Session Vote Sequence: 226

Yeas—114

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

Nays—3

Arza Flanagan Sorensen

Votes after roll call:

Nays to Yeas—Arza, Flanagan, Sorensen

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

SB 814—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment;

authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from the council's appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of "eligible business" under the Urban High-Crime-Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Session Vote Sequence: 227

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Bucher, McGriff

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

HB 1673—A bill to be entitled An act relating to acts of violence; providing a short title; amending s. 39.301, F.S.; requiring that staff who conduct child protective investigations receive training on removing a perpetrator of domestic violence from the home by use of injunction; creating s. 741.283, F.S.; requiring that the court order a person to serve a minimum term of imprisonment as part of any sentence imposed for an offense of domestic violence that intentionally caused bodily harm to another person; providing an exception if the person is incarcerated for such offense; amending s. 784.03, F.S.; providing that a person commits felony battery if the offense is a second or subsequent conviction of any type of battery offense; creating s. 938.08, F.S.; requiring that the court impose an additional surcharge for any offense of domestic violence and other assault, battery, and stalking offenses; providing for deposit of a portion of the surcharge into the Domestic Violence Trust Fund;

providing for the clerk of the court to retain a service charge; requiring that a portion of the surcharge be used to train law enforcement personnel in combating domestic violence; amending s. 948.03, F.S.; requiring that a person convicted of an offense of domestic violence complete a batterers' intervention program; requiring that the offender pay the cost of attending the program; amending s. 741.01, F.S.; authorizing the Executive Office of the Governor to use a specified amount from the Domestic Violence Trust Fund to fund a public-awareness campaign on domestic violence; amending s. 741.281, F.S.; requiring the court to impose the batterers' intervention program as a condition of probation; providing for an exception; requiring that the batterers' intervention program be certified; providing an effective date.

—was read the third time by title.

On motion by Rep. Kyle, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Kyle offered the following:

(Amendment Bar Code: 893717)

Amendment 2—On page 4, lines 19-22, remove from the bill: all of said lines

and insert in lieu thereof:

surcharge shall be provided to the governing board of the county and must be used only to defray the costs of incarcerating persons sentenced under s. 741.283 and provide additional training to law enforcement personnel in combating domestic violence.

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

The question recurred on the passage of HB 1673. The vote was:

Session Vote Sequence: 228

Yeas—113

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

Nays—1

Lerner

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

CS/HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and

Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

—was read the third time by title.

Representative(s) Waters offered the following:

(Amendment Bar Code: 225519)

Amendment 5 (with title amendment)—On page 21, between lines 11 & 12 of the bill

insert:

Section 9. Section 440.1025, Florida Statutes, is created to read:

440.1025 Consideration of public employer workplace safety program in rate-setting; program requirements; rulemaking.—For a public employer to be eligible for receipt of specific identifiable consideration under s. 627.0915 for a workplace safety program in the setting of rates, the public employer must have a workplace safety program. At a minimum, the program must include a written safety policy and safety rules, and make provision for safety inspections, preventative maintenance, safety training, first-aid, accident investigation, and necessary record keeping. For purposes of this section, "public employer" means "any agency within state, county, or municipal government employing individuals for salary, wages, or other remuneration." The Division may promulgate rules for insurers to utilize in determining public employer compliance with the requirements of this section.

And the title is amended as follows:

On page 2, line 3, after "benefits;"

insert: creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting;

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

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 814327)

Amendment 6—On page 36, lines 15-18, remove from the bill: all of said lines

and insert in lieu thereof:

(d) With respect to any payment provision under this chapter, a judge of compensation claims must consider whether any and all benefits, including settlements, provide for appropriate recovery of any child support arrearage.

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

On motion by Rep. Ross, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Ross offered the following:

(Amendment Bar Code: 430231)

Amendment 7—On page 64, line 14, of the bill

before the period insert:
on the basis of the Code of Judicial Conduct

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

The question recurred on the passage of CS/HB 1803. The vote was:

Session Vote Sequence: 229

Yeas—118

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

Nays—None

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

HB 1695—A bill to be entitled An act relating to public records; amending s. 229.57, F.S.; providing an exemption from public records requirements for personal identifying information of instructional

personnel held by the Department of Education; providing for disclosure of such information to the State Board of Education; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Session Vote Sequence: 230

Yeas—117

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

Nays—1

Carassas

Votes after roll call:

Yeas—Justice

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

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

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

Representative(s) Needelman offered the following:

(Amendment Bar Code: 922053)

Amendment 1 (with title amendment)—strike everything after the enacting clause and

insert:

Section 1. Paragraph (c) of subsection (5) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c)1. Compensation and salary schedules.—Adopt a salary schedule or salary schedules designed to furnish incentives for improvement in training and for continued efficient service to be used as a basis for paying all school employees and fix and authorize the compensation of school employees on the basis thereof. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee’s compensation on performance demonstrated under s. 231.29, must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions. In developing the salary schedule, the district school board shall seek input from parents, teachers, and representatives of the business community. By June 30, 2002, or beginning with the full implementation of an annual assessment of learning gains, whichever occurs later, the adopted district school board budget must include a reserve to fully fund an additional 5 percent supplement for school administrators and instructional personnel. The district’s performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 231.29, to earn a 5 percent supplement in addition to their individual, negotiated salary. The supplements will be funded from the reserve funds adopted in the salary schedule. The Commissioner of Education shall determine whether the district school board’s adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply by the required date, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

2. Terminal pay.—Adopt terminal pay policies for all personnel pursuant to ss. 231.40 and 231.481 and review such policies on an annual basis. Such review must include an analysis of the current-year liability of the district for terminal pay distributions to instructional personnel, administrative personnel, and educational support personnel, respectively.

Section 2. This act shall take effect July 1, 2001.

And the title is amended as follows:

strike the entire title and

insert: A bill to be entitled An act relating to education; amending s. 230.23, F.S.; providing district school board duties regarding terminal pay policies for school district personnel; providing an effective date.

Rep. Needelman moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption. The vote was:

Session Vote Sequence: 231

Yeas—60

Alexander	Bullard	Gibson	Jennings
Argenziano	Cusack	Gottlieb	Joyner
Ausley	Detert	Greenstein	Justice
Ball	Dockery	Harper	Kendrick
Baxley	Farkas	Harrell	Kosmas
Bendross-Mindingall	Fields	Hart	Kravitz
Betancourt	Frankel	Henriquez	Lee
Brutus	Gannon	Heyman	Lerner
Bucher	Gelber	Holloway	Littlefield

Lynn	Peterman	Ross	Sobel
Machek	Pickens	Ryan	Stansel
Mayfield	Rich	Seiler	Weissman
McGriff	Richardson	Siplin	Wiles
Meadows	Ritter	Slosberg	Wilson
Needelman	Romeo	Smith	Wishner

Nays—52

The Chair	Brown	Goodlette	Maygarden
Allen	Brummer	Green	Mealor
Andrews	Byrd	Haridopolos	Melvin
Arza	Cantens	Harrington	Miller
Attkisson	Crow	Hogan	Murman
Atwater	Davis	Johnson	Negron
Baker	Diaz de la Portilla	Jordan	Paul
Bean	Diaz-Balart	Kallinger	Prieguez
Bennett	Fasano	Kilmer	Rubio
Bense	Fiorentino	Kottkamp	Simmons
Benson	Flanagan	Kyle	Sorensen
Berfield	Garcia	Mack	Trovillion
Bowen	Gardiner	Mahon	Wallace

Further consideration of **SB 708** was temporarily postponed under Rule 11.10.

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

Special Orders

CS for SB 778—A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to the attorney-client privilege; providing for the confidentiality of certain records, proceedings and communications; providing an effective date.

—was read the second time by title.

On motion by Rep. Seiler, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Seiler offered the following:

(Amendment Bar Code: 525319)

Amendment 1 (with title amendment)—

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

Section 1. *Civil immunity.*—A person who in good faith reports information or takes action in connection with a lawyer assistance program or a person who receives information in connection with a lawyer assistance program is immune from civil liability for reporting the information, taking the action, or taking no action, provided that such person has acted in good faith and without malice.

Section 2. *Presumption of good faith.*—A member of a lawyer assistance program or a person reporting information to a lawyer assistance program is presumed to have acted in good faith and without malice. A person alleging lack of good faith has the burden of proving bad faith and malice.

Section 3. *Persons entitled to immunity.*—The civil immunity provided for in this act shall be liberally construed to accomplish the purposes of this act. The persons entitled to immunity under this act include:

(1) *Florida Lawyers Assistance, Inc., and other lawyer assistance programs approved by the Florida Supreme Court or The Florida Bar which provide assistance to attorneys who may be impaired because of abuse of alcohol or other drugs or because of any other physical or mental infirmity causing impairment.*

(2) A member, employee, or agent of the program, association, or nonprofit corporation.

(3) A person who reports or provides information to the program concerning an impaired legal professional, including, but not limited to, a person designated to monitor or supervise the course of treatment or rehabilitation of an impaired professional.

Section 4. Information subject to privilege.—All privileged information, whether attorney-client, work product, or otherwise, in any form, furnished to the lawyer assistance program shall remain privileged.

Section 5. Confidentiality of records, proceedings, and communications.—The records, proceedings, and all communications by and between an individual seeking assistance and the lawyer assistance program shall be deemed confidential and shall not be subject to disclosure or available for court subpoena. This section does not prevent the subpoena of business records that are otherwise available through subpoena, nor does this section preclude release or disclosure of information or communications by the lawyer assistance program when such disclosure is mandated or required as a condition or precondition for entry in the program. Such records are not to be construed as privileged merely because they have been maintained by a lawyer assistance program.

Section 6. This act shall take effect upon becoming a law.

And the title is amended as follows:

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

and insert in lieu thereof: A bill to be entitled An act relating to lawyer assistance programs; providing civil immunity for persons making good-faith reports of information to a lawyer assistance program; providing for a presumption of good faith; providing for immunity for certain persons; providing that certain information is subject to privilege; providing for the confidentiality of certain records, proceedings, and communications; providing an effective date.

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

On motion by Rep. Kyle, the rules were waived and CS for SB 778, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 232

Yeas—116

The Chair	Bullard	Haridopolos	Machek
Alexander	Byrd	Harper	Mack
Allen	Cantens	Harrell	Mahon
Andrews	Carassas	Hart	Mayfield
Argenziano	Clarke	Henriquez	Maygarden
Attkisson	Crow	Heyman	McGriff
Atwater	Cusack	Hogan	Meadows
Ausley	Davis	Holloway	Mealor
Baker	Detert	Jennings	Melvin
Ball	Diaz de la Portilla	Johnson	Miller
Barreiro	Diaz-Balart	Jordan	Murman
Baxley	Farkas	Joyner	Needelman
Bean	Fasano	Justice	Negron
Bendross-Mindingall	Fields	Kallinger	Paul
Bennett	Fiorentino	Kendrick	Peterman
Bense	Frankel	Kilmer	Pickens
Benson	Gannon	Kosmas	Prieguez
Berfield	Garcia	Kottkamp	Rich
Betancourt	Gardiner	Kravitz	Richardson
Bilirakis	Gelber	Kyle	Ritter
Bowen	Gibson	Lacasa	Romeo
Brown	Goodlette	Lee	Ross
Brummer	Gottlieb	Lerner	Rubio
Brutus	Green	Littlefield	Russell
Bucher	Greenstein	Lynn	Ryan

Seiler	Smith	Stansel	Weissman
Simmons	Sobel	Trovillion	Wiles
Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner

Nays—None

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

On motion by Rep. Arza, the House moved to the consideration of HB 821 on Special Orders.

HB 821—A bill to be entitled An act relating to the City of Miami; providing for the relief of Oscar Ortiz; providing for an appropriation to compensate Oscar Ortiz for injuries and damages sustained as a result of the negligence of the City of Miami; providing for reversion of funds; providing an effective date.

—was read the second time by title.

The Committee on Claims offered the following:

(Amendment Bar Code: 214921)

Amendment 1—On page 3, lines 3 through 9, remove from the bill: all of said lines

and insert in lieu thereof: *appropriated and to draw warrants payable as follows: upon passage of this bill, the City of Miami shall pay Oscar Ortiz \$2,566,667. One year from the first payment, the City of Miami shall pay Oscar Ortiz \$1,166,667; and one year from the second payment, the City of Miami shall pay Oscar Ortiz \$1,166,666, for a total of*

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

The Committee on Claims offered the following:

(Amendment Bar Code: 250595)

Amendment 2—On page 2, line 15 and line 24, remove from the bill: 3

and insert in lieu thereof: 2

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

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 9 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

CS/HB 9—A bill to be entitled An act relating to solid waste management; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

—was read the third time by title.

Representative(s) Harrington offered the following:

(Amendment Bar Code: 765347)

Amendment 3 (with title amendment)—On page 3, line 1

insert:

Section 2. Subsections (37), (38), and (39) of s. 403.061, Florida Statutes, are amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(37) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for maintenance dredging and the management of dredged materials from maintenance dredging of all navigation channels, port harbors, turning basins, and harbor berths. Such permit shall be issued for a period of 5 years and shall be annually extended for an additional year if the port is in compliance with all permit conditions at the time of extension. *The department is authorized to adopt rules to implement this subsection.*

(38) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a conceptual joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for dredging and the management of materials from dredging and for other related activities necessary for development, including the expansion of navigation channels, port harbors, turning basins, harbor berths, and associated facilities. Such permit shall be issued for a period of up to 15 years. *The department is authorized to adopt rules to implement this subsection.*

(39) Enter into a memorandum of agreement with the Florida Inland Navigation District and the West Coast Inland Navigation District, or their successor agencies, to provide a supplemental process for issuance of joint coastal permits pursuant to s. 161.055 or environmental resource permits pursuant to part IV of chapter 373 for regional waterway management activities, including, but not limited to, maintenance dredging, spoil disposal, public recreation, inlet management, beach nourishment, and environmental protection directly related to public navigation and the construction, maintenance, and operation of Florida's inland waterways. *The department is authorized to adopt rules to implement this subsection.*

And the title is amended as follows:

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

and insert in lieu thereof: An act relating to pollution control; amending s. 165.061, F.S.; providing for the continuation of existing solid waste contracts; requiring written evidence of the duration of the contract within a specified timeframe; amending s. 403.061, F.S.; providing rule-making authority;

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

The question recurred on the passage of CS/HB 9. The vote was:

Session Vote Sequence: 233

Yeas—119

The Chair	Ball	Bilirakis	Clarke
Alexander	Barreiro	Bowen	Crow
Allen	Baxley	Brown	Cusack
Andrews	Bean	Brummer	Davis
Argenziano	Bendross-Mindingall	Brutus	Detert
Arza	Bennett	Bucher	Diaz de la Portilla
Attkisson	Bense	Bullard	Diaz-Balart
Atwater	Benson	Byrd	Dockery
Ausley	Berfield	Cantens	Farkas
Baker	Betancourt	Carassas	Fasano

Fields	Hogan	Mahon	Rubio
Fiorentino	Holloway	Mayfield	Russell
Flanagan	Jennings	Maygarden	Ryan
Frankel	Johnson	McGriff	Seiler
Gannon	Jordan	Meadows	Simmons
Garcia	Joyner	Mealor	Siplin
Gardiner	Justice	Melvin	Slosberg
Gelber	Kallinger	Miller	Smith
Gibson	Kendrick	Murman	Sobel
Goodlette	Kilmer	Needelman	Sorensen
Gottlieb	Kosmas	Negron	Spratt
Green	Kottkamp	Paul	Stansel
Greenstein	Kravitz	Peterman	Trovillion
Haridopolos	Kyle	Pickens	Wallace
Harper	Lacasa	Prieguez	Waters
Harrell	Lerner	Rich	Weissman
Harrington	Littlefield	Richardson	Wiles
Hart	Lynn	Ritter	Wilson
Henriquez	Machek	Romeo	Wishner
Heyman	Mack	Ross	

Nays—None

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

HB 421—A bill to be entitled An act relating to mental health; directing the Department of Children and Family Services to develop and implement a pilot project to provide client-directed and choice-based mental health treatment and support services to certain adults; requiring an independent evaluation; providing evaluation criteria; requiring reports; providing an appropriation; providing for expiration; providing an effective date.

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

Session Vote Sequence: 234

Yeas—107

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

Nays—None

Votes after roll call:

Yeas—Alexander, Gardiner, Maygarden, Negron, Spratt, Waters

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

HB 1607—A bill to be entitled An act relating to insurance; amending s. 631.57, F.S.; specifying assessment liability; amending s. 324.031, F.S.; providing for establishing financial responsibility with respect to damages arising out of the operation of certain vehicles; providing definitions; amending s. 627.351, F.S.; specifying membership of the boards of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; revising criteria for limited apportionment; providing rate standards; specifying duties with respect to pursuit of federal tax exemptions and tax-free bond status; providing premium tax exemption; providing for appropriation of funds for hurricane loss mitigation purposes; providing standards for certain payments to agents of record of Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association policies; amending s. 627.3511, F.S.; revising agent compensation in connection with take-out plans; amending s. 627.7013, F.S.; delaying the repeal date of the moratorium on hurricane-related cancellation or nonrenewal of property insurance policies; amending s. 624.4072, F.S.; increasing a period of exemption from certain taxes and assessments for certain minority businesses; extending a future repeal; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; requiring certain meetings of the Florida Windstorm Underwriting Association to be open to the public; requiring notice; providing an effective date.

—was read the third time by title.

Representative(s) Kallinger and Gannon offered the following:

(Amendment Bar Code: 970309)

Amendment 2 (with title amendment)—On page 3, line 31, of the bill

insert:

Section 1. Paragraph (w) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(w) Soliciting or accepting new or renewal insurance risks by insolvent or impaired insurer prohibited; penalty.—

1. Whether or not delinquency proceedings as to the insurer have been or are to be initiated, but while such insolvency or impairment exists, no director or officer of an insurer, except with the written permission of the Department of Insurance, shall authorize or permit the insurer to solicit or accept new or renewal insurance risks in this state after such director or officer knew, or reasonably should have known, that the insurer was insolvent or impaired. "Impaired" includes impairment for capital or surplus, as defined in s. 631.011(12)(9) and (13)(10).

2. Any such director or officer, upon conviction of a violation of this paragraph, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Section 631.001, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 631.001, F.S., for present text.)

631.001 Construction; purposes.—

(1) The underlying purposes and policies of the provisions of this part, which are integral elements of the regulation of the business of insurance and are of vital public interest and concern, are to:

(a) Protect the interests of insureds, claimants, creditors, and the public.

(b) Provide a comprehensive scheme for the receivership of insurers.

(c) Establish this state as a reciprocal state in those states which, in substance and effect, enact the National Association of Insurance Commissioners Rehabilitation and Liquidation Model Act or the Uniform Insurers Liquidation Act.

(d) Make more efficient the administration of insurer receiverships on an interstate and international basis.

(e) Provide prompt corrective measures for any potentially dangerous condition in an insurer.

(f) Implement improved methods for rehabilitating insurers, which methods involve the cooperation and management expertise of the insurance industry.

(g) Enhance the efficiency and economy of liquidation through clarification and specification of the law to minimize legal uncertainty and litigation.

(h) Lessen the problems of interstate rehabilitation and liquidation of an entity subject to the provisions of this part by facilitating cooperation between states in the liquidation process and by extension of the scope of personal jurisdiction over debtors of the insurer outside this state.

(i) Establish a system which equitably apportions any unavoidable loss.

(j) Maximize recovery of assets for the benefit of the insurer and its policyholders, creditors, and estate.

(2) This part shall be liberally construed to effect the purposes stated in subsection (1) and shall specifically authorize the department in its capacity as administrator, conservator, rehabilitator, receiver, liquidator, or similar capacity to pursue any actions for damages or other recoveries on behalf of the insurer and its policyholders, creditors, and estate.

(3) This part may be cited as the "Insurers Rehabilitation and Liquidation Act."

Section 3. Section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the insurer, directly or indirectly through:

- (a) Equity ownership of voting securities;
- (b) Common managerial control; or
- (c) Collusive participation by the management of the insurer and affiliate in the management of the insurer or the affiliate.

(2) "Ancillary state" means, any state other than a domiciliary state.

(3) "Assets," as used in *this section* ~~subsections (8)-(10)~~, means only allowed assets as defined in chapter 625.

(4) *"Bona fide holder for value" means a holder who, while not possessing information that would lead a reasonable person in the holder's position to believe that the insurer is financially impaired, and while unaware of the imminence or pendency of any receivership proceeding against the insurer, has, in the exercise of reasonable business judgment, exchanged his or her own funds, assets, or property for funds, assets, or property of the insurer having an equivalent market value.*

(5)(4) "Court" refers to the circuit court in which the receivership proceeding is pending.

(6)(5) "Delinquency proceeding" means any proceeding commenced against an insurer pursuant to this chapter for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer.

(7)(6) "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an insurer incorporated or organized in a foreign country, the state in which such insurer, having become authorized to do business in such state, has, at the commencement of a delinquency proceeding, the largest amount of its assets held in trust and assets held on deposit for the benefit of its policyholders or policyholders and creditors in the United States; and any such insurer is deemed to be domiciled in such state.

(8) *"Fair consideration" means that consideration which is given for property or assets of an insurer when, in exchange for the property or assets and in good faith, property is conveyed, services are rendered, or an enforceable obligation not invalidated by the receivership proceedings is created, having a value to the insurer of not less than the value of the property or assets given in exchange.*

(9)(7) "Foreign country" means territory not in any state.

(10)(8) "General assets" means all property, real, personal, or otherwise, not specifically mortgaged, pledged, deposited, or otherwise encumbered for the security or benefit of specified persons or a limited class or classes of persons, and as to such specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sum or sums secured thereby. Assets held in trust and assets held on deposit for the security or benefit of all policyholders or all policyholders and creditors in the United States shall be deemed general assets.

(11) *"Good faith," as applied to a transferee or transferor under this part, means honesty in fact and intention and includes the exercise of reasonable business judgment, together with the absence of information that would lead a reasonable person in the same position to know that the insurer is financially impaired or insolvent and together with the absence of knowledge regarding the imminence or pendency of any receivership proceeding against the insurer.*

(12)(9) "Impairment of capital" means that the minimum surplus required to be maintained in s. 624.408 has been dissipated and the insurer is not possessed of assets at least equal to all its liabilities together with its total issued and outstanding capital stock, if a stock insurer, or the minimum surplus or net trust fund required by s. 624.407, if a mutual, reciprocal, or business trust insurer.

(13)(10) "Impairment of surplus" means that the surplus of a stock insurer, the additional surplus of a mutual or reciprocal insurer, or the additional net trust fund of a business trust insurer does not comply with the requirements of s. 624.408.

(14)(11) "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its

liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. When the context of any provision of this code so indicates, insolvency also includes and is defined as "impairment of surplus," as defined in subsection (13)(9), and "impairment of capital," as defined in subsection (12)(8).

(15)(12) "Insurer," in addition to persons so defined under s. 624.03, also includes persons purporting to be insurers or organizing, or holding themselves out as organizing, in this state for the purpose of becoming insurers and all insurers who have insureds resident in this state.

(16)(13) "Liabilities," as used in subsections (12) and (14) (8)-(10), means all liabilities, including those specifically required in s. 625.041.

(17)(14) "Person" includes natural persons, corporations, partnerships, trusts, estates, and sole proprietorships.

(18) *"Property," with respect to an insolvent entity, includes all right, title, and interest of the insolvent entity whether legal or equitable, tangible or intangible, or choate or inchoate and includes choses in action, contract rights, and any other interest recognized under the laws of this state. When an order of conservation, rehabilitation, or liquidation is entered, the term also includes entitlements that existed prior to the entry of the order and those that may arise by operation of the provisions of this chapter or other provisions of law allowing the department to avoid prior transfers or assert other rights in its capacity as receiver. The term also includes all records and data that are otherwise the property of the insolvent insurer, however stored, including, but not limited to, claims and claim files, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, or financial records, or similar records within the possession, custody, or control of a managing general agent, third-party administrator, management company, accountant, attorney, affiliate, or other person. The term does not include privileged or confidential documents of an insolvent insurer generated by a third party.*

(19)(15) "Receiver" means a receiver, liquidator, rehabilitator, or conservator, as the context may require.

(20)(16) "Reciprocal state" means any state other than this state in which in substance and effect the provisions of the Insurers Rehabilitation and Liquidation Act are in force, including the provisions requiring that the commissioner of insurance or equivalent insurance supervisory official be the receiver of a delinquent insurer.

(21)(17) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, a claim against general assets, or a claim based on mere possession. The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer's domicile has become a lien upon specific assets by reason of judicial process.

(22)(18) "Special deposit claim" means any claim secured by a deposit made pursuant to statute for the security or benefit of a limited class or classes of persons, but not including any general assets.

(23)(19) "State" is as defined in s. 624.08.

Section 4. Section 631.025, Florida Statutes, is created to read:

631.025 Persons and entities subject to this part.—Delinquency proceedings authorized by this part may be initiated against any insurer as defined in s. 631.011(15) if the statutory grounds are present as to that insurer, and the receivership court may exercise jurisdiction over any person required to cooperate with the department pursuant to s. 631.391 and over all persons made subject to the court's jurisdiction by other provisions of law. Such persons include, but are not limited to:

(1) *A person who is transacting or has transacted insurance business in or from this state and against whom claims arising from that business exist or may exist in the future.*

(2) *A person who purports to transact an insurance business in this state, and any person or entity who acts as an insurer, transacts insurance, or otherwise engages in insurance activities in or from this*

state, with or without a certificate of authority or proper authority from the department.

(3) *An insurer who has insureds residing in this state.*

(4) *All other persons organized or in the process of organizing with the intent to transact an insurance business in this state.*

Section 5. Paragraph (d) of subsection (1) of section 631.041, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

631.041 Automatic stay; relief from stay; injunctions.—

(1) An application or petition under s. 631.031 operates as a matter of law as an automatic stay applicable to all persons and entities, other than the receiver, which shall be permanent and survive the entry of an order of conservation, rehabilitation, or liquidation, and which shall prohibit:

(d) Any act to create, perfect, or enforce a lien against property of the insurer, except that a secured claim as defined in s. 631.011(21)(47) may proceed under s. 631.191 after the order of liquidation is entered;

(6) *No statute of limitations or defense of laches shall run with respect to any action by or against an insurer between the filing of a petition for conservation, rehabilitation, or liquidation against an insurer and the order granting or denying that petition. If the petition is denied, any action against the insurer that might have been commenced when the petition was filed may be commenced for at least 60 days after the order denying such relief.*

Section 6. Section 631.113, Florida Statutes, is created to read:

631.113 *Extension of time.—*

(1) *The running of any unexpired statute of limitations as to any claims brought by the administrator, conservator, rehabilitator, receiver, or liquidator, or an official or agency exercising powers pursuant to this chapter seeking damages or other recoveries on behalf of an insurer, its policyholders, its creditors, or its estate, shall be tolled for a period of 4 years from the entry of an order placing the administrator, conservator, rehabilitator, receiver, liquidator, or similar official or agency over the insurer, provided, if the delinquency proceedings brought pursuant to this chapter against the insurer terminate in less than 4 years, such tolling shall cease at the time when the proceedings are finally concluded, including all appeals therefrom. Further, the right of action does not accrue and the limitations period for any such action does not run during the time when the insurer is controlled by parties acting contrary to the company's interests or when the facts giving rise to such claim are fraudulently concealed from regulatory authorities or from any members of company management. The provisions of chapter 95 shall be construed so as to be consistent with the provisions of this section. The receiver may institute any action or proceeding on behalf of the estate of the insurer while any statute of limitation is tolled pursuant to this section. The tolling shall be in addition to any other applicable tolling provision.*

(2) *For actions not covered by subsection (1), if any unexpired time period is fixed, by any agreement or in any proceeding, for doing any act for the benefit of the estate, the receiver shall have 180 days, or such longer period as the receivership court may allow for good cause shown, from the entry of the order of rehabilitation or liquidation to perform the act.*

Section 7. Present subsections (6) through (9) of section 631.141, Florida Statutes, are renumbered as subsections (7) through (10), respectively, and a new subsection (6) is added to that section to read:

631.141 Conduct of delinquency proceeding; domestic and alien insurers.—

(6) *The department as receiver is vested with and may assert all rights belonging to policyholders, creditors, and the estate as well as all rights of the entity or entities in receivership, except to the extent that an individual claim is personal and unique to that claimant and recovery thereon could not inure to the benefit of the estate or to other claimants.*

Section 8. Paragraph (d) of subsection (6) of section 631.154, Florida Statutes, is amended to read:

631.154 Funds or other property in the possession of third person.—

(6) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(d) All costs, investigative and other expenses, *which include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in necessary* to the recovery of the property or funds, and reasonable attorney's fees.

Section 9. Section 631.156, Florida Statutes, is created to read:

631.156 *Investigation by the department.—*

(1) *Preliminary or incidental to a petition for receivership proceedings, the department may, and if appointed receiver shall, undertake a full investigation to determine the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, whether the filing of false statements with the department contributed to the insolvency, and, in conjunction with the department's Division of Insurance Fraud or any other appropriate agency of state or federal government, whether any law of this state, any other state, or the Federal Government relating to the solvency of the insurer has been violated. In the furtherance of such investigation, the department may:*

(a) *Examine and review any and all documents that are reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(b) *Take statements or depositions under oath of any person whose testimony is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery of and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(c) *Request the court having jurisdiction over the receivership proceedings to issue any necessary subpoenas.*

(d) *Examine and review the books, records, and documents of any affiliate, controlling person, officer, director, manager, trustee, agent, adjuster, employee, or independent contractor of any insurer or affiliate and any other person who possesses any executive authority over, or who exercises any control over, any segment of the affairs of the insurer or affiliate, to the extent such examination is reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of such assets, the truth or falsity of statements filed with the department, and whether any law of this state, any other state, or the Federal Government has been violated.*

(2) *In its capacity as receiver, the department may provide documents, books and records, other investigative products, work product, and analysis, including copies of any or all of the foregoing items, to the Division of Insurance Fraud or any other appropriate agency of state or federal government. The sharing of information, investigative products, or analysis shall not waive any work product or other privilege that would otherwise apply under common law, chapter 119, or any other law.*

(3) *The department, as the court's receiver, is granted the discretion to determine what books, records, documents, or testimony would be reasonably calculated to disclose or lead to the disclosure of the causes and reasons for the insolvency, the discovery and location of assets to be recovered, the recovery of the assets, the truth or falsity of statements filed with the department, and whether any law of this state or of the United States has been violated, subject to the court's power to review such determination or appoint a general master to review such determination.*

A party asserting that any documents requested by the department under this section are not subject to review, or that any particular testimony may not be obtained, shall present such contention by written motion to the receivership court within 20 days after receipt of the request and shall be fully responsible for the loss of any evidence which occurs after the department first informs said party of its request therefor. The court shall, as expeditiously as possible, determine whether the department has abused its discretion in seeking such evidence or testimony, with the objecting party having the burden of proof. A party who fails to produce the requested evidence or testimony without filing a proper timely objection, or who having unsuccessfully asserted such objection fails thereafter to furnish the evidence or testimony, within the time provided by the court or the department, shall be subject to the contempt powers of the court, in addition to any other applicable penalties which may be provided in the Florida Insurance Code or other law.

Section 10. Section 631.157, Florida Statutes, is created to read:

631.157 *Civil action by the receiver.*—

(1) Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who willfully obtains or uses, as defined in s. 812.012(2), any asset or property, including, but not limited to, moneys, funds, premiums, credits, or other property of an insurer, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:

(a) If such obtaining or using did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset obtained or used, plus prejudgment interest provided by law.

(b) If such obtaining or using jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset obtained or used, plus prejudgment interest provided by law on the original amount.

(2) Any person who is engaged in the business of insurance or who acts as or is an officer, director, agent, or employee of any person engaged in the business of insurance, or is involved, other than as an insured or beneficiary under a policy of insurance, in a transaction relating to the conduct of affairs of such a business, and who, while having actual knowledge or such constructive knowledge as should have been obtained through reasonable inquiry by a person in such position, if such person knowingly misreports, or knowingly makes any false entry of, a material fact in any book, report, or statement of an insurer with the intent to deceive such insurer, including any officer, employee, or agent of such insurer, the department, or any agent or examiner appointed by the department to examine the affairs of such person or of the insurer, concerning the financial condition or solvency of such business, shall be liable to the department as receiver for the use and benefit of an insolvent insurer's estate, creditors, and policyholders, as follows:

(a) If such misreporting did not jeopardize the safety and soundness of an insurer and was not a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable only for the full amount of any asset misreported.

(b) If such misreporting jeopardized the safety and soundness of an insurer or was a significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, such person shall be liable for triple the full amount of any asset misreported.

(3) If the asset or property that has been obtained or used was reported to the department as being available to the insurer as an admitted asset and such asset is unavailable to the receiver for payment of the obligations of the insurer at the time when a receivership proceeding is instituted, the obtaining or using shall be presumed to have jeopardized the safety and soundness of the insurer and to have been a

significant cause of such insurer's being placed in conservation, rehabilitation, or liquidation, with the burden of proof on the defendants to show otherwise.

(4) If the receiver is successful in establishing a claim under this section, the receiver shall be entitled to recover all of its costs, investigative and other expenses, which shall include the department's in-house staff and staff attorney's expenses, costs, and salaries, expended in the prosecution of the action, and reasonable attorney's fees. The receiver shall be exempt from the provisions of s. 57.111.

(5) An action under this section may be brought at any time before the expiration of 4 years after the entry of the initial order of rehabilitation or liquidation under this part but shall be filed before the time the receivership proceeding is closed or dismissed.

Section 11. Paragraph (b) of subsection (1) of section 631.57, Florida Statutes, is amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(b) Be deemed the insurer to the extent of its obligation on the covered claims, and, to such extent, shall have all rights, duties, defenses, and obligations of the insolvent insurer as if the insurer had not become insolvent. In no event shall the association be liable for any penalties or interest.

Section 12. Section 631.3995, Florida Statutes, is created to read:

631.3995 *Closing of estate; Closed Estate Fund Trust Account.*—

(1) When all assets justifying the expense of collection and distribution have been marshaled and distributed under this part, the department shall petition the court to terminate the liquidation proceedings and to close the estate. The court may grant such other relief as may be appropriate, including, but not limited to, a full discharge of all liability and responsibility of the liquidator, the reservation of assets for administrative expenses incurred in the closing of the estate, and any other actions the department feels necessary or appropriate for closing the estate.

(2) Any remaining reserved assets that are provided for in subsection (1) and that may not be practicably or economically distributed to claimants shall be deposited into a segregated account to be known as the Closed Estate Fund Trust Account, if created by law. The department may use moneys held in the account for paying the administrative expenses of companies subject to this part that lack sufficient assets to allow the department to perform its duties and obligations under this part. An annual audit of the Closed Estate Fund Trust Account shall be performed regardless of its balance.

(3) The department may petition the court to reopen the proceedings for good cause shown, including the marshaling of additional assets, and the court may enter such other orders as may be deemed appropriate.

Section 13. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer after October 1, 1970, and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation, contribution, indemnification, recoveries or otherwise. Member insurers shall have no right of subrogation against the insured of any insolvent member.

Section 14. Section 817.2341, Florida Statutes, is created to read:

817.2341 Crimes by or affecting persons engaged in the administration of any insurer or entity organized pursuant to chapter 624 or chapter 641.—

(1)(a) Any person who makes a false entry of a material fact in any book, report, or statement relating to a transaction of an insurer or entity organized pursuant to chapter 624 or chapter 641, intending thereby to deceive any person about the financial condition or solvency of such insurer or entity, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such false entry of a material fact is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of such insurer or entity or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Any person who knowingly makes a material false statement or report to the department or any agent of the department, or who knowingly and materially overvalues any property in any document or report prepared to be presented to the department or any agent of the department, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If such material false statement or report or such material overvaluation is made with the intent to deceive any person as to the impairment of capital, as defined in s. 631.011(12), of an insurer or entity organized pursuant to chapter 624 or chapter 641, or is the significant cause of such insurer or entity being placed in conservation, rehabilitation, or liquidation by a court, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 626.9541, F.S.; correcting a cross-reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross-reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.57, F.S.; clarifying that the association has the same legal defenses available to the insolvent insurer; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; creating s. 817.2341, F.S.; providing criminal penalties for certain activities;

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

The question recurred on the passage of HB 1607. The vote was:

Session Vote Sequence: 235

Yeas—118

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

Nays—None

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

CS/HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs;

providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

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

Session Vote Sequence: 236

Yeas—120

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

Nays—None

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

CS for SB 938—A bill to be entitled An act relating to credit insurance; amending s. 626.321, F.S.; authorizing the issuance of credit life insurance licenses to lending or financial institutions or creditors and authorizing such licensees to sell credit insurance; deleting certain license requirements for institutions with multiple offices; amending s. 627.679, F.S.; requiring certain disclosures to credit life insurance purchasers regarding the cancellation of such coverage; providing an effective date.

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

Session Vote Sequence: 237

Yeas—118

The Chair	Bendross-Mindingall	Carassas	Frankel
Alexander	Bennett	Clarke	Gannon
Allen	Bense	Crow	Garcia
Andrews	Benson	Cusack	Gardiner
Argenziano	Berfield	Davis	Gelber
Arza	Betancourt	Detert	Gibson
Attkisson	Bilirakis	Diaz de la Portilla	Goodlette
Atwater	Bowen	Diaz-Balart	Gottlieb
Ausley	Brown	Dockery	Green
Baker	Brummer	Farkas	Greenstein
Ball	Brutus	Fasano	Haridopolos
Barreiro	Bullard	Fields	Harper
Baxley	Byrd	Fiorentino	Harrell
Bean	Cantens	Flanagan	Harrington

Hart	Kyle	Murman	Simmons
Henriquez	Lacasa	Needelman	Siplin
Heyman	Lee	Negron	Slosberg
Hogan	Lerner	Paul	Smith
Holloway	Littlefield	Peterman	Sobel
Jennings	Lynn	Pickens	Sorensen
Johnson	Machek	Prieguez	Spratt
Jordan	Mack	Rich	Stansel
Joyner	Mahon	Richardson	Trovillion
Justice	Mayfield	Ritter	Wallace
Kallinger	Maygarden	Romeo	Waters
Kendrick	McGriff	Ross	Wiles
Kilmer	Meadows	Rubio	Wilson
Kosmas	Mealor	Russell	Wishner
Kottkamp	Melvin	Ryan	
Kravitz	Miller	Seiler	

Nays—1

Bucher

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

CS/HB 19—A bill to be entitled An act relating to housing; amending s. 420.5092, F.S.; including housing for the homeless in eligible housing under the Florida Affordable Housing Guarantee Program; increasing the maximum amount of revenue bonds that may be issued by the Florida Housing Finance Corporation under said program; amending s. 420.5088, F.S.; revising eligibility requirements for certain loans under the Florida Homeownership Assistance Program; amending s. 420.503, F.S.; revising the definitions of “elderly” and “housing for the elderly” under the Florida Housing Finance Corporation Act; amending s. 760.29, F.S.; providing that a facility or community claiming an exemption from the Fair Housing Act with respect to familial status for housing for older persons shall register with the Florida Commission on Human Relations and affirm compliance with specified requirements; providing for a registration fee; providing for fines; amending s. 760.31, F.S.; providing for rules; providing an effective date.

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

Session Vote Sequence: 238

Yeas—118

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

Trovillion Waters
Wallace Wiles

Wilson
Wishner

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

Nays—None

Votes after roll call:

Yeas—Slosberg, Weissman

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

CS/HB 157—A bill to be entitled An act relating to Motor Vehicles; creating s. 860.146, F.S.; defining the terms “fake airbag” and “junk-filled airbag compartment”; prohibiting the sale, purchase, or installation of fake airbags or junk-filled airbag compartments; providing criminal penalties; providing an effective date.

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

Session Vote Sequence: 239

Yeas—119

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

Nays—None

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

CS/HB 257—A bill to be entitled An act relating to road designations; designating “Steven Cranman Boulevard” and “Ethel Beckford Boulevard” in Miami-Dade County; designating “Phicol Williams Boulevard” in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Session Vote Sequence: 240

Yeas—118

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bense

Nays—None

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

HB 1635—A bill to be entitled An act relating to environmental control; amending s. 369.25, F.S.; granting the Department of Environmental Protection additional enforcement powers for aquatic plant control; amending ss. 403.121, 403.131, 403.727, 403.860, F.S.; revising judicial and administrative remedies for violations of environmental laws; providing for administrative penalties; requiring the Department of Environmental Protection to report to the Legislature; providing for legislative review; amending s. 373.0693, F.S.; providing for membership on the Manasota Basin Board and for the resolution of tie votes; providing an effective date.

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

Session Vote Sequence: 241

Yeas—115

The Chair	Bucher	Gottlieb	Lee
Alexander	Bullard	Green	Lerner
Allen	Cantens	Greenstein	Littlefield
Andrews	Carassas	Haridopolos	Lynn
Argenziano	Clarke	Harper	Machek
Arza	Crow	Harrell	Mack
Attkisson	Cusack	Harrington	Mahon
Atwater	Davis	Hart	Mayfield
Ausley	Detert	Henriquez	Maygarden
Baker	Diaz de la Portilla	Heyman	McGriff
Ball	Diaz-Balart	Hogan	Meadows
Barreiro	Dockery	Holloway	Melvin
Baxley	Farkas	Jennings	Miller
Bean	Fasano	Johnson	Needelman
Bendross-Mindingall	Fields	Jordan	Negron
Bennett	Fiorentino	Joyner	Paul
Bense	Flanagan	Justice	Peterman
Benson	Frankel	Kallinger	Pickens
Berfield	Gannon	Kendrick	Prieguez
Betancourt	Garcia	Kilmer	Rich
Bilirakis	Gardiner	Kosmas	Richardson
Brown	Gelber	Kottkamp	Ritter
Brunner	Gibson	Kravitz	Romeo
Brutus	Goodlette	Kyle	Ross

Rubio	Siplin	Spratt	Weissman
Russell	Slosberg	Stansel	Wiles
Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	

Nays—None

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

CS/HB 137—An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; amending s. 732.218, F.S.; revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to

devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.;

providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of

distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 720117)

Technical Amendment 3—On page 3, line 4, after the semicolon,

insert: providing for applicability of certain provisions under specified circumstances;

And on page 37, line 9, through page 46, line 11,
remove from the bill: all of said lines

And on page 55, lines 13 through 15,
remove from the bill: all of said lines

and insert: of section 732.2155, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

And on page 55, line 28
remove from the bill: "(a) the"

and insert: (a) *The*
And on page 56, line 1, remove "(b) the"

and insert: (b) *The*
And on page 56, line 4, remove "(c) the"

and insert: (c) *The*

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

The question recurred on the passage of CS/HB 137. The vote was:

Session Vote Sequence: 242

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Melvin

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

Reconsideration of HB 1607

On motion by Rep. Bennett, the House reconsidered the vote by which **HB 1607**, as amended, passed earlier today.

HB 1607—A bill to be entitled An act relating to insurance; amending s. 631.57, F.S.; specifying assessment liability; amending s. 324.031, F.S.; providing for establishing financial responsibility with respect to damages arising out of the operation of certain vehicles; providing definitions; amending s. 627.351, F.S.; specifying membership of the boards of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association; revising criteria for limited apportionment; providing rate standards; specifying duties with respect to pursuit of federal tax exemptions and tax-free bond status; providing premium tax exemption; providing for appropriation of funds for hurricane loss mitigation purposes; providing standards for certain payments to agents of record of Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association policies; amending s. 627.3511, F.S.; revising agent compensation in connection with take-out plans; amending s. 627.7013, F.S.; delaying the repeal date of the moratorium on hurricane-related cancellation or nonrenewal of property insurance policies; amending s. 624.4072, F.S.; increasing a period of exemption from certain taxes and assessments for certain minority businesses; extending a future repeal; amending ss. 624.3161, 626.171, F.S.; directing the department to adopt rules relating to market conduct examinations and license applications; amending s. 626.9541, F.S.; revising provisions relating to unfair competition and deceptive practices; creating s. 626.9651, F.S.; directing the department to adopt rules to govern the use of a consumer's nonpublic personal financial and

health information by health insurers and health maintenance organizations; providing standards governing the rules; amending s. 627.062, F.S.; providing for filing forms for rate standards; amending s. 627.0625, F.S.; authorizing the department to adopt rules relating to third-party claimants; amending s. 627.0651, F.S.; prohibiting motor vehicle insurers from imposing a surcharge or a discount due to certain factors; creating s. 627.385, F.S.; providing rules of conduct for residual market board members; creating s. 627.4065, F.S.; providing for notice of right to return health insurance policies; creating s. 627.41345, F.S.; prohibiting an insurer or agent from issuing or signing certain certificates of insurance; providing that the terms of the policy control in case of conflict; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.7276, F.S.; providing for notice of coverage of automobile policies; creating s. 627.795, F.S.; providing guidelines for title insurance policies; creating 626.9552, F.S.; providing standards for single interest insurance; amending s. 627.918, F.S.; directing the department to adopt rules relating to reporting formats; amending s. 641.3108, F.S.; requiring health maintenance organizations to provide certain information to subscriber groups whose contract is not renewed for certain reasons; requiring certain meetings of the Florida Windstorm Underwriting Association to be open to the public; requiring notice; providing an effective date.

The question recurred on the passage of HB 1607.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 402243)

Technical Amendment 3—On page 3, line 14 remove from the bill: all of said line

and insert: providing effective dates.
on page 7, line 23,
remove: "expeses"

and insert in lieu thereof: *expenses*
on page 19, line 2,
remove: "assistanceprogram"

and insert: *assistance program*
on page 29, line 19, and on page 31, line 26,
remove: "cmmission"

and insert: *commission*
on page 29, line 25, and on page 32, line 1,
remove: "ssociation's"

and insert: *association's*
on page 30, line 4, and on page 32, line 10,
remove: "isnrurer"

and insert: *insurer*
on page 32, line 22,
remove: "gent"

and insert: *agent*
and on page 59, line 10,
remove: all of said line

and insert: Except as otherwise provided herein, this act shall take effect upon becoming a

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

The question recurred on the passage of HB 1607. The vote was:

Session Vote Sequence: 243

Yeas—117

The Chair	Arza	Ball	Bennett
Alexander	Attkisson	Barreiro	Bense
Allen	Atwater	Baxley	Benson
Andrews	Ausley	Bean	Berfield
Argenziano	Baker	Bendross-Mindingall	Betancourt

Bilirakis	Garcia	Kottkamp	Ritter
Bowen	Gelber	Kravitz	Romeo
Brown	Gibson	Kyle	Ross
Brummer	Goodlette	Lacasa	Rubio
Brutus	Gottlieb	Lee	Russell
Bucher	Green	Lerner	Ryan
Bullard	Greenstein	Littlefield	Seiler
Byrd	Haridopolos	Lynn	Simmons
Cantens	Harper	Machek	Siplin
Carassas	Harrell	Mack	Slosberg
Clarke	Harrington	Mayfield	Smith
Crow	Hart	Maygarden	Sobel
Cusack	Henriquez	McGriff	Sorensen
Davis	Heyman	Meadows	Spratt
Detert	Hogan	Mealor	Stansel
Diaz de la Portilla	Holloway	Melvin	Trovillion
Diaz-Balart	Jennings	Miller	Wallace
Dockery	Johnson	Murman	Waters
Farkas	Jordan	Needelman	Weissman
Fasano	Joyner	Negron	Wiles
Fields	Justice	Peterman	Wilson
Fiorentino	Kallinger	Pickens	Wishner
Flanagan	Kendrick	Prieguez	
Frankel	Kilmer	Rich	
Gannon	Kosmas	Richardson	

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 589 on Bills and Joint Resolutions on Third Reading.

CS/HB 589—A bill to be entitled An act relating to local government utilities assistance; providing a short title; providing legislative findings; providing definitions; establishing a pilot Local Government Utilities Assistance Program; providing for administration by the Department of Environmental Protection; providing for criteria for acquiring certain private water-wastewater utilities; providing for transfer of certain moneys from the Solid Waste Management Trust Fund to the program; providing for distribution of such moneys for certain purposes; providing for financial assistance for certain purposes under certain circumstances; requiring the Department of Environmental Protection to submit a report on the pilot program to the Governor and Legislature; providing an effective date.

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

Session Vote Sequence: 244

Yeas—120

The Chair	Betancourt	Farkas	Hart
Alexander	Bilirakis	Fasano	Henriquez
Allen	Bowen	Fields	Heyman
Andrews	Brown	Fiorentino	Hogan
Argenziano	Brummer	Flanagan	Holloway
Arza	Brutus	Frankel	Jennings
Attkisson	Bucher	Gannon	Johnson
Atwater	Bullard	Garcia	Jordan
Ausley	Byrd	Gardiner	Joyner
Baker	Cantens	Gelber	Justice
Ball	Carassas	Gibson	Kallinger
Barreiro	Clarke	Goodlette	Kendrick
Baxley	Crow	Gottlieb	Kilmer
Bean	Cusack	Green	Kosmas
Bendross-Mindingall	Davis	Greenstein	Kottkamp
Bennett	Detert	Haridopolos	Kravitz
Bense	Diaz de la Portilla	Harper	Kyle
Benson	Diaz-Balart	Harrell	Lacasa
Berfield	Dockery	Harrington	Lee

Lerner	Melvin	Ritter	Sobel
Littlefield	Miller	Romeo	Sorensen
Lynn	Murman	Ross	Spratt
Machek	Needelman	Rubio	Stansel
Mack	Negron	Russell	Trovillion
Mahon	Paul	Ryan	Wallace
Mayfield	Peterman	Seiler	Waters
Maygarden	Pickens	Simmons	Weissman
McGriff	Prieguez	Siplin	Wiles
Meadows	Rich	Slosberg	Wilson
Mealor	Richardson	Smith	Wishner

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS/HBs 715 & 1355 on Bills and Joint Resolutions on Third Reading.

Consideration of **CS/HBs 715 & 1355** was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1274 on Bills and Joint Resolutions on Third Reading.

CS for SB 1274—A bill to be entitled An act relating to motor vehicles; amending s. 322.09, F.S.; providing that a foster parent or a group-home representative who signs an application for a learner's driver's license for a minor who is in foster care is not, by reason of having signed the application, assuming any obligation or liability for any damages caused by the minor; creating s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger automobiles from charging an additional premium for a minor who operates his or her parent's vehicle, during the time that the minor has a learner's driver's license; providing an effective date.

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

Session Vote Sequence: 245

Yeas—118

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

Wallace Weissman Wilson Wishner
Waters Wiles

Nays—None

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

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 246].

On motion by Rep. Byrd, the House moved to the consideration of HB 505 on Bills and Joint Resolutions on Third Reading.

Consideration of **HB 505** was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of HB 1039 on Bills and Joint Resolutions on Third Reading.

HB 1039—A bill to be entitled An act relating to ad valorem tax exemption; amending s. 196.24, F.S.; increasing the amount of the exemption provided under s. 3(b), Art. VII of the State Constitution for certain disabled ex-service members; providing an effective date.

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

Session Vote Sequence: 247

Yeas—118

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

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 979 on Bills and Joint Resolutions on Third Reading.

CS/HB 979—A bill to be entitled An act relating to Okaloosa County; creating and establishing an independent special district in said county to be known as the North Okaloosa Fire District; creating a charter; describing the district; prescribing its powers; providing for a board of fire commissioners; providing for compensation; requiring a bond; providing for terms of office and for filling vacancies in office; providing for meetings, minutes of meetings, and public access; providing for financial matters; authorizing non-ad valorem assessments; authorizing

the district to accept gifts and donations; providing the district's fiscal year; providing for collection of taxes; providing limits and guidelines for indebtedness of the district; prescribing authorized uses of district funds; providing a penalty; ratifying actions previously taken; requiring certain notice of legal action; providing for a district expansion and merger; providing severability; providing for a referendum; providing an effective date.

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

Session Vote Sequence: 248

Yeas—120

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

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 224 on Bills and Joint Resolutions on Third Reading.

CS for SB 224—A bill to be entitled An act relating to medically essential electric public utility service; creating s. 366.15, F.S.; defining the term “medically essential”; requiring electric public utilities to provide medically essential service under specified circumstances; providing procedures for certification of medically essential utility service; authorizing utilities to disconnect service under certain circumstances; providing for notice to customers; providing for payment for service; providing for monitoring of customers; providing responsibilities for customers; providing for the identification of sources for funding purposes; providing an effective date.

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

Session Vote Sequence: 249

Yeas—119

The Chair	Arza	Ball	Bennett
Alexander	Attkisson	Barreiro	Bense
Allen	Atwater	Baxley	Benson
Andrews	Ausley	Bean	Berfield
Argenziano	Baker	Bendross-Mindingall	Betancourt

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

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS/HBs 715 & 1355 on Bills and Joint Resolutions on Third Reading.

CS/HBs 715 & 1355 was taken up. On motion by Rep. Lerner, the rules were waived and—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1306, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senators Sanderson and Miller—

CS for SB 1306—A bill to be entitled An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; requiring the Department of Health and the Agency for Health Care Administration to monitor expenditures under the act; requiring that certain services be limited if expenditures are projected to exceed appropriations; requiring the Department of Health to submit an annual report to the Legislature and the Governor; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/HBs 715 & 1355. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Lerner, the rules were waived and CS for SB 1306 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 250

Yeas—119

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of HB 947 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

HB 947—A bill to be entitled An act relating to medical malpractice presuit investigations; amending s. 766.104, F.S.; authorizing the release of certain records relating to medical care and treatment of a decedent upon the request of certain persons; providing exemption from liability and discipline for health care practitioners complying in good faith; providing an effective date.

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

Session Vote Sequence: 251

Yeas—117

The Chair	Brummer	Gardiner	Kendrick
Alexander	Brutus	Gelber	Kilmer
Allen	Bucher	Gibson	Kosmas
Andrews	Bullard	Goodlette	Kottkamp
Argenziano	Byrd	Gottlieb	Kravitz
Attkisson	Cantens	Green	Kyle
Atwater	Carassas	Greenstein	Lacasa
Ausley	Clarke	Haridopolos	Lee
Baker	Crow	Harper	Lerner
Ball	Cusack	Harrell	Littlefield
Barreiro	Davis	Harrington	Lynn
Baxley	Detert	Hart	Machek
Bean	Diaz de la Portilla	Henriquez	Mack
Bendross-Mindingall	Diaz-Balart	Heyman	Mahon
Bennett	Dockery	Hogan	Mayfield
Bense	Farkas	Holloway	Maygarden
Benson	Fasano	Jennings	McGriff
Berfield	Fields	Johnson	Meadows
Betancourt	Fiorentino	Jordan	Mealor
Bilirakis	Frankel	Joyner	Melvin
Bowen	Gannon	Justice	Miller
Brown	Garcia	Kallinger	Murman

Needelman	Ritter	Siplin	Waters
Negron	Romeo	Slosberg	Weissman
Paul	Ross	Smith	Wiles
Peterman	Rubio	Sobel	Wilson
Pickens	Russell	Spratt	Wishner
Prieguez	Ryan	Stansel	
Rich	Seiler	Trovillion	
Richardson	Simmons	Wallace	

Nays—1

Arza

Votes after roll call:

Nays to Yeas—Arza

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

On motion by Rep. Byrd, the House moved to the consideration of HB 505 on Bills and Joint Resolutions on Third Reading.

HB 505 was taken up. On motion by Rep. Cusack, the rules were waived and—

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 698 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Campbell—

SB 698—A bill to be entitled An act relating to the statute of limitations for prosecuting certain sexual offenses; amending s. 775.15, F.S.; revising the date on which the applicable statute of limitations begins for certain sexual offenses committed against a minor; providing an effective date.

—was taken up, read the first time by title, and substituted for HB 505. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Cusack, the rules were waived and SB 698 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 252

Yeas—119

The Chair	Bucher	Gottlieb	Lerner
Alexander	Bullard	Green	Littlefield
Allen	Byrd	Greenstein	Lynn
Andrews	Cantens	Haridopolos	Machek
Argenziano	Carassas	Harper	Mack
Arza	Clarke	Harrell	Mahon
Attkisson	Crow	Harrington	Mayfield
Atwater	Cusack	Hart	Maygarden
Ausley	Davis	Henriquez	McGriff
Baker	Detert	Heyman	Meadows
Ball	Diaz de la Portilla	Hogan	Mealor
Barreiro	Diaz-Balart	Holloway	Melvin
Baxley	Dockery	Jennings	Miller
Bean	Farkas	Johnson	Murman
Bendross-Mindingall	Fasano	Jordan	Needelman
Bennett	Fields	Joyner	Negron
Bense	Fiorentino	Justice	Paul
Benson	Flanagan	Kallinger	Peterman
Berfield	Frankel	Kendrick	Pickens
Betancourt	Gannon	Kosmas	Prieguez
Bilirakis	Garcia	Kottkamp	Rich
Bowen	Gardiner	Kravitz	Richardson
Brown	Gelber	Kyle	Ritter
Brummer	Gibson	Lacasa	Romeo
Brutus	Goodlette	Lee	Ross

Rubio	Siplin	Spratt	Weissman
Russell	Slosberg	Stansel	Wiles
Ryan	Smith	Trovillion	Wilson
Seiler	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of HB 1215 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

HB 1215—A bill to be entitled An act relating to a corporate income tax credit to promote new product development; providing a short title; creating s. 288.907, F.S.; providing definitions; providing for licensing of certain products or technologies by donor companies to receiving companies for production and marketing; providing duties of such companies and of Enterprise Florida, Inc.; providing requirements for product development agreements; creating s. 220.115, F.S.; requiring receiving companies to file a corporate tax return and remit to the state certain fees in addition to any corporate income tax due; providing for application of administrative and penalty provisions of ch. 220, F.S.; creating s. 220.1825, F.S.; providing for a credit against the corporate income tax for donor companies; providing for determination of the amount of the credit by Enterprise Florida, Inc., and notification to the Department of Revenue; providing for carryover of the credit; amending s. 220.02, F.S.; providing order of credits against the tax; providing an effective date.

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

Session Vote Sequence: 253

Yeas—117

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

Nays—None

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

Reconsideration of HB 1943

On motion by Rep. Ball, the House agreed to reconsider the vote by which **HB 1943**, as amended, failed to pass earlier today.

The vote was:

Session Vote Sequence: 254

Yeas—71

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

Nays—45

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

HB 1943—A bill to be entitled An act relating to the deduction and collection of a bargaining agent's dues and uniform assessments; amending s. 447.303, F.S.; eliminating a right of certain bargaining agents to have certain dues and assessments deducted and collected by an employer from certain employees; providing legislative findings and intent; providing that the deduction and collection of certain dues and assessments is a proper subject of collective bargaining; providing requirements and limitations; providing for accounting of funds; providing for enforcement; providing an effective date.

The question recurred on the passage of HB 1943.

Rep. Frankel suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 255].

The question recurred on the passage of HB 1943. The vote was:

Session Vote Sequence: 256

Yeas—65

The Chair	Ball	Brummer	Fiorentino
Alexander	Baxley	Byrd	Flanagan
Allen	Bean	Cantens	Garcia
Andrews	Bennett	Clarke	Gardiner
Argenziano	Bense	Detert	Gibson
Arza	Benson	Diaz de la Portilla	Goodlette
Attkisson	Berfield	Dockery	Green
Atwater	Bowen	Farkas	Haridopolos
Baker	Brown	Fasano	Harrell

Harrington	Littlefield	Murman	Simmons
Hart	Lynn	Needelman	Spratt
Johnson	Mack	Negron	Trovillion
Kallinger	Mayfield	Paul	Wallace
Kilmer	Maygarden	Prieguez	Waters
Kottkamp	Mealor	Ross	
Kyle	Melvin	Rubio	
Lacasa	Miller	Russell	

Nays—49

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

Votes after roll call:

Nays—Hogan

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HBs 47, 385, 695, and 1935.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 to CS for SB 1118 and appointed a conference committee to work out the differences between the two houses.

The President has appointed the following Senators to the Conference Committee: Senator Posey, Chairman; Senators Smith, Carlton and Sebesta.

Faye W. Blanton, Secretary

Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:30 a.m., Tuesday, May 1. The motion was agreed to.

Recorded Votes

Rep. Brutus:

Yeas—Amendment 2 to HB 159

Rep. Crow:

Nays—motion to read CS/CS/HB 1533 the second time in full after reconsideration

Rep. Diaz-Balart:

Nays—HB 1943

Rep. Gelber:

Nays—motion to temporarily postpone further consideration of CS/HB 1189

Prime Sponsors

HB 649—Cantens, Kilmer, Needelman
 HB 1089—Argenziano, Rubio
 CS/HB 1361—Bowen

Withdrawals as Prime Sponsor

CS/HB 1819—Heyman

Cosponsors

CS/HB 3—Haridopolos
 CS/HB 147—Haridopolos
 CS/HJR 295—Haridopolos
 HB 313—Cantens
 HB 421—Kallinger
 CS/CS/HB 453—Haridopolos
 HB 733—Kendrick
 HB 1039—Brummer
 HB 1089—Green, Littlefield
 HB 1091—Holloway
 CS/CS/HB 1193—Harrell
 CS/HB 1375—Kallinger
 HB 1465—Sobel

Introduction and Reference

By Representative Wiles—

HR 9083—A resolution recognizing the week of November 11-17, 2001, as “Florida Storytelling Week.”

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

Communications

The Governor advised that he had filed in the Office of the Secretary of State CS/CS/HB 107, which he approved on April 30.

Excused

Rep. Allen until 1:58 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS/SB 1118 (elections): Rep. Byrd, Chair; Reps. Goodlette, Rubio, and Smith.

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:19 p.m., to reconvene at 10:30 a.m., Tuesday, May 1.