



The Journal OF THE House of Representatives

Number 21

Tuesday, May 1, 2001

The House was called to order by the Speaker at 10:30 a.m.

Prayer

The following prayer was offered by the Reverend Father David L. Toups of St. Frances Cabrini Catholic Church of Spring Hill, upon invitation of Rep. Russell:

Loving God, Creator of the Universe, we give You thanks and praise for the gift of our world, the gift of our natural resources, for the beauty of our state of Florida. We give You thanks for the most important gift You give us, the gift of life. We pray that each of us may always respect that gift, from conception to natural death; the life of the elderly, the handicapped, the homeless. Lord God, I ask You to bless our brothers and sisters here in this House. We pray that they may work together for the good of our state, the good of our world. We pray for peace and harmony during this session as they are on their homestretch. We pray for strength, for courage, for endurance. Fill us, Lord God, with Your joy, Your peace. May each of us receive Your blessing this day. We ask this in Your Holy Name. Amen.

The following Members were recorded present:

Session Vote Sequence: 257

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

Smith	Spratt	Wallace	Wiles
Sobel	Stansel	Waters	Wilson
Sorensen	Trovillion	Weissman	Wishner

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

A quorum was present.

Pledge

The Members, led by Matthew Barnette of Brooksville, Sarah Block of Tequesta, John T. Kennedy of Stuart, Lindsay M. Loe of Lake Mary, and Terry Paul McGowan of Lithia, pledged allegiance to the Flag. Matthew Barnette served at the invitation of Rep. Argenziano. Sarah Block served at the invitation of Rep. Bucher. John T. Kennedy served at the invitation of Rep. Negron. Lindsay M. Loe served at the invitation of Rep. Mealor. Terry Paul McGowan served at the invitation of Speaker Feeney.

Correction of the *Journal*

The *Journal* of April 30 was corrected and approved as corrected.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2308; passed CS for SB 444, as amended; passed CS for CS for SB 668; passed CS for SB 302, as amended; passed CS for SB 840 and CS for SB 1012; passed SB 1162; CS for CS for SB 1282; and CS for SB 322, as amended; passed CS for SB 2034; passed CS for SB 890, as amended; passed CS for SB 1366; SB 1324; and CS for CS for SB 1672; passed CS for SB 2118 and CS for CS for SB 2092, as amended; passed CS for SB 1850 by the required Constitutional three-fifths vote of the members of the Senate; passed CS for SB 1852, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Cowin—

SB 2308—A bill to be entitled An act relating to the South Lake County Hospital District, Lake County; providing for codification of special laws relating to the South Lake County Hospital District; providing legislative intent; amending, codifying, reenacting, and repealing chapters 69-1201, 70-771, 75-415, 88-466, 95-456, Laws of Florida; providing district boundaries; providing definitions; providing for a board of trustees as the governing body of the district; prescribing the powers and duties of the board; providing for compensation and meetings of the board; providing a principal office of the district; authorizing the board to levy an annual al valorem tax upon taxable property within the district; providing for purpose of the tax; providing

for a method for such levy; exempting property of the district for assessment; prohibiting the board from transferring control of the district's hospitals or facilities except upon approval by referendum; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By the Committee on Criminal Justice and Senator Latvala—

CS for SB 444—A bill to be entitled An act relating to offenses against children; amending s. 787.025, F.S.; revising provisions to prohibit certain previously convicted offenders from intentionally luring or enticing, or attempting to lure or entice, a child under age 15 into a structure, dwelling, or conveyance without consent of parent or legal guardian, or from intentionally luring or enticing, or attempting to lure or entice the child away from the child's parent or legal guardian; providing penalties; amending s. 800.04, F.S.; defining the term "presence" for purposes of lewd or lascivious offenses committed in the presence of certain minors; amending s. 24 of ch. 200-237, Laws of Florida; revising an effective date; providing an effective date.

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

By the Committees on Finance and Taxation, Commerce and Economic Opportunities and Senator Carlton—

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065, F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

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

By the Committee on Appropriations and Senators Pruitt and Horne—

CS for SB 302—A bill to be entitled An act relating to financing for private not-for-profit institutions of higher education; creating the "Higher Educational Facilities Financing Act"; providing legislative findings and declarations; providing definitions; creating the Higher Educational Facilities Financing Authority; providing for membership of the authority; providing for its powers; providing criteria for and covenants relating to the authorization of the issuance of notes and revenue bonds not obligating the full faith and credit of the authority, any municipality, the state, or any political subdivision thereof; providing for loans from revenue bonds to participating institutions; providing for the validation of revenue bonds; providing for trust funds and remedies of bondholders; providing for a tax exemption; providing

for agreement of the state; providing other powers and authorities incident thereto; requiring reports and audits; providing for construction; amending s. 196.012, F.S.; providing that institutions funded by the Higher Educational Facilities Financing Act are educational institutions for purposes of state taxation; providing an effective date.

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

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

CS for SB 840—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

By the Committee on Governmental Oversight and Productivity and Senator Garcia—

CS for SB 1012—A bill to be entitled An act relating to guaranteed energy performance savings contracting; amending s. 489.145, F.S.; changing provisions relating to energy efficiency contracting to provisions relating to guaranteed energy performance savings contracting; providing a short title; providing legislative intent; revising definitions, procedures, and contract provisions; providing criteria, requirements, procedures, and limitations for energy performance contracts; providing for program administration and contract review by the Department of Management Services and the Office of the Comptroller; providing an effective date.

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

By Senator Sebesta—

SB 1162—A bill to be entitled An act relating to the Florida Prepaid College Program; amending s. 240.551, F.S.; revising the accreditation requirements for independent college or university eligibility purposes; clarifying that the amount of benefits transferred to an eligible independent college or university, an eligible out-of-state college or university, an applied technology diploma program or vocational certificate program, or refunded to a purchaser shall not exceed the redemption value of the advance payment contract at a state postsecondary institution; authorizing the purchase of advance payment contracts for scholarships by nonprofit organizations; providing for the appointment of additional members as directors of the direct-support organization; providing an effective date.

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

By the Committees on Commerce and Economic Opportunities, Criminal Justice and Senators Burt and Horne—

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.012, F.S.; providing a definition of cargo; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; providing a penalty for subsequent convictions for stealing cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent

violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card, issuer of the payment card, or merchant; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

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

By the Committee on Criminal Justice and Senator Geller—

CS for SB 322—A bill to be entitled An act relating to the disposition of offenders; amending s. 944.1905, F.S.; requiring that certain inmates who are less than a specified age be placed in specific correctional facilities and housed in separate dormitories; requiring that the Department of Corrections report to the Legislature on its compliance with housing youthful offenders; requiring that certain inmates who are less than a specified age and who have no prior juvenile adjudication be placed in facilities for youthful offenders; providing for the reassignment of an inmate to the general population if the inmate threatens the safety of other inmates or correctional staff; amending s. 921.0021, F.S.; redefining the term “prior record” to extend the time during which the disposition of certain juvenile offenses are included in an offender's record; providing an effective date.

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

By the Committee on Commerce and Economic Opportunities and Senator Latvala—

CS for SB 2034—A bill to be entitled An act relating to rural electric cooperatives; amending s. 425.09, F.S.; authorizing cooperative bylaws to permit voting by limited proxy for certain purposes and under certain circumstances; providing criteria and limitations; prohibiting voting by general proxy; providing procedures and requirements for appointing limited proxies; providing an effective date.

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

By the Committee on Banking and Insurance and Senator Campbell—

CS for SB 890—A bill to be entitled An act relating to mortgages; amending s. 697.07, F.S.; providing that rents in the control of a mortgagor are subject to assignment of rents; correcting provisions relating to assignment of rents; providing for expedited procedure under certain conditions; providing that a hearing and an adjudication that requested attorney's fees are reasonable are not necessary under certain conditions; providing that attorney's fees when provided in a note or mortgage constitute liquidated damages; amending s. 702.10, F.S.; specifying information to be included in an order to show cause why a final judgment of foreclosure should not be entered; providing that a hearing on attorney's fees is unnecessary under certain circumstances; requiring the court to enter a final judgment of foreclosure under certain circumstances; providing that the petitioner or petitioner's attorney is responsible for placing the legal advertisement, publication, or notice of a foreclosure proceeding; providing an effective date.

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

By the Committee on Finance and Taxation and Senator Cowin—

CS for SB 1366—A bill to be entitled An act relating to tax exemption; amending s. 196.202, F.S.; defining the term “totally and permanently disabled person”; providing an effective date.

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

By Senator Peaden and others—

SB 1324—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health care practitioner believes is in the patient's best interests; providing an effective date.

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

By the Committees on Appropriations, Commerce and Economic Opportunities and Senator Lee and others—

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal-government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

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

By the Committee on Comprehensive Planning, Local and Military Affairs and Senator Crist—

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions;

creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

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

By the Committees on Appropriations, Health, Aging and Long-Term Care and Senator Sanderson—

CS for CS for SB 2092—A bill to be entitled An act relating to health care; amending s. 154.306, F.S.; providing procedures for computing the maximum amount that specified counties must pay for the treatment of an indigent resident of the county at a hospital located outside the county; providing for the exclusion of active-duty military personnel and certain institutionalized county residents from state population estimates when calculating a county's financial responsibility for such hospital care; requiring the county of residence to accept the hospital's documentation of financial eligibility and county residence; requiring that the documentation meet specified criteria; amending s. 381.0403, F.S.; transferring the community hospital education program from the Board of Regents to the Department of Health; prescribing membership of a committee reporting on graduate medical education; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; providing rulemaking authority to the Department of Health; amending s. 409.911, F.S.; redefining the term "charity care" or "uncompensated charity care" for purposes of the disproportionate share program; amending s. 409.9117, F.S.; revising eligibility criteria for payments under the primary care disproportionate share program; amending s. 409.912, F.S.; extending the duration of certain demonstration projects to test Medicaid direct contracting; providing legislative findings and intent; amending s. 456.057, 395.3025, 400.1415, F.S.; prohibiting the use of a patient's medical records for purposes of solicitation and marketing without specific written release or authorization; providing for criminal penalties; creating s. 626.9651, F.S.; requiring the Department of Insurance to adopt rules governing the use of a consumer's nonpublic personal financial and health information; providing standards for the rules; providing an effective date.

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

By the Committee on Finance and Taxation and Senator Burt—

CS for SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By the Committee on Finance and Taxation and Senator Burt—

CS for SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 327.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

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

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney
Speaker, House of Representatives

April 30, 2001

Dear Mr. Speaker:

Pursuant to Special Rule 01-11, your Procedural & Redistricting Council herewith submits as a Third Reading Calendar for Tuesday, May 1, 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):

- HB 559—Peterman
Pinellas Co. School Board
- CS/HB 795—Justice
Relief/Alfred Roberts/St. Petersburg
- HB 821—Arza
Relief/Oscar Ortiz/City of Miami
- HB 853—Carassas
Pinellas Co./Tourist Dev. Council
- HB 863—Ritter
North Springs Improvement District
- HB 867—Romeo
Hillsborough Co./Tourist Development
- HB 873—Frankel
West Palm Beach/Police Pension
- HB 891—Wiles
Daytona Beach/Submerged Lands/Lease
- HB 917—Bucher
Palm Beach Co./Building Code
- HB 941—Jordan
Jacksonville/Civil Service Status
- HB 1125—Sorensen
Monroe Co./Water Quality Standards
- HB 1785—Haridopolos
Brevard Co./City of Satellite Beach
- HB 251—Kilmer
Sales Tax Exemption/Clothing
- CS/HB 1253—Farkas
Limited Benefit Policies/Contracts
- CS/HB 1889—Utilities & Telecommunications (RIC)
Taxation/Communications Services
- CS/HB 1891—Utilities & Telecommunications (RIC)
Public Records/Communications Tax
- CS/HB 1893—Utilities & Telecommunications (RIC)
Local Communications Services Tax TF
- HB 1919—General Government Appropriations (FRC)
Technology Enterprise Trust Fund/DMS
- CS/HB 293—Crow
Certified Capital Company Act
- CS/HB 949—Attkisson
Local Water or Wastewater Utilities
- CS/CS/HB 1509—Diaz-Balart
Student Financial Assistance
- CS/HB 1927—Insurance (CCC)
Workers' Compensation
- HB 1111—Allen
Spaceport Infrastructure Act
- HB 1519—Berfield
Clearinghouse on Disability Info.
- CS/HB 175—Machek
Aggressive Careless Driving
- CS/HB 203—Ryan
Child Pornography
- CS/SB 888—Campbell
Probation or Community Control

- CS/CS/SB 1214—Peaden
Foster Care/Residential Group Care
- HB 1265—Dockery
Fla. Mobile Home Relocation TF
- HB 477—Hogan
Public Records/Parents ID/Newborns
- HB 1937—Procedural & Redistricting Council
State Revenue Collection/Court Clerk
- HB 1939—Procedural & Redistricting Council
Dept. of Revenue Clerks of Court TF
- HB 1431—Byrd
Passport to Economic Progress Act
- HB 1865—Judicial Oversight (SGC)
Judiciary/Number Increases
- HB 1223—Cantens
Building Construction Task Force
- CS/SB 836—Crist
Health Insurers & HMOs
- HB 1777—Murman
Schools/Adult Entertainment Location
- HB 1067—Kyle
Physician Records/Adverse Incidents
- CS/HB 789—Mealor
Governmental Data Processing
- CS/HB 1805—Insurance (CCC)
Public Records/Motor Vehicle Crashes
- HB 579—Crow
Uniform Commercial Code
- CS/HB 1189—Diaz-Balart
Brownfield Redevelopment Incentives
- CS/HB 1385—Joyner
Public Meetings & Public Records
- HB 1197—Berfield
Legislative Oversight
- HB 1429—Byrd
Cardiac Arrest Survival Act
- HB 1055—Needelman
Workers' Comp./Law Enforcement
- HJR 1451—Negron
Ad Val Exemption/Personal Property
- HB 1225—Pickens
Economic Development
- SB 428—Dyer
Building Construction
- CS/HB 199—Trovillion
Substance Abuse Treatment Programs
- CS/HB 73—Wallace
Fla. Customer Service Standards Act
- HB 1983—Fiscal Policy & Resources (FRC)
Ad Valorem Tax Administration
- SB 226—Dawson
Sexual Violence/Jails & Prisons
- HB 1091—Wishner
Fla. Golf License Plate
- HB 25—Crow
Offenses Against Children
- CS/HB 83—Russell
Enterprise Zone Designations
- CS/HB 93—Harrington
Road & Bridge Designations
- HB 159—Rubio
HMO/Physicians/Adverse Determination
- CS/HB 161—Argenziano
Citrus/Hernando Waterways Council
- HB 163—Prieguez
Tax/Collegiate Facility Renovation
- CS/CS/HB 179—Lynn
Child Care Facilities
- CS/CS/HB 267—Kravitz
School Attendance/Violent Offenders
- CS/HB 281—Alexander
Higher Educational Facilities
- CS/HB 337—Garcia
Public Libraries
- CS/HB 345—Johnson
Sports Industry Economic Development
- CS/HB 365—Hogan
Public Records/Health/Financial Info
- CS/CS/HB 411—Kyle
Florida Mobile Home Act
- CS/CS/HB 453—Prieguez
Energy Performance Savings
- CS/HB 455—Detert
Mortgage Brokers & Lenders
- HB 457—Lee
Property & Casualty Insurers
- CS/HB 463—Baxley
Florida Prepaid College Program
- HB 465—Baker
Tuition/Residency/National Guard
- CS/HB 475—Hogan
Public Health
- HB 509—Attkisson
Relief/Hopkins & Bowman
- HB 531—Gardiner
Property Crimes
- HB 575—Baker
Filing Fees/Corporate Fee
- CS/HB 605—Gibson
Florida Alzheimer's Training Act
- CS/CS/HB 617—Harper
Youthful Offenders
- CS/HB 623—Mack
Government Accountability
- HB 625—Bean
Security for Public Deposits
- HB 635—Hart
Drivers' Licenses/Selective Service
- HB 645—Henriquez
Alcoholic Beverages/Nonprofit Orgs.
- HB 649—Bilirakis
Law Enforcement Officers' Disability
- CS/HB 699—Goodlette
Rural Electric Cooperatives
- HB 701—Bean
Correctional Officers Memorial Hwy.
- CS/HB 717—Stansel
Assessment of Agricultural Property
- CS/CS/HB 719—Stansel
Agri. Products/Damage or Destruction
- CS/CS/HB 721—Stansel
Public Records/Agricultural Records
- CS/HB 729—Argenziano
Environmental Control
- HB 731—Kottkamp
Public Records/Local Government/WMD
- HB 749—Dockery
Absentee Ballots
- HB 757—Barreiro
Wrecker Liens
- CS/HB 793—Hogan
Elderly Persons & Disabled Adults
- CS/CS/HB 807—Gardiner
Hwy. Safety/Motor Vehicles/Vessels
- HB 953—Crime Prevention, Corrections & Safety (HCC)
Burglary
- HB 959—Gottlieb
Mortgages
- CS/HB 973—Davis
Property Tax/Disabled/Physicians
- CS/HB 997—Littlefield
Spinal Cord Injuries/Pilot Program

- CS/CS/HB 1053—Russell
Transportation
- HB 1077—Mack
Health Care/Alternative Treatment
- CS/CS/HB 1121—Byrd
Driver Licenses/Co. Tax Collectors
- CS/HB 1131—Barreiro
Criminal Rehabilitation
- CS/HB 1133—Brutus
Correctional Work Programs/Operation
- CS/HB 1219—Brown
Insurance Agents
- HB 1221—Cantens
Water Resources
- CS/HB 1263—Dockery
Mining
- CS/HB 1361—Arza
Charter Schools
- HB 1379—Flanagan
Emergency Telephone System
- HB 1395—Crime Prevention, Corrections & Safety (HCC)
Driver Lic. Div./Exclusionary Rule
- HB 1415—Kallinger
Medicaid/Environmental Modification
- HB 1439—Berfield
Health Insurance
- HB 1471—Alexander
Food Service Employee Training
- HB 1485—Kravitz
Sexual Offenders Release Supervision
- HB 1491—Attkisson
Wastewater Residual Reduction Act
- HB 1513—Simmons
Insurance Competitions/Compensations
- CS/HB 1529—Simmons
Controlled Substances
- CS/CS/HB 1533—Lynn
Education Governance Reorganization
(Special Rule 01-14)
- CS/HB 1541—Economic Development & International Trade
(CCC)
Public Records/Economic Development
- HB 1545—Education Appropriations (FRC)
Schools/Performance Reporting
- HB 1585—Detert
Public Records/Abandoned Property
- HB 1611—Arza
Relief/Mary Beth Wiggers/DOC
- HB 1669—Paul
Harris Chain of Lakes Restoration
- HB 1681—Miller
Pest Control Operators
- CS/HB 1701—Smith
Public Records/Code Enforc. Officers
- HB 1705—Crime Prevention, Corrections & Safety (HCC)
Death Sentence/Age Requirement
- HB 1787—Berfield
Warranty Associations/Motor Vehicles
- HB 1799—Child & Family Security (HCC)
Children's Behavioral Crisis Unit
- CS/HB 1819—Insurance (CCC)
Insurance/Public Records Illegal Use
- HB 1861—Elder & Long-Term Care (HCC)
Quality of Long-Term Care Facility
- HB 1863—Health Regulation (HCC)
Onsite Sewage Treatment & Disposal
- HB 1867—Health Regulation (HCC)
Health Care Practitioner Regulation
- HB 1881—Elder & Long-Term Care (HCC)
Public Records/Nursing Homes
- HB 1885—Health Promotion (HCC)
- Health Care
- HB 1915—Agriculture & Consumer Affairs (CCC)
Agric. & Consumer Services Dept.
- HB 1931—Fiscal Responsibility Council
State-Administered Retirement
- HB 1961—Fiscal Policy & Resources (FRC)
Sales Tax/State Tax Policy
- HB 1971—Natural Resources & Environmental Protection
(RIC)
Water Supply Policy
- HB 1973—Fiscal Policy & Resources (FRC)
State Debt
- HB 1977—Fiscal Responsibility Council
State Planning & Budgeting
- CS/SB 94—Laurent
Consumer Collection Practices
- CS/CS/SB 108—Geller
Structured Settlements/Transfers
- SB 130—Silver
Eminent Domain/Public School Purpose
- SB 150—Horne
Property Exempt from Legal Process
- CS/SB 178—Brown-Waite
Duration of Real Property Liens
- CS/SB 202—Lee
Malt Beverages/Container Size
- CS/SB 232—Brown-Waite
Controlled Substances/Hydrocodone
- CS/SB 252—King
Law Officer/Background Investigation
- SB 272—Klein
Law Enforcement Officers
- SB 338—Campbell
Bryant Peney Act
- CS/SB 350—Dawson
Individual Development Accounts
- CS/CS/SB 400—Horne
Support of Dependents
- CS/CS/CS/SB 446—Constantine
Homelessness
- SB 654—Saunders
Pharmacists/Licensure by Endorsement
- SB 676—Smith
Prison Releasee Reoffender
- CS/SB 684—Cowin
Organ Transplantation
- SB 708—Sullivan
Educ. Employees/Unused Sick Leave
- SB 720—Carlton
Criminal Records/Obscene Materials
- SB 766—Sanderson
Driver's Licenses/DUI Convictions
- SB 782—Sanderson
Nursing Education
- CS/SB 800—Silver
Disposition of Traffic Fines
- CS/SB 806—Laurent
Insurance Examination/Exemptions
- SB 810—Laurent
Municipal Law Enforcement Officers
- CS/SB 838—Saunders
Landlord & Tenant
- CS/CS/SB 870—Webster
Construction/Prompt Payment Act
- CS/SB 972—Bronson
Water Mgmt. District Fiscal Matters
- CS/SB 1018—Pruitt
Young Children/Learning Gateway
- SB 1126—Latvala
Nonprofit Civic Organization/Alcohol

CS/CS/SB 1180—Pruitt
Scholarships/Students/Disabilities
SB 1200—Brown-Waite
Nursing Homes/Public Records
CS/SB 1226—Holzendorf
Workforce Development
CS/CS/SB 1258—Mitchell
Behavioral Health Services
SB 1400—Posey
Swimming Pool/Spa Service Contractor
SB 1424—Posey
Real Estate Professionals
SB 1516—Constantine
Surety Bonds
CS/SB 1524—Constantine
Comprehensive Everglades Restoration
CS/CS/CS/SB 1526 & 314—Constantine
Money Transmitter's Code
CS/SB 1788—Wasserman Schultz
Dentistry
SB 1986—Sanderson
Public Employees/Volunteers/Ins.
CS/HB 1617 & 1487—Dockery
Growth Management

II. Special Order:

CS/SB 354—Miller
Civil Rights/Complaints
CS/SB 1260—King
Financial Institutions
SB 304—Pruitt
Deferred Compensation Programs
CS/CS/SB 158—Brown-Waite
Enterprise Zones
CS/SB 208—Geller
Consumer Protection
CS/SB 240—Smith
Sentencing
CS/CS/SB 248—Saunders
Domestic Violence
CS/SB 424—Jones
Retired Judges or Justices
SB 532—Posey
Outcome-Based Total Accountability
SB 536—Bronson
Demineralization Concentrate
SB 648—Garcia
Alcoholic Bev./Students/Curriculum
SB 666—Sullivan
Physician Assistants
SB 672—Mitchell
Indigent Hospital Patients
CS/SB 780—Dawson
Parental Consent/Medical Treatment
CS/SB 788—Silver
Unfair Discrimination/Insurance
CS/SB 828—Dyer
Public-Sector Employee/Health Safety
CS/CS/SB 912—Villalobos
Criminal Rehabilitation
CS/SB 992—Carlton
Dental Service Claim Denials
SB 1066—Peaden
Civil Actions/Statements
CS/SB 1190—Sullivan
Higher Education
SB 1198—Webster
Crimes/Using Two-way Communications
CS/SB 1210—Latvala
Health Insurance
SB 1212—Webster
Special Assessments/Mobile Home Park

SB 1412—Posey
Child Safety Booster Seat Act
SB 1644—Smith
Schools/Teachers & Administrators
SB 1840—Clary
David Levitt School Anti-Hunger Act
CS/SB 2042—Bronson
Pest Control Operators
SB 2104—Crist
Hiring or Leasing Personal Property
SCR 2106—Peaden
Dr. Ed Haskell Legislative Clinic
CS/SB 2110—Silver
Medicaid Services

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 above report was adopted.

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

Bills and Joint Resolutions on Third Reading

HB 559—A bill to be entitled An act relating to the Pinellas County School District; providing for a seven-member district school board, with four members elected from single-member districts and three members elected from the county at large, notwithstanding the provisions of s. 230.061, s. 230.10, or s. 230.105, F.S.; providing for implementation at specified elections; providing that school board members shall continue to be elected on a nonpartisan basis and shall be elected in conjunction with the first primary and general election; providing qualifying and other applicable election procedures; providing for future reapportionment of the single-member districts; providing for a referendum; providing effective dates.

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

Session Vote Sequence: 258

Yeas—106

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

Wallace
Waters
Nays—None

Weissman
Wiles
Wilson
Wishner

Clarke
Crow
Cusack
Davis
Detert
Diaz de la Portilla
Diaz-Balart
Dockery
Farkas
Fasano
Fields
Fiorentino
Flanagan
Frankel
Garcia
Gardiner
Gelber
Gibson
Goodlette
Gottlieb
Green
Richardson
Ritter
Romeo
Ross
Russell
Ryan
Seiler
Simmons
Siplin
Slosberg
Smith
Sobel
Spratt
Stansel
Trovillion
Wallace
Waters
Weissman
Wiles
Wilson
Wishner

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

CS/HB 795—A bill to be entitled An act relating to the City of St. Petersburg; providing for the relief of Alfred Brinkley Roberts; authorizing and directing the City of St. Petersburg to compensate him for injuries suffered due to the negligence of an employee of the city; providing an effective date.

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

Session Vote Sequence: 259

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Kottkamp, Littlefield

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

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

Session Vote Sequence: 260

Yeas—112

The Chair
Alexander
Allen
Andrews
Argenziano
Arza
Attkisson
Atwater
Ausley
Baker
Ball
Barreiro
Baxley
Bean
Bendross-Mindingall
Bennett
Bense
Benson
Berfield
Bilirakis
Bowen
Brown
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas

Nays—3

Betancourt
Brummer
Rubio

Votes after roll call:

Nays to Yeas—Betancourt

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

HB 853—A bill to be entitled An act relating to Pinellas County; providing for the composition of members of the Pinellas County Tourist Development Council appointed pursuant to section 125.0104, Florida Statutes, the “Local Option Tourist Development Act”; providing an effective date.

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

Session Vote Sequence: 261

Yeas—114

The Chair
Alexander
Allen
Andrews
Argenziano
Arza
Attkisson
Atwater
Ausley
Baker
Ball
Barreiro
Baxley
Bean
Bennett
Bense
Benson
Berfield
Betancourt
Bilirakis
Bowen
Brown
Brummer
Brutus
Bucher
Bullard
Byrd
Cantens
Carassas
Cantens
Hart
Henriquez
Heyman
Hogan
Holloway
Jennings
Johnson
Jordan
Justice
Kallinger
Kendrick
Kilmer
Kosmas
Kottkamp
Kravitz
Kyle
Lee
Lerner
Littlefield
Lynn
Mack
Mahon
Mayfield
Mealor
Meadows
Melvin
Miller
Murman
Needelman
Negron
Paul
Peterman
Pickett
Prieguez
Rich
Richardson
Ritter
Romeo
Ross
Rubio
Russell
Ryan
Seiler
Simmons
Siplin
Slosberg
Smith
Sobel
Sorensen
Spratt
Stansel
Trovillion

Wallace
Waters

Weissman
Wiles

Wilson

Wishner

Nays—None

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

HB 863—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; amending chapter 71-580, Laws of Florida, as amended; increasing the board of supervisors to a total of five members; providing for elections by electors residing within the district; providing for regular and special board meetings instead of landowner meetings; providing for severability; providing an effective date.

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

Session Vote Sequence: 262

Yeas—96

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

Nays—None

Votes after roll call:

Yeas—Barreiro, Bowen, Joyner, Kyle, Peterman, Sobel

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

HB 867—A bill to be entitled An act relating to Hillsborough County; providing that, notwithstanding any provision of general law, the Hillsborough County Tourist Development Council shall consist of 11 members; providing that the chair of the county governing board, or a designee, serves on the council; providing that an elected municipal official shall be appointed to the council from each municipality within the county; providing that seven members shall be persons involved in the tourist industry; providing that the additional members shall be appointed within 30 days of the effective date of this act; providing that terms of current members are not interrupted by change to council composition; providing an effective date.

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

Session Vote Sequence: 263

Yeas—119

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

Nays—None

Votes after roll call:

Yeas—Kilmer

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

HB 873—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending section 16 of chapter 24981, Laws of Florida, as amended, relating to the West Palm Beach Police Pension Fund; revising the provision for age and service requirements for retirement; revising the provisions for early retirement; revising the provisions of the share accounts related to death of a member; revising the provisions of the deferred retirement option plan; revising the death benefit provisions; providing an effective date.

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

Session Vote Sequence: 264

Yeas—119

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

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

Nays—None

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

HB 891—A bill to be entitled An act relating to the City of Daytona Beach, Volusia County; providing for the lease of certain submerged lands to the city by the state; providing for the duration of the lease; specifying the amount of the lease; providing for the purpose of the lease; providing that the lease is contingent upon the city's acquisition of the pier situated upon the leased lands; providing additional terms of the lease; prohibiting transfer of lease without legislative action; providing for severability; requiring written submission of acceptance of terms to the Department of Environmental Protection; providing an effective date.

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

Session Vote Sequence: 265

Yeas—118

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

Nays—None

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

HB 917—A bill to be entitled An act relating to Palm Beach County; amending chapter 90-445, Laws of Florida, as amended; providing for the uniform implementation, interpretation, and enforcement of building code requirements pursuant to the Florida Building Code; providing and amending definitions; providing for enforcement; providing for repeal of conflicting laws; providing for interpretation of

codes and revision; deleting provisions relating to appointments; providing for authority for building code amendments; providing for amending provisions for product and system evaluation, including application fees and revocation and renewal of product and system compliance; providing severability; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 345245)

Technical Amendment 3—On page 7, line 17, after “systems” remove from the bill: ,

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

The question recurred on the passage of HB 917. The vote was:

Session Vote Sequence: 266

Yeas—119

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

Nays—None

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

HB 941—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; clarifying exemptions provided in the Charter of the City of Jacksonville to the civil service status of designated positions; providing an effective date.

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

Session Vote Sequence: 267

Yeas—108

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Ball
Allen	Arza	Ausley	Barreiro

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

Nays—None

Votes after roll call:

Yeas—Fields, Joyner, Justice, Romeo

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

HB 1125—A bill to be entitled An act relating to Monroe County; amending ch. 99-395, Laws of Florida; establishing effluent water quality limitations for reuse systems; provides interim construction standards for new, expanded, or existing onsite sewage and disposal systems scheduled to be served by a central sewage facility before July 1, 2010; providing an effective date.

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

Session Vote Sequence: 268

Yeas—117

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

Spratt	Wallace	Weissman	Wilson
Stansel	Waters	Wiles	Wishner
Trovillion			

Nays—None

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

REPRESENTATIVE MAYGARDEN IN THE CHAIR

HB 1785—A bill to be entitled An act relating to the City of Satellite Beach, Brevard County; amending s. 1 of the city's charter; redefining the boundaries of the city; providing an effective date.

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

Session Vote Sequence: 269

Yeas—115

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

Nays—None

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

HB 251—A bill to be entitled An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing and certain other items shall be exempt from such tax; defining “clothing”; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

—was read the third time by title.

Representative(s) Kilmer offered the following:

(Amendment Bar Code: 154791)

Amendment 2 (with title amendment)—On page 1, line 12 remove from the bill: everything after the enacting clause

and insert in lieu thereof:

Section 1. *This act may be cited as the “Florida Residents’ Tax Relief Act of 2001.”*

Section 2. (1) No tax levied under the provisions of chapter 212, Florida Statutes, shall be collected on sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a selling price of \$100 or less, during the period from 12:01 a.m., August 1, 2001, through midnight, August 6, 2001.

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

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

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

Section 3. (1) A tax levied under chapter 212, Florida Statutes, may not be collected on sales of school supplies having a selling price of \$10 per item or less during the period from 12:01 a.m., August 1, 2001, through midnight, August 6, 2001.

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

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

Section 4. The sum of \$200,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.

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

And the title is amended as follows:

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

and insert in lieu thereof: An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, school supplies, and certain other items shall be exempt from such tax; defining "clothing" and "school supplies" for purposes of the exemption; providing exceptions; providing for rules; providing an appropriation; providing an effective date.

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

The question recurred on the passage of HB 251. The vote was:

Session Vote Sequence: 270

Yeas—106

Table with 4 columns listing names of representatives who voted 'Yeas'.

Table with 4 columns listing names of representatives who voted 'Nays'.

Nays—13

Table with 4 columns listing names of representatives who voted 'Nays'.

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

CS/HB 1253—A bill to be entitled An act relating to health care; making legislative findings and providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising a definition; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard, basic, and limited health benefit plans; revising the disclosure that a carrier must make to a small employer upon offering certain policies; prohibiting small employer carriers from using certain policies, contracts, forms, or rates unless filed with and approved by the Department of Insurance pursuant to certain provisions; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing requirements for benefits in limited benefit policies or contracts for small employers; providing an effective date.

—was read the third time by title.

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

Representative(s) Farkas offered the following:

(Amendment Bar Code: 874871)

Amendment 2 (with title amendment)—On page 11, between lines 6 & 7, of the bill

insert:

Section 3. It is hereby appropriated for State Fiscal Year 2001-2002, \$713,493 from the General Revenue Fund and \$924,837 from the Medical Care Trust Fund to increase the pharmaceutical dispensing fee for prescriptions dispensed to nursing home residents and other institutional residents from \$4.23 to \$4.73 per prescription.

And the title is amended as follows:

On page 2, line 4, after "employers;"

insert: providing an appropriation;

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

The question recurred on the passage of CS/HB 1253. The vote was:

Session Vote Sequence: 271

Yeas—118

The Chair	Clarke	Hogan	Paul
Alexander	Crow	Holloway	Peterman
Allen	Cusack	Jennings	Pickens
Andrews	Davis	Johnson	Prieguez
Argenziano	Detert	Jordan	Rich
Arza	Diaz de la Portilla	Joyner	Richardson
Attkisson	Diaz-Balart	Justice	Ritter
Atwater	Dockery	Kallinger	Romeo
Ausley	Farkas	Kendrick	Ross
Baker	Fasano	Kilmer	Rubio
Ball	Fields	Kosmas	Russell
Barreiro	Fiorentino	Kottkamp	Ryan
Baxley	Flanagan	Kravitz	Seiler
Bean	Frankel	Kyle	Simmons
Bendross-Mindingall	Gannon	Lacasa	Siplin
Bennett	Garcia	Lee	Slosberg
Bense	Gardiner	Lerner	Smith
Benson	Gelber	Littlefield	Sobel
Berfield	Gibson	Lynn	Sorensen
Betancourt	Goodlette	Machek	Spratt
Bilirakis	Gottlieb	Mack	Stansel
Bowen	Green	Mahon	Trovillion
Brown	Greenstein	Mayfield	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.

On motion by Rep. Ritter, consideration of **CS/HB 1889** was temporarily postponed under Rule 11.10.

On motion by Rep. Ritter, consideration of **CS/HB 1891** was temporarily postponed under Rule 11.10.

On motion by Rep. Ritter, consideration of **CS/HB 1893** was temporarily postponed under Rule 11.10.

On motion by Rep. Ritter, consideration of **HB 1919** was temporarily postponed under Rule 11.10.

CS/HB 293—A bill to be entitled An act relating to the Certified Capital Company Act; amending s. 288.99, F.S.; redefining the terms “early stage technology business” and “qualified distribution”; defining the terms “Program One” and “Program Two”; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; authorizing the Department of Banking and Finance to levy a fine; providing for distributions under both programs; providing an effective date.

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

Session Vote Sequence: 272

Yeas—119

Alexander	Andrews	Arza	Atwater
Allen	Argenziano	Attkisson	Ausley

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

Nays—1

The Chair

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

CS/HB 949—A bill to be entitled An act relating to local government regulation of water or wastewater utilities; amending s. 367.171, F.S.; providing for regulation of certain utilities by certain counties; prohibiting exercise of eminent domain by certain governmental entities under certain circumstances; providing an effective date.

—was read the third time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 905169)

Amendment 2 (with title amendment)—On page 1, line 11,

insert:

Section 1. Section 367.0816, Florida Statutes, is amended to read:

367.0816 Recovery of rate case expenses.—The amount of rate case expense determined by the commission pursuant to the provisions of this chapter to be recovered through a public utilities rate shall be apportioned for recovery over a period of 4 years. *At the conclusion of the recovery period, the rate of the public utility shall be reduced immediately by the amount of rate case expense previously included in rates.*

And the title is amended as follows:

On page 1, line 3, after the semicolon,

and insert in lieu thereof: amending s. 367.0816, F.S.; requiring a reduction in utility rates by the amount of certain rate case expenses after a time certain;

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

Representative(s) Miller offered the following:

(Amendment Bar Code: 680183)

Amendment 3 (with title amendment)—On page 1, line 31 through page 2 line 3, remove from the bill: all of said lines

and insert in lieu thereof: the county or agency is the commission. ~~In all proceedings conducted by a county or its agency under the authority of this chapter, the provisions of ss. 120.569 and 120.57 shall apply.~~

And the title is amended as follows:

On page 1, line 8, after the semicolon

insert: striking provisions relating to the application of ss. 120.569 and 120.57 to county proceedings;

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

The question recurred on the passage of CS/HB 949. The vote was:

Session Vote Sequence: 273

Yeas—111

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

Nays—9

Bendross-Mindingall	Goodlette	Lerner	Paul
Clarke	Green	Machek	Simmons
Cusack			

Votes after roll call:

Yeas to Nays—Hart

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

CS/CS/HB 1509—A bill to be entitled An act relating to student financial assistance; amending s. 231.621, F.S.; providing for loan repayments under the Critical Teacher Shortage Student Loan Forgiveness Program directly to the teacher under certain circumstances; amending s. 240.209, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; requiring Board of Regents to develop criteria for making awards; providing for an annual report; amending s. 240.271, F.S.; requiring that a minimum

percentage of funds provided in the General Appropriations Act for fellowship and fee waivers shall be used only to support graduate students or upper-division students in certain disciplines; amending s. 240.35, F.S.; revising language with respect to student fees; increasing the percentage of funds from the financial aid fee to be used for need-based financial aid; revising provisions regarding annual report; amending s. 240.40201, F.S.; revising general student eligibility requirements for the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S., relating to the Florida Bright Futures Scholarship Program; revising student eligibility provisions for initial award of a Florida Bright Futures Scholarship; revising language with respect to reinstatement applications; requiring school districts to provide each high school student a Florida Bright Futures Scholarship Evaluation Report and Key; amending s. 240.40203, F.S.; providing requirements for renewal, reinstatement, and restoration awards under the Florida Bright Futures Scholarship Program; revising provisions relating to award limits; amending s. 240.40204, F.S.; updating obsolete language with respect to eligible postsecondary education institutions under the Florida Bright Futures Scholarship Program; amending s. 240.40205, F.S.; revising eligibility requirements with respect to the Florida Academic Scholars award; amending s. 240.40206, F.S.; changing the name of the Florida Merit Scholars award to the Florida Medallion Scholars award; revising eligibility requirements with respect to the award; amending s. 240.40207, F.S.; revising eligibility requirements with respect to the Florida Gold Seal Vocational Scholars award; providing restrictions on use of the award; providing for transfer of awards; creating s. 240.40211, F.S.; providing for Florida Bright Futures Scholarship Program targeted occupations; providing student awards; repealing s. 240.40242, F.S., relating to the use of certain scholarship funds by children of deceased or disabled veterans; providing for the Florida Bright Futures Scholarship Testing Program; requiring the Articulation Coordinating Committee to identify scores, credit, and courses for which credit may be awarded for specified examinations; requiring the completion of examinations for receipt of certain awards; providing requirements with respect to the award of credit; requiring annual reporting of the effectiveness of the program; amending s. 240.404, F.S.; revising language with respect to general requirements for student eligibility for state financial aid; reenacting, renumbering, and amending ss. 240.2985 and 240.6054, F.S.; revising and combining provisions relating to ethics in business scholarships; amending s. 240.409, F.S.; revising language with respect to the Florida Public Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4095, F.S.; revising language with respect to the Florida Private Student Assistance Grant Program; revising eligibility criteria; amending s. 240.4097, F.S.; revising language with respect to the Florida Postsecondary Student Assistance Grant Program; revising eligibility criteria; creating s. 240.40975, F.S.; providing for priority with respect to Florida student assistance grant programs; amending s. 240.4128, F.S.; revising language with respect to the minority teacher education scholars program; requiring participating institutions to report on eligible students to whom scholarships are disbursed each academic term; amending s. 240.437, F.S.; revising language with respect to student financial aid planning and development; amending s. 240.465, F.S.; deleting language which prohibits certain delinquent borrowers from being furnished with their academic transcripts; reenacting and amending s. 240.551, F.S.; revising language with respect to the Florida Prepaid College Program; revising language with respect to transfer and refund provisions; providing for a rollover of benefits to a college savings program at the redemption value of the advance payment contract at a state postsecondary institution; revising provisions relating to appointment of directors of the direct-support organization; creating s. 240.6053, F.S.; providing for academic program contracts and for funding thereof; amending s. 295.02, F.S.; including postsecondary education institutions eligible to participate in the Florida Bright Futures Scholarship Program among institutions at which children of certain service members may receive an award under ch. 295, F.S.; providing effective dates.

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

Session Vote Sequence: 274

Yeas—120

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

Nays—None

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 531 on Bills and Joint Resolutions on Third Reading.

HB 531 was taken up. On motion by Rep. Gardiner, the rules were waived and—

CS for CS for SB 1282—A bill to be entitled An act relating to property crimes; amending s. 812.012, F.S.; providing a definition of cargo; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; providing a penalty for subsequent convictions for stealing cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card, issuer of the

payment card, or merchant; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

—was substituted for HB 531 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Gardiner, the rules were waived and CS for CS for SB 1282 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 275

Yeas—119

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

Nays—None

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

CS/HB 1927—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising definitions; amending s. 440.06, F.S.; requiring employers to secure compensation; amending s. 440.09, F.S.; limiting compensation for certain impairments; requiring certain entities actively engaged in the construction industry to secure payment of compensation under chapter 440, F.S., after a certain date; amending s. 440.10, F.S.; specifying liability for compensation; creating s. 440.1025, F.S.; providing for consideration of a public employer workplace safety program in rate-setting; amending s. 440.11, F.S.; providing for exclusiveness of liability; amending s. 440.13, F.S.; providing an additional criterion for determining certain value of nonprofessional attendant care provided by a family member; requiring carriers to allow employees to change physicians under certain circumstances; specifying payments for independent medical examinations; deleting selection of independent medical examiner criteria; specifying the number of medical opinions admissible into evidence; providing an exception to certain recourse for payment for services rendered; amending s. 440.134, F.S.; revising a definition; revising certain grievance procedures for workers' compensation managed care arrangements; amending s. 440.14, F.S.; providing for determination of pay; amending s. 440.15, F.S.; revising criteria for payment of compensation for permanent total disability; revising criteria for payment of permanent impairment and wage-loss benefits; amending s. 440.151, F.S.; providing for compensation for occupational diseases; amending s. 440.185, F.S.; requiring additional information in a report of injury; amending s. 440.191, F.S.; including managed care arrangements under provisions relating to the Employee Assistance and Ombudsman Office; revising procedures for petitions for benefits under the office; amending s. 440.192, F.S.; revising procedures for resolving benefit disputes; transferring duties and responsibilities of the Division of Workers' Compensation to the Office of the Judges of Compensation Claims; amending s. 440.20, F.S.; specifying time for payment of compensation; prohibiting approval of settlement proposals providing for attorney's fees in excess of certain amounts; amending s. 440.25, F.S.; limiting continuances under procedures for mediation and hearings; providing for selections of mediators by the Chief Judge; providing for holding mediation conferences instead of mediation hearings under certain circumstances; providing for completion of pretrial stipulations; authorizing a judge of compensation claims to sanction certain parties under certain circumstances; requiring a judge of compensation claims to order a pretrial hearing for certain purposes under certain circumstances; revising final hearing time limitations and procedures; deleting a requirement that judges of compensation claims adopt and enforce certain uniform local rules; specifying resolution of determination of pay claims; requiring resolution of certain claims through an expedited dispute resolution process; providing for dismissal of certain petitions for lack of prosecution under certain circumstances; amending s. 440.29, F.S.; providing for receipt into evidence of medical reports from independent medical examiners; amending s. 440.34, F.S.; providing for limited additional attorney's fees in medical-only cases; prohibiting approval of attorney's fees in excess of certain amounts; deleting criteria for determining certain attorney's fees; amending s. 440.345, F.S.; requiring a summary report of attorney's fees to the Governor and the Legislature; amending s. 440.39, F.S.; specifying duties of carriers with respect to certain evidence; amending s. 440.4416, F.S.; revising membership, member criteria, terms, and meetings requirements of the Workers' Compensation Oversight Board; deleting an obsolete provision; providing additional reporting requirements for the board; amending s. 627.0915, F.S.; deleting obsolete provisions; providing that determinations under ss. 112.18, 112.181, 112.19, F.S., are not affected; repealing s. 440.45(3), F.S., relating to rotating docketing judges of compensation claims; providing severability; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

Representative(s) Smith offered the following:

(Amendment Bar Code: 030509)

Amendment 26—On page 22, line 6, remove from the bill: 3

and insert in lieu thereof: 5

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

Representative(s) Smith offered the following:

(Amendment Bar Code: 570671)

Amendment 27 (with title amendment)—On page 47, line 11 through Page 51, Line 14, remove from the bill: all of said lines

and insert in lieu thereof: Section 440.4416, Florida Statutes, is hereby repealed.

And the title is amended as follows:

On page 3, lines 25-30, remove from the title of the bill: all of said lines

and insert in lieu thereof: certain evidence; amending

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

The question recurred on the passage of CS/HB 1927. The vote was:

Session Vote Sequence: 276

Yeas—70

The Chair	Carassas	Harrington	Murman
Alexander	Clarke	Hart	Needelman
Allen	Crow	Hogan	Negron
Arza	Davis	Jennings	Paul
Baker	Detert	Kendrick	Pickens
Ball	Diaz-Balart	Kottkamp	Prieguez
Baxley	Dockery	Kravitz	Ritter
Bean	Farkas	Kyle	Ross
Bennett	Fasano	Lacasa	Rubio
Bense	Fields	Littlefield	Russell
Benson	Flanagan	Lynn	Simmons
Berfield	Garcia	Mack	Sorensen
Bilirakis	Gardiner	Mayfield	Spratt
Bowen	Gibson	Maygarden	Trovillion
Brown	Goodlette	McGriff	Wallace
Brummer	Green	Mealor	Waters
Byrd	Haridopolos	Melvin	
Cantens	Harrell	Miller	

Nays—39

Argenziano	Gelber	Kosmas	Siplin
Ausley	Gottlieb	Lerner	Slosberg
Bendross-Mindingall	Greenstein	Machek	Smith
Betancourt	Harper	Mahon	Sobel
Bucher	Henriquez	Peterman	Stansel
Bullard	Heyman	Rich	Weissman
Cusack	Holloway	Richardson	Wiles
Diaz de la Portilla	Joyner	Romeo	Wilson
Frankel	Justice	Ryan	Wishner
Gannon	Kallinger	Seiler	

Votes after roll call:

Yeas—Atwater, Johnson, Kilmer

Nays—Fiorentino

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

Disclosure of Interest

I am a member of a law firm that does a lot of Workers' Comp. defense. This fact does not sway my position on this bill, however, I feel it is important that the public is aware of my business interest as it relates to this bill.

*Rep. Christopher L. "Chris" Smith
District 93*

On motion by Rep. Byrd, consideration of **HB 1111** was temporarily postponed under Rule 11.10.

HB 1519—A bill to be entitled An act relating to disability services; creating s. 402.74, F.S.; creating the Clearinghouse on Disability Information Office in the Department of Management Services; requiring the office to establish a statewide toll-free disability information and referral system; creating an advisory council; providing qualifications for staff of the office; providing for the sharing of information by state agencies; providing for an annual report; providing an effective date.

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

Session Vote Sequence: 277

Yeas—115

The Chair	Clarke	Heyman	Needelman
Alexander	Crow	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	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	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Stansel
Bowen	Green	Mahon	Trovillion
Brown	Greenstein	Mayfield	Wallace
Brummer	Haridopolos	Maygarden	Waters
Bucher	Harper	McGriff	Weissman
Bullard	Harrell	Mealor	Wiles
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Miller	Wishner
Carassas	Henriquez	Murman	

Nays—None

Votes after roll call:

Yeas—Joyner, Smith

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

Recessed

On motion by Rep. Byrd, the House recessed at 12:26 p.m., to reconvene at 1:30 p.m. today or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 1:38 p.m. A quorum was present [Session Vote Sequence: 278].

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

Unfinished Business

On motion by Rep. Byrd, the House moved to the consideration of SB 708.

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 on April 30; now pending roll call.

The question recurred on the passage of SB 708. The vote was:

Session Vote Sequence: 279

Yeas—61

The Chair	Brummer	Greenstein	Melvin
Alexander	Byrd	Haridopolos	Murman
Allen	Cantens	Harrell	Negron
Andrews	Carassas	Harrington	Paul
Arza	Clarke	Hart	Pickens
Attkisson	Crow	Johnson	Prieguez
Atwater	Davis	Jordan	Rubio
Baker	Detert	Kallinger	Russell
Baxley	Diaz de la Portilla	Kilmer	Simmons
Bennett	Diaz-Balart	Kottkamp	Sorensen
Bense	Fasano	Kyle	Spratt
Benson	Flanagan	Littlefield	Trovillion
Berfield	Garcia	Lynn	Wallace
Bilirakis	Gardiner	Mack	
Bowen	Gibson	Mahon	
Brown	Green	Maygarden	

Nays—47

Ball	Gottlieb	Lee	Seiler
Bean	Harper	Lerner	Siplin
Bendross-Mindingall	Henriquez	Machek	Slosberg
Betancourt	Heyman	Mayfield	Smith
Brutus	Hogan	McGriff	Sobel
Bucher	Holloway	Meadows	Stansel
Bullard	Jennings	Miller	Waters
Cusack	Joyner	Peterman	Weissman
Dockery	Justice	Rich	Wiles
Frankel	Kendrick	Richardson	Wilson
Gannon	Kosmas	Ritter	Wishner
Gelber	Kravitz	Romeo	

Votes after roll call:

Yeas—Farkas, Fields

Nays—Argenziano, Ausley, Fiorentino, Ross, Ryan

Yeas to Nays—Detert

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 CS for CS for SB 1202.

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, having been read the second time on April 30.

Representative(s) Green and Davis offered the following:

(Amendment Bar Code: 341895)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (4) of section 400.0073, Florida Statutes, is amended to read:

400.0073 State and local ombudsman council investigations.—

(4) In addition to any specific investigation made pursuant to a complaint, the local ombudsman council shall conduct, at least annually, an investigation, which shall consist, in part, of an onsite administrative inspection, of each nursing home or long-term care facility within its jurisdiction. *This inspection shall focus on the rights, health, safety, and welfare of the residents.*

Section 2. Section 400.021, Florida Statutes, is amended to read:

400.021 Definitions.—When used in this part, unless the context otherwise requires, the term:

(1) “Administrator” means the licensed individual who has the general administrative charge of a facility.

(2) “Agency” means the Agency for Health Care Administration, which is the licensing agency under this part.

(3) “Bed reservation policy” means the number of consecutive days and the number of days per year that a resident may leave the nursing home facility for overnight therapeutic visits with family or friends or for hospitalization for an acute condition before the licensee may discharge the resident due to his or her absence from the facility.

(4) “Board” means the Board of Nursing Home Administrators.

(5) “Controlling interest” means:

(a) *The applicant for licensure or a licensee;*

(b) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the management company or other entity, related or unrelated, which the applicant or licensee may contract with to operate the facility; or*

(c) *A person or entity that serves as an officer of, is on the board of directors of, or has a 5 percent or greater ownership interest in the applicant or licensee.*

The term does not include a voluntary board member.

(6)(~~5~~) “Custodial service” means care for a person which entails observation of diet and sleeping habits and maintenance of a watchfulness over the general health, safety, and well-being of the aged or infirm.

(7)(~~6~~) “Department” means the Department of Children and Family Services.

(8)(~~7~~) “Facility” means any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services.

(9)(~~8~~) “Geriatric outpatient clinic” means a site for providing outpatient health care to persons 60 years of age or older, which is staffed by a registered nurse or a physician assistant.

(10)(~~9~~) “Geriatric patient” means any patient who is 60 years of age or older.

(11)(~~10~~) “Local ombudsman council” means a local long-term care ombudsman council established pursuant to s. 400.0069, located within the Older Americans Act planning and service areas.

(12)(~~11~~) “Nursing home bed” means an accommodation which is ready for immediate occupancy, or is capable of being made ready for occupancy within 48 hours, excluding provision of staffing; and which conforms to minimum space requirements, including the availability of

appropriate equipment and furnishings within the 48 hours, as specified by rule of the agency, for the provision of services specified in this part to a single resident.

(13)(12) "Nursing home facility" means any facility which provides nursing services as defined in part I of chapter 464 and which is licensed according to this part.

(14)(13) "Nursing service" means such services or acts as may be rendered, directly or indirectly, to and in behalf of a person by individuals as defined in s. 464.003.

(15)(14) "Planning and service area" means the geographic area in which the Older Americans Act programs are administered and services are delivered by the Department of Elderly Affairs.

(16)(15) "Respite care" means admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care.

(17)(16) "Resident care plan" means a written plan developed, maintained, and reviewed not less than quarterly by a registered nurse, with participation from other facility staff and the resident or his or her designee or legal representative, which includes a comprehensive assessment of the needs of an individual resident, the type and frequency of services required to provide the necessary care for the resident to attain or maintain the highest practicable physical, mental, and psychosocial well-being, a listing of services provided within or outside the facility to meet those needs, and an explanation of service goals. The resident care plan must be signed by the director of nursing and the resident, the resident's designee, or the resident's legal representative.

(18)(17) "Resident designee" means a person, other than the owner, administrator, or employee of the facility, designated in writing by a resident or a resident's guardian, if the resident is adjudicated incompetent, to be the resident's representative for a specific, limited purpose.

(19)(18) "State ombudsman council" means the State Long-Term Care Ombudsman Council established pursuant to s. 400.0067.

(20) "Voluntary board member" means a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not receive any remuneration for his or her services on the board of directors, and has no financial interest in the corporation or organization. The agency shall recognize a person as a voluntary board member following submission of a statement to the agency by the director and the not-for-profit corporation or organization which affirms that the director conforms to this definition. The statement affirming the status of the director must be submitted to the agency on a form provided by the agency.

Section 3. *The Agency for Health Care Administration and the Office of the Attorney General shall jointly study the potential use of electronic monitoring devices in nursing home facilities licensed under part II of chapter 400, Florida Statutes. The study shall include, but not be limited to, a review of the current use of electronic monitoring devices by nursing home facilities and their residents and other health care facilities, an analysis of other state laws and proposed legislation related to the mandated use of electronic monitoring devices in nursing home facilities, an analysis of the potential ramifications of requiring facilities to install such devices when requested by or on behalf of a resident, the impact of the devices on the privacy and dignity of both the resident on whose behalf the device is installed and other residents who may be affected by the device, the potential impact on improving the care of residents, the potential impact on the care environment and on staff recruitment and retention, appropriate uses of any tapes if mandated by law, including methods and time frames for reporting any questionable incidents to the facility and appropriate regulatory agencies, appropriate security needed to protect the integrity of tapes for both the protection of the resident and direct care staff, and the potential ramifications on the care environment of allowing the use of recorded tapes in legal proceedings, including any exceptions that should apply if prohibited. The Agency for Health Care*

Administration shall have the lead on the study and shall submit the findings and recommendations of the study to the Governor, the Speaker of the House of Representatives and the President of the Senate by January 1, 2002.

Section 4. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.023, Florida Statutes, is amended to read:

400.023 Civil enforcement.—

(1) Any resident whose rights as specified in this part are ~~violated deprived or infringed upon~~ shall have a cause of action ~~against any licensee responsible for the violation~~. The action may be brought by the resident or his or her guardian, by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident *regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21* ~~when the cause of death resulted from the deprivation or infringement of the decedent's rights. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.~~ The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any ~~violation of deprivation or infringement on~~ the rights of a resident or for negligence. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action, and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.023-400.0238 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of rights specified in s. 400.022. This section does not preclude theories of recovery not arising out of negligence or s. 400.022 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.023-400.0238. ~~Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the agency.~~

(2) *In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:*

(a) *The defendant owed a duty to the resident;*

(b) *The defendant breached the duty to the resident;*

(c) *The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and*

(d) *The resident sustained loss, injury, death or damage as a result of the breach.*

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.022 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(2) ~~Attorneys' fees shall be based on the following criteria:~~

- ~~(a) The time and labor required;~~
- ~~(b) The novelty and difficulty of the questions;~~
- ~~(c) The skill requisite to perform the legal service properly;~~
- ~~(d) The preclusion of other employment by the attorney due to the acceptance of the case;~~
- ~~(e) The customary fee;~~
- ~~(f) Whether the fee is fixed or contingent;~~
- ~~(g) The amount involved or the results obtained;~~
- ~~(h) The experience, reputation, and ability of the attorneys;~~
- ~~(i) The costs expended to prosecute the claim;~~
- ~~(j) The type of fee arrangement between the attorney and the client;~~
- ~~(k) Whether the relevant market requires a contingency fee multiplier to obtain competent counsel;~~

~~(4) Whether the attorney was able to mitigate the risk of nonpayment in any way.~~

~~(3) In any claim brought pursuant to s. 400.023, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.~~

~~(4) In any claim for resident's rights violation or negligence by a nurse licensed under Part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses.~~

~~(5)(3) A licensee shall not be liable for the medical negligence of any physician rendering care or treatment to the resident except for the administrative services of a medical director as required in this part. Nothing in this subsection shall be construed to protect a licensee, person, or entity from liability for failure to provide a resident with appropriate observation, assessment, nursing diagnosis, planning, intervention, and evaluation of care by nursing staff.~~

~~(6) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.~~

~~(7) An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provision of s. 768.21(8) do not apply to a claim alleging death of the resident.~~

~~(4) Claimants alleging a deprivation or infringement of adequate and appropriate health care pursuant to s. 400.022(1)(k) which resulted in personal injury to or the death of a resident shall conduct an investigation which shall include a review by a licensed physician or registered nurse familiar with the standard of nursing care for nursing home residents pursuant to this part. Any complaint alleging such a deprivation or infringement shall be accompanied by a verified statement from the reviewer that there exists reason to believe that a deprivation or infringement occurred during the resident's stay at the nursing home. Such opinion shall be based on records or other information available at the time that suit is filed. Failure to provide records in accordance with the requirements of this chapter shall waive the requirement of the verified statement.~~

~~(5) For the purpose of this section, punitive damages may be awarded for conduct which is willful, wanton, gross or flagrant, reckless, or consciously indifferent to the rights of the resident.~~

~~(6) To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

~~(7) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.~~

~~(8) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.~~

Section 5. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0233, Florida Statutes, is created to read:

400.0233 *Presuit notice; investigation; notification of violation of resident's rights or alleged negligence; claims evaluation procedure; informal discovery; review.*—

(1) *As used in this section, the term:*

(a) *"Claim for resident's rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.022 or an asserted deviation from the applicable standard of care.*

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.022 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations;
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or
2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of the defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 6. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0234, Florida Statutes, is created to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility in accordance with s. 400.145 shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

Section 7. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.0235, Florida Statutes, is created to read:

400.0235 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence

recognized under this part is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 8. Effective May 15, 2001, section 400.0236, Florida Statutes, is created to read:

400.0236 Statute of limitations.—

(1) Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.

(2) In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event for more than 6 years from the date the incident giving rise to the injury occurred.

(3) This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.

Section 9. Section 400.0237, Florida Statutes, is created to read:

400.0237 Punitive damages; pleading; burden of proof.—

(1) In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.

(2) A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:

(a) "Intentional misconduct" means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.

(b) "Gross negligence" means that the defendant's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

(3) In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:

(a) The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;

(b) The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or

(c) The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.

(4) The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The "greater weight of the evidence" burden of proof applies to a determination of the amount of damages.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 10. Section 400.0238, Florida Statutes, is created to read:

400.0238 Punitive damages; limitation.—

(1)(a) Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:

1. Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$1 million.

(b) Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:

1. Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or

2. The sum of \$4 million.

(c) Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant's conduct did in fact harm the claimant, there shall be no cap on punitive damages.

(d) This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.

(e) In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.

(2) The claimant's attorney's fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) *The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.*

(b) *A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.*

(c) *The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.*

(d) *If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.*

(5) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 11. Subsection (1) and paragraph (a) of subsection (2) of section 768.735, Florida Statutes, are amended and subsection (3) is added to that section to read:

768.735 Punitive damages; exceptions; limitation.—

(1) Sections 768.72(2)-(4), 768.725, and 768.73 do not apply to any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled ~~or any civil action arising under chapter 400~~. Such actions are governed by applicable statutes and controlling judicial precedent. *This section does not apply to claims brought pursuant to s. 400.023 or s. 400.429.*

(2)(a) In any civil action based upon child abuse, abuse of the elderly *under chapter 415*, or abuse of the developmentally disabled, ~~or actions arising under chapter 400~~ and involving the award of punitive damages, the judgment for the total amount of punitive damages awarded to a claimant may not exceed three times the amount of compensatory damages awarded to each person entitled thereto by the trier of fact, except as provided in paragraph (b). This subsection does not apply to any class action.

(3) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 12. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 415.1111, Florida Statutes, is amended to read:

415.1111 Civil actions.—A vulnerable adult who has been abused, neglected, or exploited as specified in this chapter has a cause of action against any perpetrator and may recover actual and punitive damages for such abuse, neglect, or exploitation. The action may be brought by the vulnerable adult, or that person's guardian, by a person or organization acting on behalf of the vulnerable adult with the consent of that person or that person's guardian, or by the personal representative of the estate of a deceased victim without regard to whether the cause of death resulted from the abuse, neglect, or exploitation. The action may be brought in any court of competent jurisdiction to enforce such action and to recover actual and punitive damages for any deprivation of or infringement on the rights of a vulnerable adult. A party who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a vulnerable adult. *Notwithstanding the foregoing, any civil action for damages against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part II of chapter 400 relating to its operation of the licensed facility shall be brought*

pursuant to s. 400.023, or against any licensee or entity who establishes, controls, conducts, manages, or operates a facility licensed under part III of chapter 400 relating to its operation of the licensed facility shall be brought pursuant to s. 400.429. Such licensee or entity shall not be vicariously liable for the acts or omissions of its employees or agents or any other third party in an action brought under this section.

Section 13. Subsection (17) is added to section 400.0255, Florida Statutes, to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(17) *The provisions of this section apply to transfers or discharges that are initiated by the nursing home facility, and not by the resident or by the resident's physician or legal guardian or representative.*

Section 14. Subsection (3) of section 400.062, Florida Statutes, is amended to read:

400.062 License required; fee; disposition; display; transfer.—

(3) The annual license fee required for each license issued under this part shall be comprised of two parts. Part I of the license fee shall be the basic license fee. The rate per bed for the basic license fee shall be established annually and *shall be \$50 per bed. The agency may adjust the per bed licensure fees by the Consumer Price Index based on the 12 months immediately preceding the increase must be reasonably calculated* to cover the cost of regulation under this part, ~~but may not exceed \$35 per bed~~. Part II of the license fee shall be the resident protection fee, which shall be at the rate of not less than 25 cents per bed. The rate per bed shall be the minimum rate per bed, and such rate shall remain in effect until the effective date of a rate per bed adopted by rule by the agency pursuant to this part. At such time as the amount on deposit in the Resident Protection Trust Fund is less than ~~\$1 million~~ ~~\$500,000~~, the agency may adopt rules to establish a rate which may not exceed \$10 per bed. The rate per bed shall revert back to the minimum rate per bed when the amount on deposit in the Resident Protection Trust Fund reaches ~~\$1 million~~ ~~\$500,000~~, except that any rate established by rule shall remain in effect until such time as the rate has been equally required for each license issued under this part. Any amount in the fund in excess of ~~\$2 million~~ ~~\$800,000~~ shall revert to the Health Care Trust Fund and may not be expended without prior approval of the Legislature. The agency may prorate the annual license fee for those licenses which it issues under this part for less than 1 year. Funds generated by license fees collected in accordance with this section shall be deposited in the following manner:

(a) The basic license fee collected shall be deposited in the Health Care Trust Fund, established for the sole purpose of carrying out this part. When the balance of the account established in the Health Care Trust Fund for the deposit of fees collected as authorized under this section exceeds one-third of the annual cost of regulation under this part, the excess shall be used to reduce the licensure fees in the next year.

(b) The resident protection fee collected shall be deposited in the Resident Protection Trust Fund for the sole purpose of paying, in accordance with the provisions of s. 400.063, for the appropriate alternate placement, care, and treatment of a resident removed from a nursing home facility on a temporary, emergency basis or for the maintenance and care of residents in a nursing home facility pending removal and alternate placement.

Section 15. Subsections (2) and (5) of section 400.071, Florida Statutes, are amended, and subsections (11) and (12) are added to that section, to read:

400.071 Application for license.—

(2) The application shall be under oath and shall contain the following:

(a) The name, address, and social security number of the applicant if an individual; if the applicant is a firm, partnership, or association, its name, address, and employer identification number (EIN), and the

name and address of *any controlling interest every member; if the applicant is a corporation, its name, address, and employer identification number (EIN), and the name and address of its director and officers and of each person having at least a 5 percent interest in the corporation; and the name by which the facility is to be known.*

(b) The name of any person whose name is required on the application under the provisions of paragraph (a) and who owns at least a 10 percent interest in any professional service, firm, association, partnership, or corporation providing goods, leases, or services to the facility for which the application is made, and the name and address of the professional service, firm, association, partnership, or corporation in which such interest is held.

(c) The location of the facility for which a license is sought and an indication, as in the original application, that such location conforms to the local zoning ordinances.

(d) The name of the person or persons under whose management or supervision the facility will be conducted and the name of *the its licensed administrator.*

(e) A signed affidavit disclosing any financial or ownership interest that a person or entity described in paragraph (a) or paragraph (d) has held in the last 5 years in any entity licensed by this state or any other state to provide health or residential care which has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason any such entity was closed, whether voluntarily or involuntarily.

(f)(e) The total number of beds and the total number of Medicare and Medicaid certified beds.

(g)(f) Information relating to the number, experience, and training of the employees of the facility and of the moral character of the applicant and employees which the agency requires by rule, including the name and address of any nursing home with which the applicant or employees have been affiliated through ownership or employment within 5 years of the date of the application for a license and the record of any criminal convictions involving the applicant and any criminal convictions involving an employee if known by the applicant after inquiring of the employee. The applicant must demonstrate that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of residents who will reside in the facility.

(h)(g) Copies of any civil verdict or judgment involving the applicant rendered within the 10 years preceding the application, relating to medical negligence, violation of residents' rights, or wrongful death. As a condition of licensure, the licensee agrees to provide to the agency copies of any new verdict or judgment involving the applicant, relating to such matters, within 30 days after filing with the clerk of the court. The information required in this paragraph shall be maintained in the facility's licensure file and in an agency database which is available as a public record.

(5) The applicant shall furnish satisfactory proof of financial ability to operate and conduct the *nursing* home in accordance with the requirements of this part and all rules adopted under this part, and the agency shall establish standards for this purpose, *including information reported under paragraph (2)(e).* The agency also shall establish documentation requirements, to be completed by each applicant, that show anticipated facility revenues and expenditures, the basis for financing the anticipated cash-flow requirements of the facility, and an applicant's access to contingency financing.

(11) The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon

agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.

(12) As a condition of licensure, each facility must establish and submit with its application a plan for quality assurance and for conducting risk management.

Section 16. Subsection (1) of section 400.102, Florida Statutes, is amended to read:

400.102 Action by agency against licensee; grounds.—

(1) Any of the following conditions shall be grounds for action by the agency against a licensee:

(a) An intentional or negligent act materially affecting the health or safety of residents of the facility;

(b) Misappropriation or conversion of the property of a resident of the facility;

(c) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a nursing home resident;

(d) Violation of provisions of this part or rules adopted under this part; ~~or~~

(e) Fraudulent altering, defacing, or falsifying any medical or nursing home records, or causing or procuring any of these offenses to be committed; or

(f)(e) Any act constituting a ground upon which application for a license may be denied.

Section 17. Subsections (3) and (4) are added to section 400.111, Florida Statutes, to read:

400.111 Expiration of license; renewal.—

(3) The agency may not renew a license if the applicant has failed to pay any fines assessed by final order of the agency or final order of the Health Care Financing Administration under requirements for federal certification. The agency may renew the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order.

(4) The licensee shall submit a signed affidavit disclosing any financial or ownership interest that a licensee has held within the last 5 years in any entity licensed by the state or any other state to provide health or residential care which entity has closed voluntarily or involuntarily; has filed for bankruptcy; has had a receiver appointed; has had a license denied, suspended, or revoked; or has had an injunction issued against it which was initiated by a regulatory agency. The affidavit must disclose the reason such entity was closed, whether voluntarily or involuntarily.

Section 18. Subsection (2) of section 400.118, Florida Statutes, is amended to read:

400.118 Quality assurance; early warning system; monitoring; rapid response teams.—

(2)(a) The agency shall establish within each district office one or more quality-of-care monitors, based on the number of nursing facilities in the district, to monitor all nursing facilities in the district on a regular, unannounced, aperiodic basis, including nights, evenings, weekends, and holidays. *Quality-of-care monitors shall visit each nursing facility at least quarterly.* Priority for *additional* monitoring visits shall be given to nursing facilities with a history of *resident patient* care deficiencies. Quality-of-care monitors shall be registered nurses who are trained and experienced in nursing facility regulation, standards of practice in long-term care, and evaluation of patient care. Individuals in these positions shall not be deployed by the agency as a part of the district survey team in the conduct of routine, scheduled surveys, but shall function solely and independently as quality-of-care monitors. Quality-of-care monitors shall assess the overall quality of life

in the nursing facility and shall assess specific conditions in the facility directly related to *resident patient care, including the operations of internal quality improvement and risk management programs and adverse incident reports*. The quality-of-care monitor shall include in an assessment visit observation of the care and services rendered to residents and formal and informal interviews with residents, family members, facility staff, resident guests, volunteers, other regulatory staff, and representatives of a long-term care ombudsman council or Florida advocacy council.

(b) Findings of a monitoring visit, both positive and negative, shall be provided orally and in writing to the facility administrator or, in the absence of the facility administrator, to the administrator on duty or the director of nursing. The quality-of-care monitor may recommend to the facility administrator procedural and policy changes and staff training, as needed, to improve the care or quality of life of facility residents. Conditions observed by the quality-of-care monitor which threaten the health or safety of a resident shall be reported immediately to the agency area office supervisor for appropriate regulatory action and, as appropriate or as required by law, to law enforcement, adult protective services, or other responsible agencies.

(c) Any record, whether written or oral, or any written or oral communication generated pursuant to paragraph (a) or paragraph (b) shall not be subject to discovery or introduction into evidence in any civil or administrative action against a nursing facility arising out of matters which are the subject of quality-of-care monitoring, and a person who was in attendance at a monitoring visit or evaluation may not be permitted or required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the monitoring visits or evaluations. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because they were presented during monitoring visits or evaluations, and any person who participates in such activities may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her participation in such activities. The exclusion from the discovery or introduction of evidence in any civil or administrative action provided for herein shall not apply when the quality-of-care monitor makes a report to the appropriate authorities regarding a threat to the health or safety of a resident.

Section 19. Section 400.1183, Florida Statutes, is created to read:

400.1183 Resident grievance procedures.—

(1) *Every nursing home must have a grievance procedure available to its residents and their families. The grievance procedure must include:*

(a) *An explanation of how to pursue redress of a grievance.*

(b) *The names, job titles, and telephone numbers of the employees responsible for implementing the facility's grievance procedure. The list must include the address and the toll-free telephone numbers of the ombudsman and the agency.*

(c) *A simple description of the process through which a resident may, at any time, contact the toll-free telephone hotline of the ombudsman or the agency to report the unresolved grievance.*

(d) *A procedure for providing assistance to residents who cannot prepare a written grievance without help.*

(2) *Each facility shall maintain records of all grievances and shall report annually to the agency the total number of grievances handled, a categorization of the cases underlying the grievances, and the final disposition of the grievances.*

(3) *Each facility must respond to the grievance within a reasonable time after its submission.*

(4) *The agency may investigate any grievance at any time.*

(5) *The agency may impose an administrative fine, in accordance with s. 400.121, against a nursing home facility for noncompliance with this section.*

Section 20. Section 400.121, Florida Statutes, is amended to read:

400.121 Denial, suspension, revocation of license; moratorium on admissions; administrative fines; procedure; order to increase staffing.—

(1) The agency may deny an application, revoke, or suspend a license, or impose an administrative fine, not to exceed \$500 per violation per day, against any applicant or licensee for the following violations by the applicant, licensee, or other controlling interest: ~~for~~

(a) A violation of any provision of s. 400.102(1);-

(b) A demonstrated pattern of deficient practice;

(c) Failure to pay any outstanding fines assessed by final order of the agency or final order of the Health Care Financing Administration pursuant to requirements for federal certification. The agency may renew or approve the license of an applicant following the assessment of a fine by final order if such fine has been paid into an escrow account pending an appeal of a final order;

(d) Exclusion from the Medicare or Medicaid program; or

(e) An adverse action by a regulatory agency against any other licensed facility that has a common controlling interest with the licensee or applicant against whom the action under this section is being brought. If the adverse action involves solely the management company, the applicant or licensee shall be given 30 days to remedy before final action is taken. If the adverse action is based solely upon actions by a controlling interest, the applicant or licensee may present factors in mitigation of any proposed penalty based upon a showing that such penalty is inappropriate under the circumstances.

All hearings shall be held within the county in which the licensee or applicant operates or applies for a license to operate a facility as defined herein.

(2) ~~Except as provided in s. 400.23(8), a \$500 fine shall be imposed~~ The agency, as a part of any final order issued by it under this part, may impose such fine as it deems proper, except that such fine may not exceed \$500 for each violation. Each day a violation of this part occurs constitutes a separate violation and is subject to a separate fine, but in no event may any fine aggregate more than \$5,000. A fine may be levied pursuant to this section in lieu of and notwithstanding the provisions of s. 400.23. Fines paid by any nursing home facility licensee under this ~~subsection~~ shall be deposited in the Resident Protection Trust Fund and expended as provided in s. 400.063.

(3) The agency shall revoke or deny a nursing home license if the licensee or controlling interest operates a facility in this state that:

(a) Has had two moratoria imposed by final order for substandard quality of care, as defined by Title 42, C.F.R. part 483, within any 30-month period;

(b) Is conditionally licensed for 180 or more continuous days;

(c) Is cited for two class I deficiencies arising from unrelated circumstances during the same survey or investigation; or

(d) Is cited for two class I deficiencies arising from separate surveys or investigations within a 30-month period.

The licensee may present factors in mitigation of revocation, and the agency may make a determination not to revoke a license based upon a showing that revocation is inappropriate under the circumstances.

(4)(3) The agency may issue an order immediately suspending or revoking a license when it determines that any condition in the facility presents a danger to the health, safety, or welfare of the residents in the facility.

(5)(4)(a) The agency may impose an immediate moratorium on admissions to any facility when the agency determines that any condition in the facility presents a threat to the health, safety, or welfare of the residents in the facility.

(b) Where the agency has placed a moratorium on admissions on any facility two times within a 7-year period, the agency may suspend the license of the nursing home and the facility's management company, if any. ~~The licensee shall be afforded an administrative hearing within 90 days after the suspension to determine whether the license should be revoked.~~ During the suspension, the agency shall take the facility into receivership and shall operate the facility.

~~(6)(5) An action taken by the agency to deny, suspend, or revoke a facility's license under this part, in which the agency claims that the facility owner or an employee of the facility has threatened the health, safety, or welfare of a resident of the facility, shall be heard by the Division of Administrative Hearings of the Department of Management Services within 60 ±20 days after the assignment of an administrative law judge receipt of the facility's request for a hearing, unless the time limitation is waived by both parties. The administrative law judge must render a decision within 30 days after receipt of a proposed recommended order. This subsection does not modify the requirement that an administrative hearing be held within 90 days after a license is suspended under paragraph (4)(b).~~

~~(7)(6) The agency is authorized to require a facility to increase staffing beyond the minimum required by law, if the agency has taken administrative action against the facility for care-related deficiencies directly attributable to insufficient staff. Under such circumstances, the facility may request an expedited interim rate increase. The agency shall process the request within 10 days after receipt of all required documentation from the facility. A facility that fails to maintain the required increased staffing is subject to a fine of \$500 per day for each day the staffing is below the level required by the agency.~~

~~(8) An administrative proceeding challenging an action taken by the agency pursuant to this section shall be reviewed on the basis of the facts and conditions that resulted in such agency action.~~

~~(9) Notwithstanding any other provision of law to the contrary, agency action in an administrative proceeding under this section may be overcome by the licensee upon a showing by a preponderance of the evidence to the contrary.~~

~~(10) In addition to any other sanction imposed under this part, in any final order that imposes sanctions, the agency may assess costs related to the investigation and prosecution of the case. Payment of agency costs shall be deposited into the Health Care Trust Fund.~~

Section 21. Subsection (12) is added to section 400.126, Florida Statutes, to read:

400.126 Receivership proceedings.—

~~(12) Concurrently with the appointment of a receiver, the agency and the Department of Elderly Affairs shall coordinate an assessment of each resident in the facility by the Comprehensive Assessment and Review for Long-Term-Care (CARES) Program for the purpose of evaluating each resident's need for the level of care provided in a nursing facility and the potential for providing such care in alternative settings. If the CARES assessment determines that a resident could be cared for in a less restrictive setting or does not meet the criteria for skilled or intermediate care in a nursing home, the department and agency shall refer the resident for such care, as is appropriate for the resident. Residents referred pursuant to this subsection shall be given primary consideration for receiving services under the Community Care for the Elderly program in the same manner as persons classified to receive such services pursuant to s. 430.205.~~

Section 22. Subsections (14), (15), (16), (17), (18), (19), and (20) are added to section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

~~(14) Submit to the agency the information specified in s. 400.071(2)(e) for a management company within 30 days after the effective date of the management agreement.~~

~~(15) Submit semiannually to the agency, or more frequently if requested by the agency, information regarding facility staff-to-resident ratios, staff turnover, and staff stability, including information regarding certified nursing assistants, licensed nurses, the director of nursing, and the facility administrator. For purposes of this reporting:~~

~~(a) Staff-to-resident ratios must be reported in the categories specified in s. 400.23(3)(a) and applicable rules. The ratio must be reported as an average for the most recent calendar quarter.~~

~~(b) Staff turnover must be reported for the most recent 12-month period ending on the last workday of the most recent calendar quarter prior to the date the information is submitted. The turnover rate must be computed quarterly, with the annual rate being the cumulative sum of the quarterly rates. The turnover rate is the total number of terminations or separations experienced during the quarter, excluding any employee terminated during a probationary period of 3 months or less, divided by the total number of staff employed at the end of the period for which the rate is computed, and expressed as a percentage.~~

~~(c) The formula for determining staff stability is the total number of employees that have been employed for more than 12 months, divided by the total number of employees employed at the end of the most recent calendar quarter, and expressed as a percentage.~~

~~(d) A licensed facility shall impose a moratorium on new admissions to the facility during any period that the staff-to-resident ratio falls below the minimum required by the agency.~~

~~(16) Report monthly the number of vacant beds in the facility which are available for resident occupancy on the day the information is reported.~~

~~(17) Notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.~~

~~(18) If the facility implements a dining and hospitality attendant program, ensure that the program is developed and implemented under the supervision of the facility director of nursing. A licensed nurse, licensed speech or occupational therapist, or a registered dietitian must conduct training of dining and hospitality attendants. A person employed by a facility as a dining and hospitality attendant must perform tasks under the direct supervision of a licensed nurse.~~

~~(19) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.~~

~~(20) Maintain liability insurance coverage that is in force at all times.~~

~~(21) Maintain in the medical record for each resident a daily chart of certified nursing assistant services provided to the resident. The certified nursing assistant who is caring for the resident must complete this record by the end of his or her shift. This record must indicate assistance with activities of daily living, assistance with eating, and assistance with drinking, and must record each offering of nutrition and hydration for those residents whose plan of care or assessment indicates a risk for malnutrition or dehydration.~~

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 23. Section 400.1413, Florida Statutes, is created to read:

400.1413 Volunteers in nursing homes.—

(1) *It is the intent of the Legislature to encourage the involvement of volunteers in nursing homes in this state. The Legislature also acknowledges that the licensee is responsible for all the activities that take place in the nursing home and recognizes the licensee's need to be aware of and coordinate volunteer activities in the nursing home. Therefore, a nursing home may require that volunteers:*

(a) *Sign in and out with staff of the nursing home upon entering or leaving the facility.*

(b) *Wear an identification badge while in the building.*

(c) *Participate in a facility orientation and training program.*

(2) *This section does not affect the activities of state or local long-term-care ombudsman councils authorized under part I.*

Section 24. Section 400.147, Florida Statutes, is created to read:

400.147 Internal risk management and quality assurance program.—

(1) *Every facility shall, as part of its administrative functions, establish an internal risk management and quality assurance program, the purpose of which is to assess resident care practices; review facility quality indicators, facility incident reports, deficiencies cited by the agency, and resident grievances; and develop plans of action to correct and respond quickly to identified quality deficiencies. The program must include:*

(a) *A designated person to serve as risk manager, who is responsible for implementation and oversight of the facility's risk management and quality assurance program as required by this section.*

(b) *A risk management and quality assurance committee consisting of the facility risk manager, the administrator, the director of nursing, the medical director, and at least three other members of the facility staff. The risk management and quality assurance committee shall meet at least monthly.*

(c) *Policies and procedures to implement the internal risk management and quality assurance program, which must include the investigation and analysis of the frequency and causes of general categories and specific types of adverse incidents to residents.*

(d) *The development and implementation of an incident reporting system based upon the affirmative duty of all health care providers and all agents and employees of the licensed health care facility to report adverse incidents to the risk manager, or to his or her designee, within 3 business days after their occurrence.*

(e) *The development of appropriate measures to minimize the risk of adverse incidents to residents, including, but not limited to, education and training in risk management and risk prevention for all nonphysician personnel, as follows:*

1. *Such education and training of all nonphysician personnel must be part of their initial orientation; and*

2. *At least 1 hour of such education and training must be provided annually for all nonphysician personnel of the licensed facility working in clinical areas and providing resident care.*

(f) *The analysis of resident grievances that relate to resident care and the quality of clinical services.*

(2) *The internal risk management and quality assurance program is the responsibility of the facility administrator.*

(3) *In addition to the programs mandated by this section, other innovative approaches intended to reduce the frequency and severity of adverse incidents to residents and violations of residents' rights shall be encouraged and their implementation and operation facilitated.*

(4) *Each internal risk management and quality assurance program shall include the use of incident reports to be filed with the risk manager and the facility administrator. The risk manager shall have free access to all resident records of the licensed facility. The incident reports are*

part of the work papers of the attorney defending the licensed facility in litigation relating to the licensed facility and are subject to discovery, but are not admissible as evidence in court. A person filing an incident report is not subject to civil suit by virtue of such incident report. As a part of each internal risk management and quality assurance program, the incident reports shall be used to develop categories of incidents which identify problem areas. Once identified, procedures shall be adjusted to correct the problem areas.

(5) *For purposes of reporting to the agency under this section, the term "adverse incident" means:*

(a) *An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:*

1. *Death;*

2. *Brain or spinal damage;*

3. *Permanent disfigurement;*

4. *Fracture or dislocation of bones or joints;*

5. *A limitation of neurological, physical, or sensory function;*

6. *Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or*

7. *Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;*

(b) *Abuse, neglect, or exploitation as defined in s. 415.102;*

(c) *Abuse, neglect and harm as defined in s. 39.01;*

(d) *Resident elopement; or*

(e) *An event that is reported to law enforcement.*

(6) *The internal risk manager of each licensed facility shall:*

(a) *Investigate every allegation of sexual misconduct which is made against a member of the facility's personnel who has direct patient contact when the allegation is that the sexual misconduct occurred at the facility or at the grounds of the facility;*

(b) *Report every allegation of sexual misconduct to the administrator of the licensed facility; and*

(c) *Notify the resident representative or guardian of the victim that an allegation of sexual misconduct has been made and that an investigation is being conducted.*

(7) *The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.*

(8)(a) *Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15*

calendar days after its occurrence. If after a complete investigation, the risk manager determines that the incident was not an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(9) Each facility subject to this section shall report monthly any liability claim filed against it. The report must include the name of the resident, the date or dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

(10) The agency shall review, as part of its licensure inspection process, the internal risk management and quality assurance program at each facility regulated by this section to determine whether the program meets standards established in statutory laws and rules, is being conducted in a manner designed to reduce adverse incidents, and is appropriately reporting incidents as required by this section.

(11) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any risk manager for the implementation and oversight of the internal risk management and quality assurance program in a facility licensed under this part as required by this section, or for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management and quality assurance program if the risk manager acts without intentional fraud.

(12) If the agency, through its receipt of the adverse incident reports prescribed in subsection (7), or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall report this fact to the regulatory board.

(13) The agency may adopt rules to administer this section.

(14) The agency shall annually submit to the Legislature a report on nursing home adverse incidents. The report must include the following information arranged by county:

- (a) The total number of adverse incidents.
- (b) A listing, by category, of the types of adverse incidents, the number of incidents occurring within each category, and the type of staff involved.
- (c) A listing, by category, of the types of injury caused and the number of injuries occurring within each category.

(d) Types of liability claims filed based on an adverse incident or reportable injury.

(e) Disciplinary action taken against staff, categorized by type of staff involved.

(15) Information gathered by a credentialing organization under a quality assurance program is not discoverable from the credentialing organization. This subsection does not limit discovery of, access to, or use

of facility records, including those records from which the credentialing organization gathered its information.

Section 25. Section 400.148, Florida Statutes, is created to read:

400.148 Medicaid "Up-or-Out" Quality of Care Contract Management Program.—

(1) The Legislature finds that the federal Medicare program has implemented successful models of managing the medical and supportive-care needs of long-term nursing home residents. These programs have maintained the highest practicable level of good health and have the potential to reduce the incidence of preventable illnesses among long-stay residents of nursing homes, thereby increasing the quality of care for residents and reducing the number of lawsuits against nursing homes. Such models are operated at no cost to the state.

(2) The Agency for Health Care Administration shall develop a pilot project in selected counties to demonstrate the effect of assigning skilled and trained medical personnel to ensure the quality of care, safety, and continuity of care for long-stay Medicaid recipients in the highest scoring nursing homes in the Florida Nursing Home Guide on the date the project is implemented. The agency is authorized to begin the pilot project in the highest scoring homes in counties where Evercare services are immediately available. On January 1 of each year of the pilot project the agency shall submit to the fiscal and substantive committees of the Legislature and to the Governor an assessment of the program and a proposal for expansion of the program to additional facilities. The staff of the pilot project shall assist regulatory staff in imposing regulatory sanctions, including revocation of licensure, pursuant to s. 400.121, against nursing homes that have quality-of-care violations.

(3) The pilot project must ensure:

- (a) Oversight and coordination of all aspects of a resident's medical care and stay in a nursing home.
- (b) Facilitation of close communication between the resident, the resident's guardian or legal representative, the resident's attending physician, the resident's family, and staff of the nursing facility.
- (c) Frequent onsite visits to the resident.
- (d) Early detection of medical or quality problems that have the potential to lead to adverse outcomes and unnecessary hospitalization.
- (e) Close communication with regulatory staff.
- (f) Immediate investigation of resident quality-of-care complaints and communication and cooperation with the appropriate entity to address those complaints, including the ombudsman, state agencies, agencies responsible for Medicaid program integrity, and local law enforcement agencies.

(g) Assistance to the resident or the resident's representative to relocate the resident if quality-of-care issues are not otherwise addressed.

(h) Use of Medicare and other third-party funds to support activities of the program.

(4) The agency shall coordinate the pilot project activities with providers approved by Medicare to operate Evercare demonstration projects.

Section 26. Subsections (3) and (4) of section 400.19, Florida Statutes, are amended to read:

400.19 Right of entry and inspection.—

(3) The agency shall every 15 months conduct at least one unannounced inspection to determine compliance by the licensee with statutes, and with rules promulgated under the provisions of those statutes, governing minimum standards of construction, quality and adequacy of care, and rights of residents. The survey shall be conducted every 6 months for the next 2-year period if the facility has been cited for a class I deficiency, has been cited for two or more class II deficiencies arising from separate surveys or investigations within a 60-day period,

or has had three or more substantiated complaints within a 6-month period, each resulting in at least one class I or class II deficiency. In addition to any other fees or fines in this part, the agency shall assess a fine for each facility that is subject to the 6-month survey cycle. The fine for the 2-year period shall be \$6,000, one-half to be paid at the completion of each survey. The agency may adjust this fine by the change in the Consumer Price Index, based on the 12 months immediately preceding the increase, to cover the cost of the additional surveys. The agency shall verify through subsequent inspection that any deficiency identified during the annual inspection is corrected. However, the agency may verify the correction of a class III or class IV deficiency unrelated to resident rights or resident care without reinspecting the facility if adequate written documentation has been received from the facility, which provides assurance that the deficiency has been corrected. The giving or causing to be given of advance notice of such unannounced inspections by an employee of the agency to any unauthorized person shall constitute cause for suspension of not fewer than 5 working days according to the provisions of chapter 110.

(4) The agency shall conduct unannounced onsite facility reviews following written verification of licensee noncompliance in instances in which a long-term care ombudsman council, pursuant to ss. 400.0071 and 400.0075, has received a complaint and has documented deficiencies in resident care or in the physical plant of the facility that threaten the health, safety, or security of residents, or when the agency documents through inspection that conditions in a facility present a direct or indirect threat to the health, safety, or security of residents. However, the agency shall conduct ~~four or more~~ unannounced onsite reviews every 3 months ~~within a 12-month period~~ of each facility ~~while the facility which has a conditional licensure status~~. Deficiencies related to physical plant do not require followup reviews after the agency has determined that correction of the deficiency has been accomplished and that the correction is of the nature that continued compliance can be reasonably expected.

Section 27. Subsection (3) and paragraph (a) of subsection (5) of section 400.191, Florida Statutes, are amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of such reports shall be retained in such records for not less than 5 years from the date the reports are filed or issued.

(a) The agency shall quarterly publish a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status on any day within the quarter covered by the list and each facility that was operating under bankruptcy protection on any day within the quarter. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of times the facility has been on a watch list. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's managed care and health quality area offices.

(b) Upon publication of each quarterly watch list, the agency must transmit a copy of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet web site.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public;

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify such deficiencies and indicating in such summaries where the full reports may be inspected in the nursing home.

2. A copy of the most recent version of the Florida Nursing Home Guide Watch List.

Section 28. Subsection (2) of section 400.211, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program; or

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse, neglect, or exploitation in that state; or

(c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8);

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;
2. Principles of adequate nutrition and hydration;
3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;
4. Techniques for caring for the resident at the end-of-life; and
5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Section 29. Subsections (2), (3), (7), and (8) of section 400.23, Florida Statutes, are amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions which will ensure the health, safety, and comfort of residents, including an adequate call system. The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999, are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be

self-supporting during and immediately following disasters. ~~The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for most effective renovation standards to be applied to existing facilities.~~ In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.

(b) The number and qualifications of all personnel, including management, medical, nursing, and other professional personnel, and nursing assistants, orderlies, and support personnel, having responsibility for any part of the care given residents.

(c) All sanitary conditions within the facility and its surroundings, including water supply, sewage disposal, food handling, and general hygiene which will ensure the health and comfort of residents.

(d) The equipment essential to the health and welfare of the residents.

(e) A uniform accounting system.

(f) The care, treatment, and maintenance of residents and measurement of the quality and adequacy thereof, based on rules developed under this chapter and the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.

(g) The preparation and annual update of a comprehensive emergency management plan. The agency shall adopt rules establishing minimum criteria for the plan after consultation with the Department of Community Affairs. At a minimum, the rules must provide for plan components that address emergency evacuation transportation; adequate sheltering arrangements; postdisaster activities, including emergency power, food, and water; postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Department of Elderly Affairs, the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the facility of necessary revisions.

(h) *The implementation of the consumer satisfaction survey pursuant to s. 400.0225; the availability, distribution, and posting of reports and records pursuant to s. 400.191; and the Gold Seal Program pursuant to s. 400.235.*

(3)(a) The agency shall adopt rules providing for the minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility, a minimum certified nursing assistant staffing and a minimum licensed nursing staffing per resident per day, ~~including evening and night shifts and weekends.~~ *The minimum certified nursing assistant staffing shall be 2.6 hours of direct care per resident per day beginning January 1, 2002, and shall increase to 2.9 hours of direct care per resident per day beginning January 1, 2003. Beginning January 1, 2002, no facility shall staff at less than one certified nursing assistant per 20 residents. Facilities that have been free of any class I or class II violation for the past 30 months may provide a*

minimum of 2.3 hours of certified nursing assistant service per resident per day until January 1, 2003. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if they provide nursing assistance services to residents on a full-time basis. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily Agency rules shall specify requirements for documentation of compliance with staffing standards, sanctions for violation of such standards, and requirements for daily posting of the names of staff on duty for the benefit of facility residents and the public. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses so recognized are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted towards the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and shall not also be counted towards the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

(b) The agency shall adopt rules to allow properly trained staff of a nursing facility, in addition to certified nursing assistants and licensed nurses, to assist residents with eating. The rules shall specify the minimum training requirements and shall specify the physiological conditions or disorders of residents which would necessitate that the eating assistance be provided by nursing personnel of the facility. Nonnursing staff providing eating assistance to residents under the provisions of this subsection shall not count towards compliance with minimum staffing standards.

(c) Licensed practical nurses licensed under chapter 464 who are providing nursing services in nursing home facilities under this part may supervise the activities of other licensed practical nurses, certified nursing assistants, and other unlicensed personnel providing services in such facilities in accordance with rules adopted by the Board of Nursing.

(7) The agency shall, at least every 15 months, evaluate all nursing home facilities and make a determination as to the degree of compliance by each licensee with the established rules adopted under this part as a basis for assigning a licensure status to that facility. The agency shall base its evaluation on the most recent inspection report, taking into consideration findings from other official reports, surveys, interviews, investigations, and inspections. The agency shall assign a licensure status of standard or conditional to each nursing home.

(a) A standard licensure status means that a facility has no class I or class II deficiencies, has corrected all class III deficiencies within the time established by the agency, ~~and is in substantial compliance at the time of the survey with criteria established under this part, with rules adopted by the agency, and, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.~~

(b) A conditional licensure status means that a facility, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance at the time of the survey with criteria established under this part ~~or, with rules adopted by the agency, or, if applicable, with rules adopted under the Omnibus Budget Reconciliation Act of 1987 (Pub. L. No. 100-203) (December 22, 1987), Title IV (Medicare, Medicaid, and Other Health-Related Programs), Subtitle C (Nursing Home Reform), as amended.~~ If the facility ~~has no class I, class II, or class III deficiencies comes into substantial compliance~~ at the time of the followup survey, a standard licensure status may be assigned.

(c) In evaluating the overall quality of care and services and determining whether the facility will receive a conditional or standard license, the agency shall consider the needs and limitations of residents in the facility and the results of interviews and surveys of a representative sampling of residents, families of residents, ombudsman council members in the planning and service area in which the facility is located, guardians of residents, and staff of the nursing home facility.

(d) The current licensure status of each facility must be indicated in bold print on the face of the license. A list of the deficiencies of the facility shall be posted in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to that facility. Licensees receiving a conditional licensure status for a facility shall prepare, within 10 working days after receiving notice of deficiencies, a plan for correction of all deficiencies and shall submit the plan to the agency for approval. ~~Correction of all deficiencies, within the period approved by the agency, shall result in termination of the conditional licensure status. Failure to correct the deficiencies within a reasonable period approved by the agency shall be grounds for the imposition of sanctions pursuant to this part.~~

(e) Each licensee shall post its license in a prominent place that is in clear and unobstructed public view at or near the place where residents are being admitted to the facility.

(f) ~~Not later than January 1, 1994,~~ The agency shall adopt rules that:

1. Establish uniform procedures for the evaluation of facilities.
2. Provide criteria in the areas referenced in paragraph (c).
3. Address other areas necessary for carrying out the intent of this section.

(8) The agency shall adopt rules to provide that, when the criteria established under subsection (2) are not met, such deficiencies shall be classified according to the nature and the scope of the deficiency. *The scope shall be cited as isolated, patterned, or widespread. An isolated deficiency is a deficiency affecting one or a very limited number of residents, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency where more than a very limited number of residents are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same resident or residents have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the facility. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the facility or represent systemic failure that has affected or has the potential to affect a large portion of the facility's residents. The agency shall indicate the classification on the face of the notice of deficiencies as follows:*

(a) ~~A class I deficiency is a deficiency that deficiencies are those which the agency determines presents a situation in which immediate corrective action is necessary because the facility's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in a facility present an imminent danger to the residents or guests of the nursing home facility or a substantial probability that death or serious physical harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated immediately, unless a fixed period of time, as determined by the agency, is required for correction. Notwithstanding s. 400.121(2), A class I deficiency is subject to a civil penalty of \$10,000 for an isolated deficiency, \$12,500 for a patterned deficiency, and \$15,000 for a widespread in an amount not less than \$5,000 and not exceeding \$25,000 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine must may be levied notwithstanding the correction of the deficiency.~~

(b) ~~A class II deficiency is a deficiency that deficiencies are those which the agency determines has compromised the resident's ability to~~

~~maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services have a direct or immediate relationship to the health, safety, or security of the nursing home facility residents, other than class I deficiencies. A class II deficiency is subject to a civil penalty of \$2,500 for an isolated deficiency, \$5,000 for a patterned deficiency, and \$7,500 for a widespread in an amount not less than \$1,000 and not exceeding \$10,000 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A fine shall be levied notwithstanding the correction of the deficiency. A citation for a class II deficiency shall specify the time within which the deficiency is required to be corrected. If a class II deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(c) ~~A class III deficiency is a deficiency that deficiencies are those which the agency determines will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services to have an indirect or potential relationship to the health, safety, or security of the nursing home facility residents, other than class I or class II deficiencies. A class III deficiency is shall be subject to a civil penalty of \$1,000 for an isolated deficiency, \$2,000 for a patterned deficiency, and \$3,000 for a widespread not less than \$500 and not exceeding \$2,500 for each and every deficiency. The fine amount shall be doubled for each deficiency if the facility was previously cited for one or more class I or class II deficiencies during the last annual inspection or any inspection or complaint investigation since the last annual inspection. A citation for a class III deficiency must shall specify the time within which the deficiency is required to be corrected. If a class III deficiency is corrected within the time specified, no civil penalty shall be imposed, unless it is a repeated offense.~~

(d) ~~A class IV deficiency is a deficiency that the agency determines has the potential for causing no more than a minor negative impact on the resident. If the class IV deficiency is isolated, no plan of correction is required.~~

Section 30. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(5) Facilities must meet the following additional criteria for recognition as a Gold Seal Program facility:

(a) Had no class I or class II deficiencies within the 30 months preceding application for the program.

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule.

(c) Participate consistently in the required consumer satisfaction process as prescribed by the agency, and demonstrate that information is elicited from residents, family members, and guardians about satisfaction with the nursing facility, its environment, the services and care provided, the staff's skills and interactions with residents, attention to resident's needs, and the facility's efforts to act on information gathered from the consumer satisfaction measures.

(d) Evidence the involvement of families and members of the community in the facility on a regular basis.

(e) Have a stable workforce, as described in s. 400.141, as evidenced by a relatively low rate of turnover among certified nursing assistants and licensed nurses within the 30 months preceding application for the Gold Seal Program, and demonstrate a continuing effort to maintain a stable workforce and to reduce turnover of licensed nurses and certified nursing assistants.

(f) Evidence an outstanding record regarding the number and types of substantiated complaints reported to the State Long-Term Care Ombudsman Council within the 30 months preceding application for the program.

(g) Provide targeted inservice training provided to meet training needs identified by internal or external quality assurance efforts.

A facility assigned a conditional licensure status may not qualify for consideration for the Gold Seal Program until after it has operated for 30 months with no class I or class II deficiencies and has completed a regularly scheduled relicensure survey.

Section 31. Section 400.275, Florida Statutes, is created to read:

400.275 Agency duties.—

(1) *The agency shall ensure that each newly hired nursing home surveyor, as a part of basic training, is assigned full-time to a licensed nursing home for at least 2 days within a 7-day period to observe facility operations outside of the survey process before the surveyor begins survey responsibilities. Such observations may not be the sole basis of a deficiency citation against the facility. The agency may not assign an individual to be a member of a survey team for purposes of a survey, evaluation, or consultation visit at a nursing home facility in which the surveyor was an employee within the preceding 5 years.*

(2) *The agency shall semiannually provide for joint training of nursing home surveyors and staff of facilities licensed under this part on at least one of the 10 federal citations that were most frequently issued against nursing facilities in this state during the previous calendar year.*

(3) *Each member of a nursing home survey team who is a health professional licensed under part I of chapter 464, part X of chapter 468, or chapter 491, shall earn not less than 50 percent of required continuing education credits in geriatric care. Each member of a nursing home survey team who is a health professional licensed under chapter 465 shall earn not less than 30 percent of required continuing education credits in geriatric care.*

(4) *The agency must ensure that when a deficiency is related to substandard quality of care, a physician with geriatric experience licensed under chapter 458 or chapter 459 or a registered nurse with geriatric experience licensed under chapter 464 participates in the agency's informal dispute-resolution process.*

Section 32. Subsections (3) and (4) of section 400.407, Florida Statutes, are amended to read:

400.407 License required; fee, display.—

(3) Any license granted by the agency must state the maximum resident capacity of the facility, the type of care for which the license is granted, the date the license is issued, the expiration date of the license, and any other information deemed necessary by the agency. Licenses shall be issued for one or more of the following categories of care: standard, extended congregate care, limited nursing services, or limited mental health.

(a) A standard license shall be issued to facilities providing one or more of the *personal* services identified in s. 400.402. Such facilities may also employ or contract with a person licensed under part I of chapter 464 to administer medications and perform other tasks as specified in s. 400.4255.

(b) An extended congregate care license shall be issued to facilities providing, directly or through contract, services beyond those authorized in paragraph (a), including acts performed pursuant to part I of chapter 464 by persons licensed thereunder, and supportive services defined by rule to persons who otherwise would be disqualified from continued residence in a facility licensed under this part.

1. In order for extended congregate care services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided

and whether the designation applies to all or part of a facility. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse, or appropriate designee, representing the agency shall visit such facilities at least ~~quarterly~~ ~~two times a year~~ to monitor residents who are receiving extended congregate care services and to determine if the facility is in compliance with this part and with rules that relate to extended congregate care. One of these visits may be in conjunction with the regular ~~biennial~~ survey. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall serve as part of the team that ~~biennially~~ inspects such facility. The agency may waive one of the required yearly monitoring visits for a facility that has been licensed for at least 24 months to provide extended congregate care services, if, during the ~~biennial~~ inspection, the registered nurse determines that extended congregate care services are being provided appropriately, and if the facility has no class I or class II violations and no uncorrected class III violations. Before such decision is made, the agency shall consult with the long-term care ombudsman council for the area in which the facility is located to determine if any complaints have been made and substantiated about the quality of services or care. The agency may not waive one of the required yearly monitoring visits if complaints have been made and substantiated.

3. Facilities that are licensed to provide extended congregate care services shall:

a. Demonstrate the capability to meet unanticipated resident service needs.

b. Offer a physical environment that promotes a homelike setting, provides for resident privacy, promotes resident independence, and allows sufficient congregate space as defined by rule.

c. Have sufficient staff available, taking into account the physical plant and firesafety features of the building, to assist with the evacuation of residents in an emergency, as necessary.

d. Adopt and follow policies and procedures that maximize resident independence, dignity, choice, and decisionmaking to permit residents to age in place to the extent possible, so that moves due to changes in functional status are minimized or avoided.

e. Allow residents or, if applicable, a resident's representative, designee, surrogate, guardian, or attorney in fact to make a variety of

personal choices, participate in developing service plans, and share responsibility in decisionmaking.

- f. Implement the concept of managed risk.
 - g. Provide, either directly or through contract, the services of a person licensed pursuant to part I of chapter 464.
 - h. In addition to the training mandated in s. 400.452, provide specialized training as defined by rule for facility staff.
4. Facilities licensed to provide extended congregate care services are exempt from the criteria for continued residency as set forth in rules adopted under s. 400.441. Facilities so licensed shall adopt their own requirements within guidelines for continued residency set forth by the department in rule. However, such facilities may not serve residents who require 24-hour nursing supervision. Facilities licensed to provide extended congregate care services shall provide each resident with a written copy of facility policies governing admission and retention.
5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.
6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.
7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).
8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.
9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report must include, but need not be limited to, the following information:
- a. A description of the facilities licensed to provide such services, including total number of beds licensed under this part.
 - b. The number and characteristics of residents receiving such services.
 - c. The types of services rendered that could not be provided through a standard license.
 - d. An analysis of deficiencies cited during *licensure* ~~biennial~~ inspections.
 - e. The number of residents who required extended congregate care services at admission and the source of admission.
 - f. Recommendations for statutory or regulatory changes.
 - g. The availability of extended congregate care to state clients residing in facilities licensed under this part and in need of additional services, and recommendations for appropriations to subsidize extended congregate care services for such persons.
 - h. Such other information as the department considers appropriate.
- (c) A limited nursing services license shall be issued to a facility that provides services beyond those authorized in paragraph (a) and as specified in this paragraph.

1. In order for limited nursing services to be provided in a facility licensed under this part, the agency must first determine that all requirements established in law and rule are met and must specifically designate, on the facility's license, that such services may be provided. Such designation may be made at the time of initial licensure or ~~biennial~~ relicensure, or upon request in writing by a licensee under this part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide limited nursing services shall have maintained a standard license and may not have been subject to administrative sanctions that affect the health, safety, and welfare of residents for the previous 2 years or since initial licensure if the facility has been licensed for less than 2 years.

2. Facilities that are licensed to provide limited nursing services shall maintain a written progress report on each person who receives such nursing services, which report describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health. A registered nurse representing the agency shall visit such facilities at least ~~twice~~ ~~once~~ a year to monitor residents who are receiving limited nursing services and to determine if the facility is in compliance with applicable provisions of this part and with related rules. The monitoring visits may be provided through contractual arrangements with appropriate community agencies. A registered nurse shall also serve as part of the team that ~~biennially~~ inspects such facility.

3. A person who receives limited nursing services under this part must meet the admission criteria established by the agency for assisted living facilities. When a resident no longer meets the admission criteria for a facility licensed under this part, arrangements for relocating the person shall be made in accordance with s. 400.428(1)(k), unless the facility is licensed to provide extended congregate care services.

(4)(a) The biennial license fee required of a facility is ~~\$300~~ ~~\$240~~ per license, with an additional fee of ~~\$50~~ ~~\$30~~ per resident based on the total licensed resident capacity of the facility, except that no additional fee will be assessed for beds designated for recipients of optional state supplementation payments provided for in s. 409.212. The total fee may not exceed \$10,000, no part of which shall be returned to the facility. The agency shall adjust the per bed license fee and the total licensure fee annually by not more than the change in the consumer price index based on the 12 months immediately preceding the increase.

(b) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide extended congregate care services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be \$400 per license, *with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility.* No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the annual license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

(c) In addition to the total fee assessed under paragraph (a), the agency shall require facilities that are licensed to provide limited nursing services under this part to pay an additional fee per licensed facility. The amount of the biennial fee shall be ~~\$250~~ ~~\$200~~ per license, with an additional fee of \$10 per resident based on the total licensed resident capacity of the facility. ~~The total biennial fee may not exceed \$2,000.~~ No part of *this fee* ~~which~~ shall be returned to the facility. The agency may adjust the *per-bed license fee and the \$200 biennial license fee and the maximum total license fee* once each year by not more than the average rate of inflation for the 12 months immediately preceding the increase.

Section 33. Paragraph (n) is added to subsection (1) of section 400.414, Florida Statutes, and subsection (8) is added to that section, to read:

400.414 Denial, revocation, or suspension of license; imposition of administrative fine; grounds.—

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner

provided in chapter 120, for any of the following actions by an assisted living facility, any person subject to level 2 background screening under s. 400.4174, or any facility employee:

(n) Any act constituting a ground upon which application for a license may be denied.

Administrative proceedings challenging agency action under this subsection shall be reviewed on the basis of the facts and conditions that resulted in the agency action.

(8) The agency may issue a temporary license pending final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.

Section 34. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; administrative fines.—

(1) Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

(a) Class "I" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines present an imminent danger to the residents or guests of the facility or a substantial probability that death or serious physical or emotional harm would result therefrom. The condition or practice constituting a class I violation shall be abated or eliminated within 24 hours, unless a fixed period, as determined by the agency, is required for correction. A class I violation is subject to an administrative fine in an amount not less than \$5,000 \$1,000 and not exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. A class II violation is subject to an administrative fine in an amount not less than \$1,000 \$500 and not exceeding \$5,000 for each violation. A citation for a class II violation *must shall* specify the time within which the violation is required to be corrected. ~~If a class II violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.~~

(c) Class "III" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines indirectly or potentially threaten the physical or emotional health, safety, or security of facility residents, other than class I or class II violations. A class III violation is subject to an administrative fine of not less than \$500 \$100 and not exceeding \$1,000 for each violation. A citation for a class III violation *must shall* specify the time within which the violation is required to be corrected. If a class III violation is corrected within the time specified, no fine may be imposed, unless it is a repeated offense.

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. A facility that does not correct a class IV violation within the time specified in the agency-approved corrective action plan is subject to an administrative fine of not less than \$100 \$50 nor more than \$200 for each violation. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

~~(2)—The agency may set and levy a fine not to exceed \$1,000 for each violation which cannot be classified according to subsection (1). Such fines in the aggregate may not exceed \$10,000 per survey.~~

(2)(3) In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.

(b) Actions taken by the owner or administrator to correct violations.

(c) Any previous violations.

(d) The financial benefit to the facility of committing or continuing the violation.

(e) The licensed capacity of the facility.

(3)(4) Each day of continuing violation after the date fixed for termination of the violation, as ordered by the agency, constitutes an additional, separate, and distinct violation.

~~(4)(5)~~ Any action taken to correct a violation shall be documented in writing by the owner or administrator of the facility and verified through followup visits by agency personnel. The agency may impose a fine and, in the case of an owner-operated facility, revoke or deny a facility's license when a facility administrator fraudulently misrepresents action taken to correct a violation.

~~(5)(6)~~ For fines that are upheld following administrative or judicial review, the violator shall pay the fine, plus interest at the rate as specified in s. 55.03, for each day beyond the date set by the agency for payment of the fine.

~~(6)(7)~~ Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine *per day*. ~~Each day beyond 5 working days after agency notification constitutes a separate violation, and the facility is subject to a fine of \$500 per day.~~

~~(7)(8)~~ Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 *per day*. ~~Each day that the unlicensed facility continues to operate beyond 5 working days after agency notification constitutes a separate violation, and the licensed facility shall be subject to a fine of \$500 per day retroactive to the date of agency notification.~~

~~(8)(9)~~ Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of ~~not to exceed~~ \$5,000.

~~(9)(10)~~ In addition to any administrative fines imposed, the agency may assess a survey fee, equal to the lesser of one half of the facility's biennial license and bed fee or \$500, to cover the cost of conducting initial complaint investigations that result in the finding of a violation that was the subject of the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

~~(10)(11)~~ The agency, as an alternative to or in conjunction with an administrative action against a facility for violations of this part and adopted rules, shall make a reasonable attempt to discuss each violation and recommended corrective action with the owner or administrator of the facility, prior to written notification. The agency, instead of fixing a period within which the facility shall enter into compliance with standards, may request a plan of corrective action from the facility which demonstrates a good faith effort to remedy each violation by a specific date, subject to the approval of the agency.

~~(11)(12)~~ Administrative fines paid by any facility under this section shall be deposited into the Health Care Trust Fund and expended as provided in s. 400.418.

~~(12)(13)~~ The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and

Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 35. Section 400.423, Florida Statutes, is created to read:

400.423 Internal risk management and quality assurance program; adverse incidents and reporting requirements.—

(1) *Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.*

(2) *Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, "adverse incident" means:*

(a) *An event over which facility personnel could exercise control rather than as a result of the resident's condition and results in:*

1. *Death;*
2. *Brain or spinal damage;*
3. *Permanent disfigurement;*
4. *Fracture or dislocation of bones or joints;*

5. *Any condition that required medical attention to which the resident has not given his or her consent, including failure to honor advanced directives;*

6. *Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident's condition before the incident.*

- (b) *Abuse, neglect, or exploitation as defined in s. 415.102;*
- (c) *Events reported to law enforcement; or*
- (d) *Elopement.*

(3) *Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section. The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility's investigation of the incident.*

(4) *Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility's investigation into the adverse incident.*

(5) *Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.*

(6) *The agency shall annually submit to the Legislature a report on assisted living facility adverse incident reports. The report must include the following information arranged by county:*

- (a) *A total number of adverse incidents;*
- (b) *A listing, by category, of the type of adverse incidents occurring within each category and the type of staff involved;*
- (c) *A listing, by category, of the types of injuries, if any, and the number of injuries occurring within each category;*
- (d) *Types of liability claims filed based on an adverse incident report or reportable injury; and*

(e) *Disciplinary action taken against staff, categorized by the type of staff involved.*

(7) *The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.*

(8) *If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.*

(9) *The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.*

(10) *The Department of Elderly Affairs may adopt rules necessary to administer this section.*

Section 36. Present subsections (7), (8), (9), (10), and (11) of section 400.426, Florida Statutes, are redesignated as subsections (8), (9), (10), (11), and (12), respectively, and a new subsection (7) is added to that section, to read:

400.426 Appropriateness of placements; examinations of residents.—

(7) *The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgement of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.*

Section 37. Paragraph (k) of subsection (1) of section 400.428, Florida Statutes, is amended to read:

400.428 Resident bill of rights.—

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(k) At least 45 ~~30~~ days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 ~~30~~ days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

Section 38. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.429, Florida Statutes, is amended to read:

400.429 Civil actions to enforce rights.—

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action ~~against any facility owner,~~

administrator, or staff responsible for the violation. The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident ~~regardless of the cause of death when the cause of death resulted from a violation of the decedent's rights, to enforce such rights. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21. If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident.~~ The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages for violation of the rights of a resident or negligence ~~when malicious, wanton, or willful disregard of the rights of others can be shown.~~ Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 400.429-400.4303 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 400.428. This section does not preclude theories of recovery not arising out of negligence or s. 400.428 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 400.429-400.4303. Any plaintiff who prevails in any such action may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith, with malicious purpose, and that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant may be entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident or to the agency.

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the claimant shall have the burden of proving, by a preponderance of the evidence, that:

- (a) The defendant owed a duty to the resident;
- (b) The defendant breached the duty to the resident;
- (c) The breach of the duty is a legal cause of loss, injury, death or damage to the resident; and
- (d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 400.428 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to s. 400.429, a licensee, person or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances is recognized as acceptable and appropriate by reasonably prudent similar nurses. ~~To recover attorney's fees under this section, the following conditions precedent must be met:~~

~~(a) Within 120 days after the filing of a responsive pleading or defensive motion to a complaint brought under this section and before trial, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with this paragraph for the purpose of an early resolution of the matter.~~

~~1. Within 60 days after the filing of the responsive pleading or defensive motion, the parties shall:~~

~~a. Agree on a mediator. If the parties cannot agree on a mediator, the defendant shall immediately notify the court, which shall appoint a mediator within 10 days after such notice.~~

~~b. Set a date for mediation.~~

~~c. Prepare an order for the court that identifies the mediator, the scheduled date of the mediation, and other terms of the mediation. Absent any disagreement between the parties, the court may issue the order for the mediation submitted by the parties without a hearing.~~

~~2. The mediation must be concluded within 120 days after the filing of a responsive pleading or defensive motion. The date may be extended only by agreement of all parties subject to mediation under this subsection.~~

~~3. The mediation shall be conducted in the following manner:~~

~~a. Each party shall ensure that all persons necessary for complete settlement authority are present at the mediation.~~

~~b. Each party shall mediate in good faith.~~

~~4. All aspects of the mediation which are not specifically established by this subsection must be conducted according to the rules of practice and procedure adopted by the Supreme Court of this state.~~

~~(b) If the parties do not settle the case pursuant to mediation, the last offer of the defendant made at mediation shall be recorded by the mediator in a written report that states the amount of the offer, the date the offer was made in writing, and the date the offer was rejected. If the matter subsequently proceeds to trial under this section and the plaintiff prevails but is awarded an amount in damages, exclusive of attorney's fees, which is equal to or less than the last offer made by the defendant at mediation, the plaintiff is not entitled to recover any attorney's fees.~~

~~(c) This subsection applies only to claims for liability and damages and does not apply to actions for injunctive relief.~~

~~(d) This subsection applies to all causes of action that accrue on or after October 1, 1999.~~

~~(5)(3) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.~~

~~(6)(4) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.~~

~~(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.~~

Section 39. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4293, Florida Statutes, is created to read:

400.4293 *Presuit notice; investigation; notification of violation of residents' rights or alleged negligence; claims evaluation procedure; informal discovery; review.*—

(1) *As used in this section, the term:*

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 400.428 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357, liability insurance carrier, Joint Underwriting Association, or any uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 400.428 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice. The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good-faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;

2. Internal review by counsel for each prospective defendant;

3. A quality assurance committee authorized under any applicable state or federal statutes or regulations;

4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure. Any licensed physician or

registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.—Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.—Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties. Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension. At the conclusion of mediation the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

Section 40. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4294, Florida Statutes, is created to read:

400.4294 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145, shall constitute evidence of failure of that party to comply with good-faith discovery requirements and shall waive the good-faith certificate and presuit notice requirements under this part by the requesting party.

(2) *No facility shall be held liable for any civil damages as a result of complying with this section.*

Section 41. Effective May 15, 2001, and applying to causes of action accruing on or after that date, section 400.4295, Florida Statutes, is created to read:

400.4295 Certain provisions not applicable to actions under this part.—An action under this part for a violation of rights or negligence recognized herein is not a claim for medical malpractice, and the provisions of s. 768.21(8) do not apply to a claim alleging death of the resident.

Section 42. Effective May 15, 2001, section 400.4296, Florida Statutes, is created to read:

400.4296 Statute of limitations.—

(1) *Any action for damages brought under this part shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued.*

(2) *In those actions covered by this subsection in which it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence, but in no event not more than 6 years from the date the incident giving rise to the injury occurred.*

(3) *This section shall apply to causes of action that have accrued prior to the effective date of this section; however, any such cause of action that would not have been barred under prior law may be brought within the time allowed by prior law or within 2 years after the effective date of this section, whichever is earlier, and will be barred thereafter. In actions where it can be shown that fraudulent concealment or intentional misrepresentation of fact prevented the discovery of the injury, the period of limitations is extended forward 2 years from the time that the injury is discovered with the exercise of due diligence but in no event more than 4 years from the effective date of this section.*

Section 43. Section 400.4297, Florida Statutes, is created to read:

400.4297 Punitive damages; pleading; burden of proof.—

(1) *In any action for damages brought under this part, no claim for punitive damages shall be permitted unless there is a reasonable showing by evidence in the record or proffered by the claimant which would provide a reasonable basis for recovery of such damages. The claimant may move to amend her or his complaint to assert a claim for punitive damages as allowed by the rules of civil procedure. The rules of civil procedure shall be liberally construed so as to allow the claimant discovery of evidence which appears reasonably calculated to lead to admissible evidence on the issue of punitive damages. No discovery of financial worth shall proceed until after the pleading concerning punitive damages is permitted.*

(2) *A defendant may be held liable for punitive damages only if the trier of fact, based on clear and convincing evidence, finds that the defendant was personally guilty of intentional misconduct or gross negligence. As used in this section, the term:*

(a) *“Intentional misconduct” means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage.*

(b) *“Gross negligence” means that the defendant’s conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.*

(3) *In the case of an employer, principal, corporation, or other legal entity, punitive damages may be imposed for the conduct of an employee or agent only if the conduct of the employee or agent meets the criteria specified in subsection (2) and:*

(a) *The employer, principal, corporation, or other legal entity actively and knowingly participated in such conduct;*

(b) *The officers, directors, or managers of the employer, principal, corporation, or other legal entity condoned, ratified, or consented to such conduct; or*

(c) *The employer, principal, corporation, or other legal entity engaged in conduct that constituted gross negligence and that contributed to the loss, damages, or injury suffered by the claimant.*

(4) *The plaintiff must establish at trial, by clear and convincing evidence, its entitlement to an award of punitive damages. The “greater weight of the evidence” burden of proof applies to a determination of the amount of damages.*

(5) *This section is remedial in nature and shall take effect upon becoming a law.*

Section 44. Section 400.4298, Florida Statutes, is created to read:

400.4298 Punitive damages; limitation.—

(1)(a) *Except as provided in paragraphs (b) and (c), an award of punitive damages may not exceed the greater of:*

1. *Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or*

2. *The sum of \$1 million.*

(b) *Where the fact finder determines that the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and determines that the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by the managing agent, director, officer, or other person responsible for making policy decisions on behalf of the defendant, it may award an amount of punitive damages not to exceed the greater of:*

1. *Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or*

2. *The sum of \$4 million.*

(c) *Where the fact finder determines that at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant’s conduct did in fact harm the claimant, there shall be no cap on punitive damages.*

(d) *This subsection is not intended to prohibit an appropriate court from exercising its jurisdiction under s. 768.74 in determining the reasonableness of an award of punitive damages that is less than three times the amount of compensatory damages.*

(e) *In any case in which the findings of fact support an award of punitive damages pursuant to paragraph (b) or paragraph (c), the clerk of the court shall refer the case to the appropriate law enforcement agencies, to the state attorney in the circuit where the long-term care facility that is the subject of the underlying civil cause of action is located, and, for multijurisdictional facility owners, to the Office of the Statewide Prosecutor; and such agencies, state attorney, or Office of the Statewide Prosecutor shall initiate a criminal investigation into the conduct giving rise to the award of punitive damages. All findings by the trier of fact which support an award of punitive damages under this paragraph shall be admissible as evidence in any subsequent civil or criminal proceeding relating to the acts giving rise to the award of punitive damages under this paragraph.*

(2) *The claimant’s attorney’s fees, if payable from the judgment, are, to the extent that the fees are based on the punitive damages, calculated*

based on the final judgment for punitive damages. This subsection does not limit the payment of attorney's fees based upon an award of damages other than punitive damages.

(3) The jury may neither be instructed nor informed as to the provisions of this section.

(4) Notwithstanding any other law to the contrary, the amount of punitive damages awarded pursuant to this section shall be equally divided between the claimant and the Quality of Long-Term Care Facility Improvement Trust Fund, in accordance with the following provisions:

(a) The clerk of the court shall transmit a copy of the jury verdict to the State Treasurer by certified mail. In the final judgment the court shall order the percentages of the award, payable as provided herein.

(b) A settlement agreement entered into between the original parties to the action after a verdict has been returned must provide a proportionate share payable to the Quality of Long-Term Care Facility Improvement Trust Fund specified herein. For purposes of this paragraph, a proportionate share is a 50-percent share of that percentage of the settlement amount which the punitive damages portion of the verdict bore to the total of the compensatory and punitive damages in the verdict.

(c) The Department of Banking and Finance shall collect or cause to be collected all payments due the state under this section. Such payments are made to the Comptroller and deposited in the appropriate fund specified in this subsection.

(d) If the full amount of punitive damages awarded cannot be collected, the claimant and the other recipient designated pursuant to this subsection are each entitled to a proportionate share of the punitive damages collected.

(5) This section is remedial in nature and shall take effect upon becoming a law.

Section 45. Section 400.434, Florida Statutes, is amended to read:

400.434 Right of entry and inspection.—Any duly designated officer or employee of the department, the Department of Children and Family Services, the agency, the state or local fire marshal, or a member of the state or local long-term care ombudsman council shall have the right to enter unannounced upon and into the premises of any facility licensed pursuant to this part in order to determine the state of compliance with the provisions of this part and of rules or standards in force pursuant thereto. The right of entry and inspection shall also extend to any premises which the agency has reason to believe is being operated or maintained as a facility without a license; but no such entry or inspection of any premises may be made without the permission of the owner or person in charge thereof, unless a warrant is first obtained from the circuit court authorizing such entry. The warrant requirement shall extend only to a facility which the agency has reason to believe is being operated or maintained as a facility without a license. Any application for a license or renewal thereof made pursuant to this part shall constitute permission for, and complete acquiescence in, any entry or inspection of the premises for which the license is sought, in order to facilitate verification of the information submitted on or in connection with the application; to discover, investigate, and determine the existence of abuse or neglect; or to elicit, receive, respond to, and resolve complaints. Any current valid license shall constitute unconditional permission for, and complete acquiescence in, any entry or inspection of the premises by authorized personnel. The agency shall retain the right of entry and inspection of facilities that have had a license revoked or suspended within the previous 24 months, to ensure that the facility is not operating unlawfully. However, before entering the facility, a statement of probable cause must be filed with the director of the agency, who must approve or disapprove the action within 48 hours. Probable cause shall include, but is not limited to, evidence that the facility holds itself out to the public as a provider of personal care services or the receipt of a complaint by the long-term care ombudsman council about the facility. Data collected by the state or local long-term care ombudsman councils or the state or local advocacy councils may be

used by the agency in investigations involving violations of regulatory standards.

Section 46. Paragraph (h) of subsection (1) and subsection (4) of section 400.441, Florida Statutes, are amended to read:

400.441 Rules establishing standards.—

(1) It is the intent of the Legislature that rules published and enforced pursuant to this section shall include criteria by which a reasonable and consistent quality of resident care and quality of life may be ensured and the results of such resident care may be demonstrated. Such rules shall also ensure a safe and sanitary environment that is residential and noninstitutional in design or nature. It is further intended that reasonable efforts be made to accommodate the needs and preferences of residents to enhance the quality of life in a facility. In order to provide safe and sanitary facilities and the highest quality of resident care accommodating the needs and preferences of residents, the department, in consultation with the agency, the Department of Children and Family Services, and the Department of Health, shall adopt rules, policies, and procedures to administer this part, which must include reasonable and fair minimum standards in relation to:

(h) The care and maintenance of residents, which must include, but is not limited to:

1. The supervision of residents;
2. The provision of personal services;
3. The provision of, or arrangement for, social and leisure activities;
4. The arrangement for appointments and transportation to appropriate medical, dental, nursing, or mental health services, as needed by residents;
5. The management of medication;
6. The nutritional needs of residents; ~~and~~
7. Resident records; ~~and-~~
8. *Internal risk management and quality assurance.*

(4) The agency may use an abbreviated biennial *standard licensure* inspection ~~that which~~ consists of a review of key quality-of-care standards in lieu of a full inspection in facilities which have a good record of past performance. However, a full inspection shall be conducted in facilities which have had a history of class I or class II violations, uncorrected class III violations, confirmed ombudsman council complaints, or confirmed licensure complaints, within the previous licensure period immediately preceding the inspection or when a potentially serious problem is identified during the abbreviated inspection. The agency, in consultation with the department, shall develop the key quality-of-care standards with input from the State Long-Term Care Ombudsman Council and representatives of provider groups for incorporation into its rules. ~~Beginning on or before March 1, 1991,~~ The department, in consultation with the agency, shall report annually to the Legislature concerning its implementation of this subsection. The report shall include, at a minimum, the key quality-of-care standards which have been developed; the number of facilities identified as being eligible for the abbreviated inspection; the number of facilities which have received the abbreviated inspection and, of those, the number that were converted to full inspection; the number and type of subsequent complaints received by the agency or department on facilities which have had abbreviated inspections; any recommendations for modification to this subsection; any plans by the agency to modify its implementation of this subsection; and any other information which the department believes should be reported.

Section 47. Section 400.449, Florida Statutes, is created to read:

400.449 *Resident records; penalties for alteration.*—

(1) Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.

Section 48. Paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

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

(2)

(b) Subject to any limitations or directions provided for in the General Appropriations Act, the agency shall establish and implement a Florida Title XIX Long-Term Care Reimbursement Plan (Medicaid) for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The agency shall amend the Title XIX Long Term Care Reimbursement Plan to provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with changes of ownership filed on or after July 1, 2001, are equivalent to the previous owner's reimbursement rate.

2. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate cost-based ceilings shall be calculated for each patient care subcomponent. The direct care subcomponent of the per diem rate shall be limited by the cost-based class ceiling and the indirect care subcomponent shall be limited by the lower of the cost-based class ceiling, by the target rate class ceiling or by the individual provider target. The agency shall adjust the direct care subcomponent effective October 1, 2001. The cost to adjust the direct care subcomponent shall be net of the total funds previously allocated for the case mix add-on. The indirect subcomponent shall not be adjusted and the individual provider targets, and the target rate class ceilings for the indirect care subcomponent shall be lowered proportionately to account for the separation of costs into a direct and an indirect care subcomponent. The agency shall make the required changes to the nursing home cost reporting forms to implement this requirement effective January 1, 2002.

3. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility. This excludes nursing administration, MDS, and care plan coordinators, staff development, staffing coordinator, and contract nursing services.

4. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate. There shall be no costs directly or indirectly allocated to the direct care subcomponent from a home office or management company.

5. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

6. Under the plan, interim rate adjustments shall not be granted to reflect increases in the cost of general or professional liability insurance for nursing homes unless the following criteria are met: have at least a 65 percent Medicaid utilization in the most recent cost report submitted to the agency, and the increase in general or professional liability costs to the facility for the most recent policy period affects the total Medicaid per diem by at least 5 percent. This rate adjustment shall not result in the per diem exceeding the class ceiling. This provision shall apply only to fiscal year 2000-2001 and shall be implemented to the extent existing appropriations are available. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2000, on the cost of liability insurance for Florida nursing homes for fiscal years 1999 and 2000 and the extent to which these costs are not being compensated by the Medicaid program. Medicaid-participating nursing homes shall be required to report to the agency information necessary to compile this report. Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a case mix reimbursement methodology for the rate of payment for long term care services for nursing home residents. The agency shall compute a per diem rate for Medicaid residents, adjusted for case mix, which is based on a resident classification system that accounts for the relative resource utilization by different types of residents and which is based on level of care data and other appropriate data. The case mix methodology developed by the agency shall take into account the medical, behavioral, and cognitive deficits of residents. In developing the reimbursement methodology, the agency shall evaluate and modify other aspects of the reimbursement plan as necessary to improve the overall effectiveness of the plan with respect to the costs of patient care, operating costs, and property costs. In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component. The agency shall work with the Department of Elderly Affairs, the Florida Health Care Association, and the Florida Association of Homes for the Aging in developing the methodology.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 49. Subsections (2) and (3) of section 430.709, Florida Statutes, are amended to read:

430.709 Reports and evaluations.—

(2) The agency, in consultation with the department, shall contract for an independent evaluation of the community diversion pilot projects. Such evaluation must include a careful review and assessment of the actual cost for the provision of services to enrollees participants. No later than 120 days after the effective date of this section, the agency shall select a contractor with experience and expertise in evaluating capitation rates for managed care organizations serving a disabled or frail elderly population to conduct the evaluation of the community diversion pilot project as defined in s. 430.703. The contractor shall demonstrate the capacity to evaluate managed care arrangements that seek to test the blending of Medicaid and Medicare capitation as a strategy to provide efficient, cost-effective care. The contractor shall report to the agency and the Legislature the specific array of services provided to each enrollee, the average number of times per week each service was provided, the unit cost and total cost per week to provide the service, the total cost of all services provided to the enrollee, and the enrollment period for which total costs

were calculated. In addition, the contractor shall report to the agency and the Legislature the total number of enrollees to date; the total payment to the managed care organization for enrollees; the number of enrollees who have been admitted to a nursing facility; the total number of days enrollees have spent in nursing home facilities; the number of enrollees who have disenrolled from the project; the average length of time participants were enrolled, expressed as the mean number of days and standard deviation; the number of persons who disenrolled and subsequently became a nursing home resident; the number of enrollees who have died while enrolled in the project and the mean number of days enrolled prior to death; the list of available services delivered in-home by percentage of enrollees receiving the service; the list of available services delivered out-of-home by percentage of enrollees receiving the service. The evaluation contractor shall analyze and report the individual services and the array of services most associated with effective diversion of frail elderly enrollees from nursing home placement. Further, the contractor will evaluate the project responses to at least the following questions:

(a) Was the cost of the diversion project per person less than the cost of providing services through fee-for-service Medicaid?

(b) Did the diversion project increase access to physical health care, mental health care, and social services?

(c) Did the diversion project maintain or improve the quality of care and quality of life of the participants?

(d) What was the functional status of participants before enrolling in the diversion project, and what was the functional status at various points during and after enrollment?

(e) How many participants disenrolled and at what point after enrolling?

(f) Why did participants disenroll?

(g) Did the department develop specialized contract standards and quality assurance measures?

(h) Did the department assess quality of care, appropriateness of care claims data analysis, and consumer self-report data?

(i) Does the cost analysis show savings to the state?

(j) What were the results of recipient profile and enrollment analyses?

(k) What were the results of the family satisfaction and consumer outcome analyses?

(l) How did hospital admissions and preventable readmissions differ among nursing home enrollees in the diversion project, nursing home residents not in the project, and frail elders living in the community? Did payer or provider type have a significant relationship to the number of hospital admissions?

(m) What agencies or providers did the diversion project contractor engage to provide noninstitutional services?

(n) Was there a volume-outcome or dose-response relationship between the utilization rate of noninstitutional services, functional assessment, and the ability of the enrollee to remain in the community?

(3) The evaluation contractor shall submit the final report to the Speaker of the House of Representatives and the President of the Senate on or before February 15, 2002. Subsequent to the completion of the evaluation and submission of the evaluation report to the Legislature, the agency, in consultation with the department, ~~in consultation with the agency,~~ shall assess and make specific recommendations to the Legislature as to the feasibility of implementing a managed long-term care system throughout the state to serve appropriate Medicaid-eligible long-term care recipients age 60 years and older.

Section 50. Section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum

competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(6)(5) A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.0285(2)(b), shall propose rules to implement this subsection.

Section 51. Subsection (2) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.—The following are exempt from the licensing provisions of this chapter:

- (2) A nursing home facility as defined in s. 400.021 ~~s. 400.021(12)~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician

licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. *Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006. The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state. This moratorium on certificates of need shall not apply to nursing home beds that are not eligible for Medicaid reimbursement in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.*

Section 53. Subsections (3) and (8) of section 400.0255, Florida Statutes, as amended by section 138 of chapter 2000-349, section 3 of chapter 2000-350, and section 58 of chapter 2000-367, Laws of Florida, are reenacted to read:

400.0255 Resident transfer or discharge; requirements and procedures; hearings.—

(3) When a discharge or transfer is initiated by the nursing home, the nursing home administrator employed by the nursing home that is discharging or transferring the resident, or an individual employed by the nursing home who is designated by the nursing home administrator to act on behalf of the administration, must sign the notice of discharge or transfer. Any notice indicating a medical reason for transfer or discharge must either be signed by the resident's attending physician or the medical director of the facility, or include an attached written order for the discharge or transfer. The notice or the order must be signed by the resident's physician, medical director, treating physician, nurse practitioner, or physician assistant.

(8) The notice required by subsection (7) must be in writing and must contain all information required by state and federal law, rules, or regulations applicable to Medicaid or Medicare cases. The agency shall develop a standard document to be used by all facilities licensed under this part for purposes of notifying residents of a discharge or transfer. Such document must include a means for a resident to request the local long-term care ombudsman council to review the notice and request information about or assistance with initiating a fair hearing with the department's Office of Appeals Hearings. In addition to any other pertinent information included, the form shall specify the reason allowed under federal or state law that the resident is being discharged or transferred, with an explanation to support this action. Further, the form shall state the effective date of the discharge or transfer and the location to which the resident is being discharged or transferred. The form shall clearly describe the resident's appeal rights and the procedures for filing an appeal, including the right to request the local ombudsman council to review the notice of discharge or transfer. A copy of the notice must be placed in the resident's clinical record, and a copy must be transmitted to the resident's legal guardian or representative and to the local ombudsman council within 5 business days after signature by the resident or resident designee.

Section 54. Subsection (5) of section 400.23, Florida Statutes, as amended by section 6 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(5) The agency, in collaboration with the Division of Children's Medical Services of the Department of Health, must, no later than

December 31, 1993, adopt rules for minimum standards of care for persons under 21 years of age who reside in nursing home facilities. The rules must include a methodology for reviewing a nursing home facility under ss. 408.031-408.045 which serves only persons under 21 years of age. A facility may be exempt from these standards for specific persons between 18 and 21 years of age, if the person's physician agrees that minimum standards of care based on age are not necessary.

Section 55. Subsection (2) of section 400.191, Florida Statutes, as amended by section 5 of chapter 2000-350, Laws of Florida, and subsection (6) of that section, as created by section 5 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.191 Availability, distribution, and posting of reports and records.—

(2) The agency shall provide additional information in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A list by name and address of all nursing home facilities in this state.
2. Whether such nursing home facilities are proprietary or nonproprietary.
3. The current owner of the facility's license and the year that that entity became the owner of the license.
4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
5. The total number of beds in each facility.
6. The number of private and semiprivate rooms in each facility.
7. The religious affiliation, if any, of each facility.
8. The languages spoken by the administrator and staff of each facility.
9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.
10. Recreational and other programs available at each facility.
11. Special care units or programs offered at each facility.
12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.
13. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.

14. Survey and deficiency information contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration, including annual survey, revisit, and complaint survey information, for each facility for the past 45 months. For noncertified nursing homes, state survey and deficiency information, including annual survey, revisit, and complaint survey information for the past 45 months shall be provided.

15. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison

ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A list by name and address of all nursing home facilities in this state.
 2. Whether such nursing home facilities are proprietary or nonproprietary.
 3. The current owner or owners of the facility's license and the year that entity became the owner of the license.
 4. The total number of beds, and of private and semiprivate rooms, in each facility.
 5. The religious affiliation, if any, of each facility.
 6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.
 7. The languages spoken by the administrator and staff of each facility.
 8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.
 9. Recreational programs, special care units, and other programs available at each facility.
 10. The results of consumer and family satisfaction surveys for each facility, as described in s. 400.0225. The results may be converted to a score or scores, which may be presented in either numeric or symbolic form for the intended consumer audience.
 11. The Internet address for the site where more detailed information can be seen.
 12. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.
 13. A summary of the Online Survey Certification and Reporting (OSCAR) data for each facility over the past 45 months. Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.
- (c) For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.
- (d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:
1. The licensure status history of each facility.
 2. The rating history of each facility.
 3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.
 4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.
 5. Internet links to the Internet sites of the facilities or their affiliates.
 6. The agency may adopt rules as necessary to administer this section.

Section 56. Section 400.0225, Florida Statutes, as amended by section 2 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.0225 Consumer satisfaction surveys.—The agency, or its contractor, in consultation with the nursing home industry and consumer representatives, shall develop an easy-to-use consumer satisfaction survey, shall ensure that every nursing facility licensed pursuant to this part participates in assessing consumer satisfaction, and shall establish procedures to ensure that, at least annually, a representative sample of residents of each facility is selected to participate in the survey. The sample shall be of sufficient size to allow comparisons between and among facilities. Family members, guardians, or other resident designees may assist the resident in completing the survey. Employees and volunteers of the nursing facility or of a corporation or business entity with an ownership interest in the facility are prohibited from assisting a resident with or attempting to influence a resident's responses to the consumer satisfaction survey. The agency, or its contractor, shall survey family members, guardians, or other resident designees. The agency, or its contractor, shall specify the protocol for conducting and reporting the consumer satisfaction surveys. Reports of consumer satisfaction surveys shall protect the identity of individual respondents. The agency shall contract for consumer satisfaction surveys and report the results of those surveys in the consumer information materials prepared and distributed by the agency. The agency may adopt rules as necessary to administer this section.

Section 57. Subsections (4) and (5) of section 400.141, Florida Statutes, as renumbered and amended by section 4 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(4) Provide for resident use of a community pharmacy as specified in s. 400.022(1)(q). Any other law to the contrary notwithstanding, a registered pharmacist licensed in Florida, that is under contract with a facility licensed under this chapter, shall repackage a nursing facility resident's bulk prescription medication which has been packaged by another pharmacist licensed in any state in the United States into a unit dose system compatible with the system used by the nursing facility, if the pharmacist is requested to offer such service. To be eligible for repackaging, a resident or the resident's spouse must receive prescription medication benefits provided through a former employer as part of his or her retirement benefits a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. s. 831, or a long-term care policy as defined in s. 627.9404(1). A pharmacist who correctly repackages and relabels the medication and the nursing facility which correctly administers such repackaged medication under the provisions of this subsection shall not be held liable in any civil or administrative action arising from the repackaging. In order to be eligible for the repackaging, a nursing facility resident for whom the medication is to be repackaged shall sign an informed consent form provided by the facility which includes an explanation of the repackaging process and which notifies the resident of the immunities from liability provided herein. A pharmacist who repackages and relabels prescription medications, as authorized under this subsection, may charge a reasonable fee for costs resulting from the implementation of this provision.

(5) Provide for the access of the facility residents to dental and other health-related services, recreational services, rehabilitative services, and social work services appropriate to their needs and conditions and not directly furnished by the licensee. When a geriatric outpatient nurse clinic is conducted in accordance with rules adopted by the agency, outpatients attending such clinic shall not be counted as part of the general resident population of the nursing home facility, nor shall the nursing staff of the geriatric outpatient clinic be counted as part of the nursing staff of the facility, until the outpatient clinic load exceeds 15 a day.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing

assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of its program.

Section 58. Paragraph (a) of subsection (3) and subsection (4) of section 400.235, Florida Statutes, as amended by section 12 of chapter 2000-305 and section 7 of chapter 2000-350, Laws of Florida, and subsection (9) of section 400.235, Florida Statutes, as created by section 7 of chapter 2000-350, Laws of Florida, are reenacted to read:

400.235 Nursing home quality and licensure status; Gold Seal Program.—

(3)(a) The Gold Seal Program shall be developed and implemented by the Governor's Panel on Excellence in Long-Term Care which shall operate under the authority of the Executive Office of the Governor. The panel shall be composed of three persons appointed by the Governor, to include a consumer advocate for senior citizens and two persons with expertise in the fields of quality management, service delivery excellence, or public sector accountability; three persons appointed by the Secretary of Elderly Affairs, to include an active member of a nursing facility family and resident care council and a member of the University Consortium on Aging; the State Long-Term Care Ombudsman; one person appointed by the Florida Life Care Residents Association; one person appointed by the Secretary of Health; two persons appointed by the Secretary of Health Care Administration; one person appointed by the Florida Association of Homes for the Aging; and one person appointed by the Florida Health Care Association. Vacancies on the panel shall be filled in the same manner as the original appointments.

(4) The panel shall consider the quality of care provided to residents when evaluating a facility for the Gold Seal Program. The panel shall determine the procedure or procedures for measuring the quality of care.

(9) The agency may adopt rules as necessary to administer this section.

Section 59. Subsection (1) of section 400.962, Florida Statutes, as amended by section 8 of chapter 2000-350, Laws of Florida, is reenacted to read:

400.962 License required; license application.—

(1) It is unlawful to operate an intermediate care facility for the developmentally disabled without a license.

Section 60. Section 10 of chapter 2000-350, Laws of Florida, is reenacted to read:

Section 10. The Board of Pharmacy, in cooperation with the Agency for Health Care Administration, shall undertake a study of the feasibility, efficiency, cost-effectiveness, and safety of using automated medication dispensing machines in nursing facilities. The board and the agency may authorize the establishment of demonstration projects in up to five nursing facilities with a class I institutional pharmacy as part of the study. Demonstration projects may be allowed to continue for up to 12 months. A report summarizing the results of the study shall be submitted by the board and the agency to the Speaker of the House of Representatives and the President of the Senate by January 1, 2001. If the study determines that such dispensing machines would benefit residents of nursing facilities and should be allowed, the report shall identify those specific statutory changes necessary to allow nursing facilities to use automated medication dispensing machines.

Section 61. Paragraph (g) is added to subsection (1) of section 400.562, Florida Statutes, to read:

400.562 Rules establishing standards.—

(1) The Department of Elderly Affairs, in conjunction with the agency, shall adopt rules to implement the provisions of this part. The rules must include reasonable and fair standards. Any conflict between these standards and those that may be set forth in local, county, or municipal ordinances shall be resolved in favor of those having statewide effect. Such standards must relate to:

(g) *Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Agency for Health Care Administration, and the Department of Community Affairs.*

Section 62. *Notwithstanding any other provision of this act to the contrary, sections 400.0237, 400.0238, 400.4297, 400.4298, Florida Statutes, as created by this act, and section 768.735, Florida Statutes, as amended by this act, shall become effective May 15, 2001; shall apply to causes of action accruing on or after May 15, 2001; and shall be applied retroactively to causes of action accruing before May 15, 2001, for which no case has been filed prior to October 5, 2001.*

Section 63. *The Agency for Health Care Administration shall develop by October 31, 2001, a standard chart of accounts to govern the content and manner of presentation of financial information to be submitted by Medicaid long-term care providers in their cost reports. The Auditor General shall approve the standard chart of accounts developed by the Agency for Health Care Administration not later than December 31, 2001. The agency shall amend the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.*

Section 64. *The Agency for Health Care Administration shall amend the Medicaid Title XIX Long-Term Care Reimbursement Plan effective December 31, 2001, to include the following provisions:*

(1) *Effective with nursing facility cost reports filed for periods ending on or after December 31, 2002, the cost report shall contain detailed information on the salary, benefits, agency, and overtime costs and corresponding hours for direct care staffing for registered nurses, licensed practical nurses, and certified nursing assistants.*

(2) *Effective for cost reports filed for periods ending on or after December 31, 2003, the cost reports shall be submitted electronically in a format and manner prescribed by the agency.*

Section 65. *The Office of State Long-Term Care Ombudsman shall be responsible for the cost of leasing its own office space, but shall not be colocated with the headquarters office of the Department of Elderly Affairs.*

Section 66. *The sum of \$5,602,460 is appropriated from the Health Care Trust Fund to the Agency for Health Care Administration and 79 positions are authorized for the purpose of implementing the provisions of this act during the 2001-2002 fiscal year.*

Section 67. *The sum of \$948,782 is appropriated from the General Revenue Fund to the Department of Elderly Affairs for the purpose of paying the salaries and other administrative expenses of the Office of State Long-Term Care Ombudsman to carry out the provisions of this act during the 2001-2002 fiscal year.*

Section 68. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.*

Section 69. Except as otherwise expressly provided in this act, 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 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; providing for a division of punitive damages; 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; creating s. 400.1183, F.S.; providing for resident grievance procedures; 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; providing requirements; providing for penalties; requiring annual reports; 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 inservice 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. 400.428, F.S.; revising requirement for notice of a resident's relocation or termination from a facility; providing a penalty; 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; providing for a division of punitive damages; 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. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; 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 community nursing home beds; providing intent for such prohibition; providing an exemption; reenacting s. 400.0255(3) and (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) and (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) and (5), F.S., relating to the repackaging of residents’ medication and access to other health-related services; reenacting s. 400.235(3)(a), (4), and (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. 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; requiring the Auditor General to develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; providing for office space for the Office of State Long-Term Care Ombudsman; providing appropriations; providing for severability; providing effective dates.

Rep. Green moved the adoption of the amendment.

Motion

Rep. Byrd moved the previous question on the amendment, which was agreed to.

The question recurred on the adoption of **Amendment 1**, 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 175 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

CS/HB 175—A bill to be entitled An act relating to aggressive careless driving; creating s. 316.1923, F.S.; defining the term “aggressive careless driving”; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the

uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; creating s. 316.1923, F.S.; providing an effective date.

—was read the third time by title.

Representative(s) Machek offered the following:

(Amendment Bar Code: 111461)

Amendment 4 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (3) and (4) of section 316.192, Florida Statutes, are renumbered as subsections (4) and (5), respectively, subsection (2) is amended, and a new subsection (3) is added to said section, to read:

316.192 Reckless driving.—

(2) *Except as provided in subsection (3)*, any person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment. ~~In addition, if the person’s reckless driving causes or results in the death of another, the person may serve 120 community hours as provided in s. 316.027(4).~~

(3) *Any person:*

(a) *Who is in violation of subsection (1);*

(b) *Who operates a vehicle; and*

(c) *Who, by reason of such operation, causes:*

1. *Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

2. *Serious bodily injury to another commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The term “serious bodily injury” means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.*

Section 2. Section 782.071, Florida Statutes, is amended to read:

782.071 Vehicular homicide.—“Vehicular homicide” is the killing of a human being, or the killing of a viable fetus by any injury to the mother, caused by the operation of a motor vehicle by another in a reckless manner likely to cause the death of, or great bodily harm to, another.

(1) Vehicular homicide is:

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

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

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

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

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

Florida Statute	Felony Degree	Description
(2)(3) For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.		
(3)(4) A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.	810.02(2)(c)	1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
(4) In addition to any other punishment, the court may order the person to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.	812.13(2)(b)	1st Robbery with a weapon.
	812.135(2)	1st Home-invasion robbery.
	825.102(2)	2nd Aggravated abuse of an elderly person or disabled adult.
	825.103(2)(a)	1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
Section 3. Paragraph (h) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:		
921.0022 Criminal Punishment Code; offense severity ranking chart.—	837.02(2)	2nd Perjury in official proceedings relating to prosecution of a capital felony.
(3) OFFENSE SEVERITY RANKING CHART	837.021(2)	2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.
Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193		860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
(3)(c)3.a.	2nd	860.16 1st Aircraft piracy.
327.35(3)(c)3.	2nd	893.13(1)(b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
560.123(8)(b)2.	2nd	893.13(2)(b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
560.125(5)(b)	2nd	893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
655.50(10)(b)2.	2nd	893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
777.03(2)(a)	1st	893.135(1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.
782.04(4)	2nd	893.135(1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
782.051(2)	1st	893.135(1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
782.071(1)(b) (2)	1st	893.135(1)(e)1.b. 1st Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
782.072(2)	1st	893.135(1)(f)1.b. 1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
790.161(3)	1st	893.135(1)(g)1.b. 1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
794.011(5)	2nd	893.135(1)(h)1.b. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
800.04(4)	2nd	893.135(1)(i)1.b. 1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
806.01(1)	1st	893.135(1)(j)2.b. 1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
810.02(2)(a)	1st,PBL	895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.
810.02(2)(b)	1st,PBL	

Florida Statute	Felony Degree	Description
895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

Section 4. Paragraph (b) of subsection (3) of section 960.03, Florida Statutes, is amended to read:

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

(3) "Crime" means:

(b) A violation of s. 316.193, s. 316.027(1), s. 327.35(1), s. 782.071(1)(b)(2), or s. 860.13(1)(a) which results in physical injury or death; however, no other act involving the operation of a motor vehicle, boat, or aircraft which results in injury or death shall constitute a crime for the purpose of this chapter unless the injury or death was intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this act applies.

Section 5. Section 316.1923, Florida Statutes, is created to read:

316.1923 Aggressive careless driving.—"Aggressive careless driving" means committing two or more of the following acts simultaneously or in succession:

- (1) *Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.*
- (2) *Unsafely or improperly changing lanes as defined in s. 316.085.*
- (3) *Following another vehicle too closely as defined in s. 316.0895(1).*
- (4) *Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.*
- (5) *Improperly passing as defined in s. 316.083, s. 316.084, or s. 316.085.*
- (6) *Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.*

Section 6. Paragraph (a) of subsection (1) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

(1)(a) The department shall prepare, and supply to every traffic enforcement agency in this state, an appropriate form traffic citation containing a notice to appear (which shall be issued in prenumbered books with citations in quintuplicate) and meeting the requirements of this chapter or any laws of this state regulating traffic, which form shall be consistent with the state traffic court rules and the procedures established by the department. *Upon all future printings of the traffic citation, the form shall include a special box which is to be checked by the law enforcement officer when the officer believes that the traffic violation or crash was due to aggressive careless driving as defined in s. 316.1923.*

Section 7. *The Department of Highway Safety and Motor Vehicles shall prepare and deliver a report to the Speaker of the House of Representatives and the President of the Senate no later than December 1, 2002, setting forth the number of incidents of aggressive careless driving in this state.*

Section 8. This act shall take effect October 1, 2001.

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 reckless driving; amending s. 316.192, F.S.; providing penalties for reckless driving resulting in damage to property or person or serious bodily injury; providing a definition; amending s. 782.071, F.S., relating to vehicular homicide; providing penalties; amending ss. 921.0022 and 960.03, F.S.; conforming cross references; creating s. 316.1923, F.S.; defining the term "aggressive careless driving"; amending s. 316.650, F.S.; requiring that the Department of Highway Safety and Motor Vehicles revise the uniform traffic citation upon future printings, to include a special check-off box for law enforcement officers to use to indicate aggressive careless driving; requiring the department to make a report to the Legislature on the number of aggressive careless driving incidents; providing an effective date.

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

The question recurred on the passage of CS/HB 175. The vote was:

Session Vote Sequence: 280

Yeas—116

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

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 HB 1111.

HB 1111—A bill to be entitled An act relating to the Aerospace Infrastructure Reinvestment Act; creating said act; providing legislative findings; amending s. 212.20, F.S.; providing that the amounts due under the chapter on sales, use, and other transactions collected by dealers conducting business at a fixed location at the Kennedy Space Center or Cape Canaveral Air Station on admissions thereto and on sales of tangible personal property at such business shall be separately returned and distributed by the Department of Revenue to the Florida

Commercial Space Financing Corporation and used for funding aerospace infrastructure; providing an exemption for the reallocation of certain proceeds to the Discretionary Sales Surtax Clearing Trust Fund; providing a definition; providing for rules; providing an effective date.

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

Session Vote Sequence: 281

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, as amended, and was immediately certified to the Senate.

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

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 CS for SB 144; CS for CS for SB 374; CS for SB 1932; and SB 2240, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Criminal Justice and Senator Geller—

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any

image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system, and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

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

By the Committees on Judiciary, Children and Families and Senators Peaden and Holzendorf—

CS for CS for SB 374—A bill to be entitled An act relating to elderly persons and disabled adults; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly person or disabled adult; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly person or disabled adult; authorizing the court to advance a trial on the docket which involves a victim who is an elderly person or disabled adult; creating s. 744.1083, F.S.; providing guidelines for the registration of public guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; raising the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; providing an effective date.

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

By the Committee on Criminal Justice and Senator Laurent—

CS for SB 1932—A bill to be entitled An act relating to controlled substances; authorizing the creation of a pilot program in Orange County to intercept illegal drug shipments through package delivery services; amending ss. 823.10, 823.01, F.S.; providing that a person who willfully keeps or maintains or aids or abets another in keeping or maintaining certain types of places where controlled substances are unlawfully used, kept, sold, or delivered commits the offense of keeping or maintaining a public nuisance; providing a penalty; amending s. 877.111, F.S., relating to inhalation, ingestion, sale, purchase, or transfer of certain harmful chemical substances; providing exceptions to applications of offenses relating to unlawful distribution, sale, purchase, transfer, or possession of nitrous oxide; amending s. 893.03, F.S., relating to controlled substance standards and schedules; adding 4-methoxymethamphetamine, 1, 4-Butanediol, Gamma-butyrolactone (GBL), Gamma-hydroxybutyric acid (GBH), methaqualone, and mecloqualone to Schedule I; deleting 1, 4-Butanediol and Gamma-hydroxybutyric acid from Schedule II; adding drug products containing Gamma-hydroxybutyric acid which are approved under the Federal Food, Drug, and Cosmetic Act to Schedule III; amending s. 893.033, F.S., relating to listed chemicals; adding chloroephedrine and chloropseudoephedrine to the list of precursor chemicals; amending s. 893.135, F.S., relating to drug trafficking; creating offenses for trafficking in Gamma-butyrolactone (GBL) and lysergic acid diethylamide (LSD); providing penalties; amending scheduling

references for trafficking in Gamma-hydroxybutyric acid (GHB) and 1, 4-Butanediol; providing effective dates.

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

By Senator Garcia—

SB 2240—A bill to be entitled An act relating to warranty associations; amending s. 634.011, F.S.; defining the term “additive product”; redefining the terms “motor vehicle service agreement” and “salesperson”; amending s. 634.044, F.S.; including part inventories among the allowable assets of a service agreement company; amending s. 634.137, F.S.; providing for submission of financial reports to the Department of Insurance in a computer-readable form; amending s. 634.171, F.S.; providing that a motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the company; repealing s. 634.281, F.S., which provides that service agreement companies and their salespersons shall be subject to pt. IX of ch. 626, F.S., relating to service agreement companies and their salespersons; creating s. 634.2815, F.S.; prohibiting engaging in any trade practice determined to be an unfair method of competition or an unfair or deceptive act or practice involving the business of motor vehicle service agreements; creating s. 634.282, F.S.; defining unfair methods of competition and unfair or deceptive acts or practices; creating s. 634.2825, F.S.; requiring vendors and lenders to separately state and identify the amount charged and to be paid for a motor vehicle service agreement; providing applicability; creating s. 634.283, F.S.; providing power of the Department of Insurance to examine and investigate the affairs of persons involved in the business of motor vehicle service agreements in the state; creating s. 634.284, F.S.; authorizing the department to conduct hearings with respect to specified prohibited practices; providing a fine for failure to comply with a subpoena or an order directing discovery; creating s. 634.285, F.S.; providing for the issuance of cease and desist orders by the department; providing specified penalties; creating s. 634.286, F.S.; providing for appeals of orders of the department; creating s. 634.287, F.S.; providing penalties for violation of a cease and desist order of the department; creating s. 634.288, F.S.; providing for civil liability; amending s. 634.3077, F.S.; eliminating specified assets to be deducted in computing the net asset requirement of a home warranty association; creating s. 634.3078, F.S.; specifying allowable assets and liabilities with respect to the determination of the financial condition of a service warranty association; amending s. 634.312, F.S.; amending provisions relating to the filing and approval of forms; amending s. 634.313, F.S.; providing for the submission of annual statements and financial reports to the Department of Insurance in a computer-readable form; amending s. 634.318, F.S.; providing that a home warranty association is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the home warranty agreements issued by the association; amending s. 634.331, F.S.; revising terminology with respect to coverage of property for sale; amending s. 634.415, F.S.; providing for the submission of statements and reports to the Department of Insurance in a computer-readable form; amending s. 634.419, F.S.; providing that a service warranty association is not required to be licensed as a sales representative to solicit, sell, or issue service warranty agreements issued by the association; amending s. 634.436, F.S.; including advertising, offering, or providing a free service warranty as an inducement to specified purchases or sales among acts or practices that constitute unfair methods of competition and unfair or deceptive acts or practices; amending ss. 624.124, 628.4615, F.S.; correcting cross-references; creating s. 634.289, F.S.; providing rulemaking authority; amending s. 634.302, F.S.; providing rulemaking authority; amending s. 634.402, F.S.; providing rulemaking authority; providing for effective dates.

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

Continuation of Bills and Joint Resolutions on Third Reading

CS/HB 203 was taken up. On motion by Rep. Ryan, the rules were waived and—

CS for CS for SB 144—A bill to be entitled An act relating to computer crimes; amending s. 827.071, F.S.; revising the definition of “sexual conduct”; amending s. 847.001, F.S.; revising and adding definitions; amending s. 847.0135, F.S.; revising the “Computer Pornography and Child Exploitation Act of 1986” to clarify certain penalties; creating s. 847.0137, F.S.; prohibiting transmissions of child pornography and any image, information, or data harmful to minors; providing penalties; creating s. 847.0138, F.S.; prohibiting transmission of material harmful to minors by electronic device or equipment; providing definitions; providing penalties; creating s. 847.0139, F.S.; providing immunity from civil liability for reporting child pornography, transmission of child pornography, or unlawful transmission of any image, information, or data harmful to minors; amending s. 905.34, F.S.; providing jurisdiction of the statewide grand jury over offenses relating to computer pornography, child exploitation, or violations of s. 847.0135, F.S.; providing severability; amending s. 815.03, F.S.; providing definitions; repealing s. 815.05, F.S., relating to definitions; amending s. 815.06, F.S.; creating offenses against computer equipment or supplies, computers, computer system, and computer networks; providing penalties; amending s. 16.56, F.S., adding violations of computer and computer-related crimes under chapter 815, F.S., expanding prosecutorial jurisdiction of the Office of Statewide Prosecution; amending s. 905.34, F.S.; expanding subject matter jurisdiction of the statewide grand jury to include violations of computer and computer-related crimes under chapter 815, F.S.; providing effective dates.

—was substituted for CS/HB 203 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Ryan, the rules were waived and CS for CS for SB 144 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 282

Yeas—116

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

Stansel
Trovillion

Wallace
Waters

Weissman
Wiles

Wilson
Wishner

Nays—None

Votes after roll call:

Yeas—Bennett, Goodlette, Haridopolos

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

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 read the third time by title.

Representative(s) Green offered the following:

(Amendment Bar Code: 460713)

Amendment 1 (with title amendment)—On page 2, line 13, after the period,

insert: *Residents who are the subject of or identified in incident reports or other related records shall be entitled to receive a copy of those documents upon request.*

And the title is amended as follows:

On page 1, line 12, after the semicolon,

insert: providing that certain residents shall be entitled to receive a copy of described documents;

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

Representative(s) Green offered the following:

(Amendment Bar Code: 852967)

Amendment 2—On page 2, line 25, remove from the bill: *October 1*

and insert in lieu thereof: *October 2*

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

Representative(s) Green offered the following:

(Amendment Bar Code: 363089)

Amendment 3—On page 3, line 16, remove from the bill: all of said line

and insert in lieu thereof: that Senate Bill 1202 or similar legislation creating internal

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

The question recurred on the passage of SB 1200. The vote was:

Session Vote Sequence: 283

Yeas—116

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

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

Nays—2

Carassas
Gottlieb

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

CS for SB 888—A bill to be entitled An act relating to violations of probation or community control; amending s. 948.06, F.S.; providing for tolling the period of probation or community control for an offender following the filing of an affidavit alleging a violation of probation or community control and issuance of a warrant; providing for a previously imposed period of probation or community control to be reinstated following dismissal of the affidavit; providing an effective date.

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

Session Vote Sequence: 284

Yeas—116

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

Stansel
Trovillion

Wallace
Waters

Weissman
Wiles

Wilson
Wishner

Lacasa
Lee

Mealor
Melvin

Ritter
Romeo

Spratt
Stansel

Nays—None

Votes after roll call:

Yeas—Bean, Goodlette

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

CS for CS for SB 1214—A bill to be entitled An act relating to foster care; amending s. 20.19, F.S.; modifying the authority for lead agencies to provide services; amending s. 39.521, F.S., relating to disposition hearings; providing that certain children must be assessed for placement and placed in licensed residential group care; requiring results of an assessment to be reviewed by the court; requiring certain residential group care facilities to establish permanency teams; requiring that the Department of Children and Family Services report to the Legislature each year on the number of children placed in residential group care and the number of children for whom placement was unavailable; amending s. 409.1671, F.S.; redefining the term “related services”; providing for a plan to be used as an alternative to procuring foster care services through an eligible lead community-based provider; creating s. 409.1676, F.S.; providing for comprehensive residential services to children who have extraordinary needs; defining terms; providing for the Department of Children and Family Services to contract with specified entities for such services; specifying duties of the contracting entity; providing legal authority of the contracting entity to authorize specified activities for children served; prescribing departmental duties; creating s. 409.1677, F.S.; providing for model comprehensive residential services programs in specified counties; defining terms; providing for the programs to be established through contracts between the department and specified entities; prescribing the content of each model program; establishing responsibilities of the contracting private entity; providing legal authority of the contracting private entity to authorize certain activities for children served; prescribing departmental duties; creating s. 409.1679, F.S.; prescribing additional requirements for the programs established under ss. 409.1676, 409.1677, F.S., including requirements relating to reimbursement methodology and program evaluation; requiring the department to provide progress reports to the Legislature; amending s. 409.175, F.S.; allowing a family foster home license to be valid for an extended period in specified circumstances; amending s. 784.081, F.S., relating to upgrading the seriousness of the offense if a person commits an assault or a battery against specified officials or employees; including on the list of such officials and employees an employee of a lead community-based provider and its direct-service contract providers; providing an effective date.

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

Session Vote Sequence: 285

Yeas—117

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

Lacasa
Lee

Miller
Murman

Ross
Rubio

Trovillion
Wallace

Lerner
Littlefield

Needelman
Russell

Ryan
Seiler

Waters
Weissman

Lynn
Machek

Negron
Paul

Simmons
Siplin

Wiles
Wilson

Mack
Mahon

Peterman
Pickens

Sloberg
Smith

Wishner

Mayfield
Maygarden

Prieguez
Rich

Sorenson

McGriff
Meadows

Richardson

Nays—None

Votes after roll call:

Yeas—Frankel, Sobel

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

HB 1265—A bill to be entitled An act relating to the Florida Mobile Home Relocation Trust Fund; creating s. 723.06115, F.S.; creating the Florida Mobile Home Relocation Trust Fund within the Department of Business and Professional Regulation; providing purposes; providing funding; providing for legislative review and termination or re-creation of the trust fund; creating s. 723.06116, F.S.; requiring that a mobile home park owner make specified payments to the trust fund upon a change in use of the mobile home park which requires a mobile home owner to move; providing exceptions; providing an appropriation; providing a contingent effective date.

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

Session Vote Sequence: 286

Yeas—119

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	Diaz-Balart	Justice	Rich
Attkisson	Dockery	Kallinger	Richardson
Atwater	Farkas	Kendrick	Ritter
Ausley	Fasano	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
Ball	Fiorentino	Kottkamp	Rubio
Barreiro	Flanagan	Kravitz	Russell
Baxley	Frankel	Kyle	Ryan
Bean	Gannon	Lacasa	Seiler
Bendross-Mindingall	Garcia	Lee	Simmons
Bennett	Gardiner	Lerner	Siplin
Bense	Gelber	Littlefield	Sloberg
Benson	Gibson	Lynn	Smith
Berfield	Goodlette	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorenson
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Cantens	Henriquez	Miller	Wilson
Carassas	Heyman	Murman	Wishner
Clarke	Hogan	Needelman	

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 475 on Bills and Joint Resolutions on Third Reading.

CS/HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

—was read the third time by title.

Representative(s) Lerner offered the following:

(Amendment Bar Code: 065275)

Amendment 1 (with title amendment)—On page 34, between lines 21 and 22, of the bill

insert:

Section 25. Paragraph (e) of subsection (5) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if

required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(5) COUNTY PUBLIC HOSPITAL SURTAX.—Any county as defined in s. 125.011(1) may levy the surtax authorized in this subsection pursuant to an ordinance either approved by extraordinary vote of the county commission or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. In a county as defined in s. 125.011(1), for the purposes of this subsection, "county public general hospital" means a general hospital as defined in s. 395.002 which is owned, operated, maintained, or governed by the county or its agency, authority, or public health trust.

(e) *The Health Policy Authority, created by the county commission, shall adopt and implement a health care plan for indigent health care services. A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law. The governing board, agency, or authority shall adopt and implement a health care plan for indigent health care services. The governing board, agency, or authority shall consist of no more than seven and no fewer than five members appointed by the county commission. The members of the governing board, agency, or authority shall be at least 18 years of age and residents of the county. No member may be employed by or affiliated with a health care provider or the public health trust, agency, or authority responsible for the county public general hospital. The following community organizations shall each appoint a representative to a nominating committee: the South Florida Hospital and Healthcare Association, the Miami-Dade County Public Health Trust, the Dade County Medical Association, the Miami-Dade County Homeless Trust, and the Mayor of Miami-Dade County. This committee shall nominate between 10 and 14 county citizens for the governing board, agency, or authority. The slate shall be presented to the county commission and the county commission shall confirm the top five to seven nominees, depending on the size of the governing board. Until such time as the governing board, agency, or authority is created, the funds provided for in subparagraph (d)2. shall be placed in a restricted account set aside from other county funds and not disbursed by the county for any other purpose.*

1. The plan shall divide the county into a minimum of four and maximum of six service areas, with no more than one participant hospital per service area. The county public general hospital shall be designated as the provider for one of the service areas. Services shall be provided through participants' primary acute care facilities.

2. The plan and subsequent amendments to it shall fund a defined range of health care services for both indigent persons and the medically poor, including primary care, preventive care, hospital emergency room care, and hospital care necessary to stabilize the patient. For the purposes of this section, "stabilization" means stabilization as defined in s. 397.311(30). ~~Where consistent with these objectives, the plan may include services rendered by physicians, clinics, community hospitals, and alternative delivery sites, as well as at least one regional referral hospital per service area. The plan shall provide that agreements negotiated between the governing board, agency, or authority and providers shall recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care to draw down federal funds where appropriate, and require cost containment, including, but not limited to, case management. From the funds specified in subparagraphs (d)1. and 2. for indigent health care services, service providers shall receive reimbursement at a Medicaid rate. to be determined by the governing board, agency, or authority created pursuant to this paragraph for the initial emergency room visit, and a per member per month fee or capitation for those members enrolled in their service area, as compensation for the services rendered following the initial emergency visit. Except for provisions of emergency services, upon determination of eligibility, enrollment shall be deemed to have occurred at the time services were rendered. The provisions for specific reimbursement of emergency services shall be repealed on July 1, 2001, unless otherwise reenacted by the Legislature. The capitation amount or rate shall be determined prior to program~~

~~implementation by an independent actuarial consultant. In no event shall the such reimbursement rates exceed the Medicaid rate. The plan must also provide that any hospitals owned and operated by government entities on or after the effective date of this act must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to any meeting of the governing board, agency, or authority the subject of which is budgeting resources for the retention of charity care, as that term is defined in the rules of the Agency for Health Care Administration. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service and delivery funding.~~

3. The plan's benefits shall be made available to all county residents currently eligible to receive health care services as indigents or medically poor as defined in paragraph (4)(d).

~~4. Eligible residents who participate in the health care plan shall receive coverage for a period of 12 months or the period extending from the time of enrollment to the end of the current fiscal year, per enrollment period, whichever is less.~~

4.5. At the end of each fiscal year, the ~~Health Policy governing board, agency, or~~ Authority shall prepare an audit that reviews the budget of the plan, delivery of services, and quality of services, and makes recommendations to increase the plan's efficiency. The audit shall take into account participant hospital satisfaction with the plan and assess the amount of poststabilization patient transfers requested, and accepted or denied, by the county public general hospital.

Section 26. Section 11 of chapter 2000-312, Laws of Florida, is amended to read:

Section 11. The provisions of this act shall be reviewed by the Legislature prior to October 1, 2006 ~~2005~~, and shall be repealed on that date unless otherwise reenacted by the Legislature.

And the title is amended as follows:

On page 3, line 8,

after the semicolon, insert: amending s. 212.055, F.S.; revising provisions relating to the county public hospital surtax; revising procedures and requirements for adoption and implementation of the health care plan for indigent health care services; amending s. 11 of ch. 2000-312, Laws of Florida; postponing future review and repeal of said provisions;

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

The question recurred on the passage of CS/HB 475. The vote was:

Session Vote Sequence: 287

Yeas—116

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

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

Nays—1

Frankel

Votes after roll call:

Yeas—Clarke, Gibson, Green

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

HB 477—A bill to be entitled An act relating to public records; amending s. 383.51, F.S.; providing an exemption from public records requirements for information that identifies parents who leave newborn infants at emergency medical services stations; providing an exception; providing an exemption from public records requirements for information contained in the Paternity Registry; providing for future legislative review and repeal; providing findings of public necessity; providing contingent effective dates.

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

Session Vote Sequence: 288

Yeas—119

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

Nays—None

Votes after roll call:

Yeas—Joyner

Yeas to Nays—Frankel

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

HB 1937 was taken up. On motion by Rep. Byrd, the rules were waived and—

CS for SB 1852—A bill to be entitled An act relating to state revenues collected by clerks of the court; creating s. 213.13, F.S.; providing for electronic remittance to the Department of Revenue; providing for remittance by the Department of Revenue to various trust funds and agencies; providing for remittance of all moneys collected by the clerks of the court for the state to the Department of Revenue; amending ss. 27.52, 28.101, 28.2401, 28.241, 34.041, 44.108, 316.192, 318.18, 318.21, 327.73, 372.7015, 372.72, 382.023, 741.01, 775.0835, 938.01, 938.03, 938.04, 938.06, 938.07, 938.25, 938.27, 960.17, 318.14, 327.35, 382.022, 569.11, 938.23, F.S.; providing for remittance of funds to the Department of Revenue and deposit in the designated trust fund; repealing outdated language; providing an effective date.

—was substituted for HB 1937 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Byrd, the rules were waived and CS for SB 1852 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 289

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
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Gottlieb	Mack	Sorensen
Bilirakis	Green	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	Haridopolos	Maygarden	Trovillion
Brummer	Harper	McGriff	Wallace
Brutus	Harrell	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	
Clarke	Holloway	Negron	

Nays—None

Votes after roll call:

Yeas—Goodlette

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

HB 1939 was taken up. On motion by Rep. Byrd, the rules were waived and—

CS for SB 1850—A bill to be entitled An act relating to trust funds; creating the Department of Revenue Clerks of the Court Trust Fund; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

—was substituted for HB 1939 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

REPRESENTATIVE BALL IN THE CHAIR

On motion by Rep. Byrd, the rules were waived and CS for SB 1850 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 290

Yeas—119

The Chair	Cusack	Holloway	Negron
Alexander	Davis	Jennings	Paul
Allen	Detert	Johnson	Peterman
Andrews	Diaz de la Portilla	Jordan	Pickens
Argenziano	Diaz-Balart	Joyner	Prieguez
Arza	Dockery	Justice	Rich
Attkisson	Farkas	Kallinger	Richardson
Atwater	Fasano	Kendrick	Ritter
Ausley	Feeney	Kilmer	Romeo
Baker	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
Bilirakis	Goodlette	Machek	Sobel
Bowen	Gottlieb	Mack	Sorensen
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Trovillion
Bucher	Harper	McGriff	Wallace
Bullard	Harrell	Meadows	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Miller	Wilson
Clarke	Heyman	Murman	Wishner
Crow	Hogan	Needelman	

Nays—None

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

THE SPEAKER IN THE CHAIR

Motion

Rep. Goodlette moved to request the Senate to return **CS/HB 41**, which was agreed to.

Reconsideration of Motion

On motion by Rep. Goodlette, the House reconsidered the vote by which the House agreed to request the Senate to return CS/HB 41.

Recalled from Senate

On motion by Rep. Goodlette, the Senate was requested to return **CS/HB 41**.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate requests the return of CS for SB 2060.

Faye W. Blanton, Secretary

CS for SB 2060—A bill to be entitled An act relating to the Department of Insurance; 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 626.9552, F.S.; providing standards for single interest insurance; 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 the term "claim" for purposes of alternative procedures for resolving 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; 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; amending s. 631.57, F.S.; exempting malpractice premiums from assessments that are due to insolvent property insurers; amending s. 627.351, F.S.; increasing the qualifying statutory surplus amount for the Florida Windstorm Underwriting Association Limited Apportionment Status; amending s. 627.7295, F.S.; providing an additional exception to a requirement that a minimum of 2 months' premium be collected to issue a policy or binder for motor vehicle insurance; amending s. 627.901, F.S.; authorizing insurance agents and insurers that finance premiums for certain policies to charge interest or a service charge at a specified rate on unpaid premiums on those policies; 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; providing an effective date.

On motion by Rep. Goodlette, the House acceded to the request of the Senate and returned **CS for SB 2060**.

Recessed

The House stood in informal recess at 3:25 p.m.

Reconvened

The House was called to order by the Chair, Rep. Ball, at 3:33 p.m. A quorum was present [Session Vote Sequence: 291].

Continuation of Bills and Joint Resolutions on Third Reading

HB 1431—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring the Department of Children and Family Services to pursue federal government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

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

Session Vote Sequence: 292

Yeas—116

The Chair	Andrews	Attkisson	Baker
Alexander	Argenziano	Atwater	Barreiro
Allen	Arza	Ausley	Baxley

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

Nays—None

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

On motion by Rep. Byrd, the rules were waived and—

CS for CS for SB 1672—A bill to be entitled An act relating to welfare transition; providing a short title; providing legislative intent; authorizing the Passport to Economic Progress demonstration program in specified areas; requiring Workforce Florida, Inc., and the Department of Children and Family Services to pursue federal government waivers as necessary; increasing the amount of income that may be disregarded in determining eligibility for temporary cash assistance for families residing in the demonstration areas; authorizing an extended period of time for the receipt of welfare-transition benefits by families residing in the demonstration areas; providing legislative findings; directing Workforce Florida, Inc., to create a transitional wage supplementation program; authorizing wage supplementation payments to certain individuals; requiring an evaluation and reports on the demonstration program; providing for conflicts of laws; providing appropriations; providing an effective date.

—was substituted for HB 1431 and read the second time by title. Under Rule 10.13(b), the Senate bill was referred to the Engrossing Clerk.

Reconsideration of HB 1431

On motion by Rep. Byrd, the House reconsidered the vote by which **HB 1431**, as amended, passed earlier today.

The question recurred on the passage of HB 1431.

On motion by Rep. Byrd, **HB 1431** was laid on the table.

HB 1865—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing for appointment by the Governor; providing an effective date.

—was read the third time by title.

Representative(s) Ball offered the following:

(Amendment Bar Code: 732705)

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

Section 1. Subsections (1), (2), (4), (5), (6), (7), (9), (10), (11), (13), (15), (17), (18), and (20) of section 26.031, Florida Statutes, are amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

Table with 2 columns: JUDICIAL CIRCUIT and TOTAL. Rows include (1) First, (2) Second, (4) Fourth, (5) Fifth, (6) Sixth, (7) Seventh, (9) Ninth, (10) Tenth, (11) Eleventh, (13) Thirteenth, (15) Fifteenth, (17) Seventeenth, (18) Eighteenth, (20) Twentieth.

Section 2. Current subsections (5), (6), (16), (29), (36), (46), (48), (51), (52), (53), and (58) of section 34.022, Florida Statutes, are amended, current subsection (13) of said section is renumbered as subsection (43) and amended, and subsections (14) through (43) of said section are renumbered as subsections (13) through (42), respectively, to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

Table with 2 columns: COUNTY and TOTAL. Rows include (5) Brevard, (6) Broward, (15)(16) Duval, (28)(29) Hillsborough, (35)(36) Lee, (43)(43) Miami-Dade Dade, (46) Okaloosa, (48) Orange, (51) Pasco, (52) Pinellas, (53) Polk, (58) Sarasota.

Section 3. The judges filling new offices created by this act shall be appointed by the Governor and shall take office for a term beginning on January 2, 2002.

Section 4. In addition to the funding provided in the General Appropriations Act for the 2001-2002 fiscal year for creating 26

additional judgeships, effective January 1, 2002, the sum of \$119,702 is appropriated from the General Revenue Fund and 2 additional positions are authorized in the state courts system for the additional judgeships created by this act. It is the intent of the Legislature that this appropriation be annualized in the following fiscal year.

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

And the title is amended as follows:

On page 1, line 7

insert after the semicolon: providing an appropriation;

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

The question recurred on the passage of HB 1865. The vote was:

Session Vote Sequence: 293

Yeas—112

Table with 4 columns: Name, Name, Name, Name. Lists names of representatives who voted 'Yeas'.

Nays—None

Votes after roll call:

Yeas—Ausley, Seiler, Weissman, Wishner

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

HB 1223—A bill to be entitled An act relating to construction permitting and inspection; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; providing for recommendations and a report by a date certain; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 445897)

Technical Amendment 2—On page 2, line 5, remove from the bill: .

and insert in lieu thereof: ; and

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

The question recurred on the passage of HB 1223. The vote was:

Session Vote Sequence: 294

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Ausley, Weissman

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

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

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

Session Vote Sequence: 295

Yeas—115

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

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

Nays—None

Votes after roll call:

Yeas—Melvin

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

HB 1777 was taken up. On motion by Rep. Murman, the rules were waived and—

CS for SB 2118—A bill to be entitled An act relating to educational facilities; amending s. 847.001, F.S.; adding and revising definitions; creating s. 847.0134, F.S.; prohibiting the location of adult entertainment establishments within a specified distance of a school; providing a criminal penalty; providing an exception; providing an effective date.

—was substituted for HB 1777 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Murman, the rules were waived and CS for SB 2118 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 296

Yeas—120

The Chair	Bullard	Gottlieb	Lee
Alexander	Byrd	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
Barreiro	Diaz-Balart	Hogan	Meadows
Baxley	Dockery	Holloway	Mealor
Bean	Farkas	Jennings	Melvin
Bendross-Mindingall	Fasano	Johnson	Miller
Bennett	Feeney	Jordan	Murman
Bense	Fields	Joyner	Needelman
Benson	Fiorentino	Justice	Negron
Berfield	Flanagan	Kallinger	Paul
Betancourt	Frankel	Kendrick	Peterman
Bilirakis	Gannon	Kilmer	Pickens
Bowen	Garcia	Kosmas	Prieguez
Brown	Gardiner	Kottkamp	Rich
Brummer	Gelber	Kravitz	Richardson
Brutus	Gibson	Kyle	Ritter
Bucher	Goodlette	Lacasa	Romeo

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

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

Nays—None

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

HB 1067—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

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

Session Vote Sequence: 297

Yeas—116

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

Nays—1

Carassas

Votes after roll call:

Yeas—Andrews, Fiorentino

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

On motion by Rep. Allen, consideration of **CS/HB 789** was temporarily postponed under Rule 11.10.

CS/HB 1805—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public-records requirements for motor vehicle crash reports that reveal specified information; providing that such reports may be made available to certain parties; providing for future review and repeal; providing penalties for the unlawful disclosure of confidential information and for unlawfully obtaining or attempting to obtain confidential information; providing findings of public necessity; providing an effective date.

Session Vote Sequence: 298

Yeas—115

The Chair	Crow	Holloway	Negron
Alexander	Cusack	Jennings	Paul
Allen	Davis	Johnson	Peterman
Andrews	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	Ross
Barreiro	Feeney	Kosmas	Rubio
Baxley	Fiorentino	Kottkamp	Russell
Bean	Flanagan	Kravitz	Ryan
Bendross-Mindingall	Gannon	Kyle	Seiler
Bennett	Garcia	Lacasa	Simmons
Bense	Gardiner	Lee	Siplin
Benson	Gelber	Lerner	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
Clarke	Hogan	Needelman	

Nays—None

Votes after roll call:

Yeas—Argenziano, Fields, Littlefield, Romeo

Yeas to Nays—Carassas

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

HB 579—A bill to be entitled An act relating to the Uniform Commercial Code; revising ch. 679, F.S., relating to secured transactions; creating ss. 679.1011, 679.1021, 679.1031, 679.1041, 679.1051, 679.1061, 679.1071, 679.1081, 679.1091, 679.1101, F.S.; providing a short title, definitions, and general concepts; creating ss. 679.2011, 679.2021, 679.2031, 679.2041, 679.2051, 679.2061, 679.2071, 679.2081, 679.209, 679.210, F.S.; providing for the effectiveness and attachment of security agreements; prescribing rights and duties of secured parties; creating ss. 679.3011, 679.3021, 679.3031, 679.3041, 679.3051, 679.3061, 679.3071, 679.3081, 679.091, 679.3101, 679.3111, 679.3121, 679.3131, 679.3141, 679.3151, 679.3161, 679.3171, 679.3181, 679.319, 679.320, 679.321, 679.322, 679.323, 679.324, 679.325, 679.326, 679.327, 679.328, 679.329, 679.330, 679.331, 679.332, 679.333, 679.334, 679.335, 679.336, 679.337, 679.338, 679.340, 679.341, 679.342, F.S.; providing for perfection and priority of security interests; creating ss. 679.4011, 679.4021, 679.4031, 679.4041, 679.4051, 679.4061, 679.4071, 679.4081, 679.409, F.S.; prescribing rights of third parties; providing legislative findings; creating ss. 679.5011, 679.5021, 679.5031, 679.5041, 679.5051, 679.5061, 679.5071, 679.508, 679.509, 679.510, 679.511, 679.512, 679.513, 679.524, 679.515, 679.516, 679.517, 679.518, 679.519, 679.520, 679.521, 679.522, 679.523, 679.524, 679.525, 679.526, 679.527, F.S.; prescribing filing procedures for perfection of a security interest; providing forms; providing duties and operation of filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the

registry; providing criteria for the registry; operation of a filing office; providing definitions relating to the Florida Secured Transaction Registry; requiring the Department of State to cease operating as designated filing officer and filing office for certain purposes; providing duties and responsibilities of the Department of State relating to contracting for the administration, operation, and maintenance of the registry; creating ss. 679.601, 679.602, 679.603, 679.604, 679.605, 679.606, 679.607, 679.608, 679.609, 679.610, 679.611, 679.612, 679.613, 679.614, 679.615, 679.616, 679.617, 679.618, 679.619, 679.620, 679.621, 679.622, 679.623, 679.624, 679.625, 679.626, 679.627, F.S.; prescribing procedures for default and enforcement of security interests; providing for forms; creating ss. 679.701, 679.702, 679.703, 679.704, 679.705, 679.706, 679.707, 679.708, 679.709, F.S.; providing transitional effective dates and savings clause for perfected and unperfected security interests, specified actions, and financing statements; specifying priority of conflicting claims; amending s. 671.105, F.S.; specifying the precedence of law governing the perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens; amending s. 671.201, F.S.; revising definitions used in the Uniform Commercial Code; amending s. 672.103, F.S.; conforming a cross-reference; amending s. 672.210, F.S.; providing that the creation, attachment, perfection, or enforcement of a security interest in the seller's interest under a contract is not a transfer that materially affects the buyer unless the enforcement actually results in a delegation of material performance of the seller; amending s. 672.326, F.S.; eliminating provisions relating to consignment sales; amending s. 672.502, F.S.; modifying buyers' rights to goods on a seller's repudiation, failure to deliver, or insolvency; amending s. 672.716, F.S.; providing that, for goods bought for personal, family, or household purposes, the buyer's right of replevin vests upon acquisition of a special property; amending s. 674.2101, F.S.; conforming a cross-reference; creating s. 675.1181, F.S.; specifying conditions under which an issuer or nominated person has a security interest in a document presented under a letter of credit; amending ss. 677.503, 678.1031, F.S.; conforming cross-references; amending s. 678.1061, F.S.; specifying a condition under which a purchaser has control of a security entitlement; amending s. 678.1101, F.S.; modifying rules that determine a securities intermediary's jurisdiction; amending s. 678.3011, F.S.; providing for delivery of a certificated security to a purchaser; amending s. 678.3021, F.S.; eliminating a requirement that a purchaser of a certificated or uncertificated security receive delivery prior to acquiring all rights in the security; amending s. 678.5101, F.S.; prescribing rights of a purchaser of a security entitlement from an entitlement holder; amending ss. 680.1031, 680.303, 680.307, 680.309, F.S.; conforming cross-references; repealing ss. 679.101, 679.102, 679.103, 679.104, 679.105, 679.106, 679.107, 679.108, 679.109, 679.110, 679.112, 679.113, 679.114, 679.115, 679.116, F.S., relating to the short title, applicability, and definitions of ch. 679, F.S.; repealing ss. 679.201, 679.202, 679.203, 679.204, 679.205, 679.206, 679.207, 679.208, F.S., relating to the validity of security agreements and the rights of parties to such agreements; repealing ss. 679.301, 679.302, 679.303, 679.304, 679.305, 679.306, 679.307, 679.308, 679.309, 679.310, 679.311, 679.312, 679.313, 679.314, 679.315, 679.316, 679.317, 679.318, F.S., relating to rights of third parties, perfected and unperfected security interests, and rules of priority; repealing ss. 679.401, 679.4011, 679.402, 679.403, 679.404, 679.405, 679.406, 679.407, 679.408, F.S., relating to filing of security interests; repealing ss. 679.501, 679.502, 679.503, 679.504, 679.505, 679.506, 679.507, F.S., relating to rights of the parties upon default under a security agreement; providing effective dates.

—was read the third time by title.

Representative(s) Brown offered the following:

(Amendment Bar Code: 565657)

Amendment 4—On page 94, line 27, through page 95, line 14, remove from the bill: all of said lines,

and insert in lieu thereof: *Subsections (4) and (6) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:*

(a) *A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. subsection 104(a)(1) or (2).*

(b) *A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. subsection 104(a)(2).*

(c) *A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. subsection 1396p(d)(4).*

(d) *The interest of a debtor who is a natural person in unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.*

(e) *The interest of a debtor who is a natural person in other benefits which are designated solely for his or her maintenance, support, or education, the assignability of which is expressly prohibited or restricted by statute.*

(9) *Subsections (4), (6), and (8) apply only to a security interest created after January 1, 2002.*

(10) *This section does not apply to an assignment of a health-care-insurance receivable.*

(11) *This section prevails over any inconsistent statute, rule, or regulation.*

Rep. Brown moved the adoption of the amendment.

Representative(s) Brown offered the following:

(Amendment Bar Code: 965073)

Amendment 1 to Amendment 4—On page 1, line 23-25, remove from the amendment: all of said lines

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

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted by the required two-thirds vote.

Representative(s) Brown offered the following:

(Amendment Bar Code: 092429)

Amendment 5—On page 99, lines 3-18, remove from the bill: all of said lines,

and insert in lieu thereof:

(6) *Subsections (1) and (3) do not apply to the creation, attachment, perfection, or enforcement of a security interest in:*

(a) *A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. subsection 104(a)(1) or (2).*

(b) *A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. subsection 1396p(d)(4).*

(c) *The interest of a debtor who is a natural person in unemployment, alimony, disability, pension, or retirement benefits or victim compensation funds.*

(d) *The interest of a debtor who is a natural person in other benefits which are designated solely for his or her maintenance, support, or education, the assignability of which is expressly prohibited or restricted by statute.*

However, this provision shall not preclude such debtor's creation, attachment, perfection, or enforcement of a security interest in a settlement arising from a personal injury claim other than one against an employer arising out of the debtor's employment.

(7) *Subsections (1), (3), and (6) apply only to a security interest created after January 1, 2002.*

Rep. Brown moved the adoption of the amendment.

Representative(s) Brown offered the following:

(Amendment Bar Code: 493395)

Amendment 1 to Amendment 5—On page 2, lines 4-8, remove from the amendment: all of said lines,

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

The question recurred on the adoption of **Amendment 5**, as amended, which was adopted by the required two-thirds vote.

Representative(s) Crow offered the following:

(Amendment Bar Code: 442685)

Amendment 6—On page 124, lines 27 and 28, remove from the bill: all of said lines

and insert in lieu thereof:

(a) *For filing an initial financing statement, \$25 for the first page, which shall include*

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

Representative(s) Crow offered the following:

(Amendment Bar Code: 461943)

Amendment 7 (with title amendment)—On page 194, between lines 23 and 24, of the bill

insert:

Section 29. Section 285.20, Florida Statutes, is created to read:

285.20 Tribal Secured Transactions Filing Offices.—

(1) *If the governing body of the Seminole Tribe of Florida or the governing body of the Miccosukee Tribe of Indians adopts or enacts a law or ordinance governing secured transactions arising within or relating to the reservation of such tribe in this state, and if such tribal law or ordinance authorizes financing statements and other records relating to secured transactions to be filed:*

(a) *With the Department of State or such other central filing office as may be established from time to time under the Uniform Commercial Code of this state, then the Department of State or other central filing office, including any private secured transaction registry that may be designated as such in this state, shall accept and process such filings made under the tribal secured transactions law in accordance with this section and the provisions of chapter 679; or*

(b) *With the office of the clerk of circuit court in any county of this state in which the tribal secured transactions law requires a local filing, then such county filing office shall accept and process such filings made under such tribal law in accordance with this section and the provisions of chapter 28.*

(2) *The filing office shall not be required to accept any financing statements or other records communicated for filing under a tribal secured transactions law unless they satisfy the same filing requirements then applicable to financing statements and other records communicated to that filing office under the Uniform Commercial Code of this state, including the payment of the same filing, processing, or recording charges or fees then charged by that filing office for filing or recording comparable financing statements and other records under the Uniform Commercial Code of this state.*

(3) *The filing office shall maintain and index its records of all financing statements or other records filing with that filing office under the tribal secured transactions law together with and in the same manner as its records of financing statements and other records filed under the Uniform Commercial Code of this state. The filing office shall not be required to record or index separately, or otherwise segregate in any manner, any such filings made under the tribal secured transactions law from other filings made under the Uniform Commercial Code of this*

state. In all respects, the filing office shall have the same duties and responsibilities with respect to filings made under the tribal secured transactions law as with respect to filings made under the Uniform Commercial Code of this state.

And the title is amended as follows:

On page 5, line 14,

after the semicolon insert: creating s. 285.20, F.S.; establishing the Tribal Secured Transactions Filing Offices;

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

Representative(s) Brown offered the following:

(Amendment Bar Code: 645931)

Amendment 8 (with title amendment)—On page 194, between lines 23 and 24,

insert:

Section 29. *Nothing contained in s. 679.4061, Florida Statutes, or s. 679.4081, Florida Statutes, as created by this act, shall supersede the provisions of SB 108 or HB 767, relating to structured settlements, if Senate Bill 108 or House Bill 767 becomes a law.*

And the title is amended as follows:

On page 5, line 14, after the semicolon,

insert: specifying nonsupersession of certain provisions;

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

The question recurred on the passage of HB 579. The vote was:

Session Vote Sequence: 299

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall, Meadows

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

On motion by Rep. Rubio, consideration of **CS/HB 1189** was temporarily postponed under Rule 11.10.

CS/HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; 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: 300

Yeas—112

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

Nays—1

Bucher

Votes after roll call:

Yeas—Joyner, Justice, Smith, Spratt, Waters

Nays—Carassas

Nays to Yeas—Bucher

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

HB 1197—A bill to be entitled An act relating to legislative oversight of governmental programs; amending s. 11.40, F.S.; authorizing the Legislative Auditing Committee to direct the Auditor General and the Office of Program Policy Analysis and Government Accountability to conduct audits, reviews, and examinations of certain entities; authorizing the Legislative Auditing Committee to conduct investigations; authorizing the Legislative Auditing Committee to hold hearings; amending s. 11.42, F.S.; revising the requirements to become Auditor General; transferring report requirement; revising the employment restrictions for employees of the Auditor General; exempting the Auditor General from certain provisions; amending s. 11.45, F.S.; revising definitions; providing for duties of the Auditor General; transferring certain district school board authority; transferring the requirement that a charter school provide for an annual financial audit; transferring the requirement that certain district school boards have certain financial audits; providing for authority of the Auditor General; providing for scheduling and staffing of audits conducted by the Auditor General; requiring the Legislative Auditing Committee to direct an audit of a municipality by the Auditor General under certain circumstances; authorizing a local governmental entity to request an audit by the Auditor General; transferring the requirement that the Office of Program Policy Analysis and Government Accountability maintain a schedule of performance audits; deleting the requirement that the Office of Program Policy Analysis and Government Accountability identify and comment upon certain alternatives in conducting a performance audit; transferring a report distribution requirement; transferring the annual financial auditing provisions related to local governmental entities; transferring the auditor selection procedures for local governmental entities, district school boards, and charter schools; transferring the penalty provisions for failure to file an annual financial audit; providing for Auditor General reporting requirements; transferring the penalty provisions for failure by a local governmental entity to pay for the cost of an audit by the Auditor General; transferring the Legislative Auditing Committee's authority to conduct investigations; deleting the content required within an audit report issued by the Auditor General; deleting the requirement that an agency head must file a report; deleting a report issued by the Auditor General and the Office of Program Policy Analysis and Government Accountability; transferring the authority for district school boards and district boards of trustees of community colleges for performance audits and financial audits; amending s. 11.47, F.S.; requiring certain officers to provide the Office of Program Policy Analysis and Government Accountability with information; requiring the staff of the Office of Program Policy Analysis and Government Accountability to make proper examinations; providing criminal penalties for false reports; providing penalties for persons who fail to provide the Office of Program Policy Analysis and Government Accountability with records; amending s. 11.51, F.S.; redefining the duties of the office; eliminating the provision requiring the Auditor General to provide administrative support for the office; requiring the office to maintain a schedule of examinations; providing authority to the office to examine certain programs; requiring the office to deliver preliminary findings; providing deadlines for responses to preliminary findings; requiring the office to conduct followup reports; amending s. 11.511, F.S.; redefining the duties of the director of the Office of Program Policy Analysis and Government Accountability; revising employment restrictions for the office staff; providing for postponement of examinations; amending s. 11.513, F.S.; correcting cross references; transferring the authority of the Legislative Auditing Committee; transferring and rewording the authority of the director of the Office of Program Policy Analysis and Government Accountability to postpone projects; amending ss. 14.29, 20.2551, 288.1226, 320.08058, and 943.2569, F.S.; providing for audits of programs; amending s. 20.055, F.S.; transferring the review of state agencies' internal audit reports conducted by the Auditor General; providing responsibilities to agencies' inspectors general; amending ss.

24.105, 39.202, 119.07, 195.084, 213.053, 944.719, and 948.15, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; amending s. 24.120, F.S.; requiring the Department of the Lottery to provide access to the facilities of the department to the Office of Program Policy Analysis and Government Accountability; amending s. 27.3455, F.S.; deleting a reporting requirement; correcting cross references; amending ss. 30.51, 116.07, 122.03, 122.08, 145.022, 145.14, 154.331, 206.60, 212.08, 290.0056, 403.864, 657.008, and 946.31, F.S.; deleting obsolete provisions; amending ss. 110.109, 216.177, 216.178, 216.292, 334.0445, and 985.311, F.S.; designating the Office of Program Policy Analysis and Government Accountability as a recipient of information; amending s. 112.313, F.S.; expanding the definition of employees subject to postemployment restrictions to include the director of the Office of Program Policy Analysis and Government Accountability; amending s. 112.324, F.S.; expanding the list of persons subject to consequences regarding a breach of public trust to include the director and staff of the Office of Program Policy Analysis and Government Accountability; amending ss. 112.63, 175.261, 185.221, 189.4035, 189.412, 189.418, 189.419, 215.94, 230.23025, and 311.07, F.S.; correcting cross references; amending s. 125.01, F.S.; deleting a requirement that the Auditor General retain county audit reports for a specific period of time; amending s. 125.0104, F.S.; providing for reimposition of a tourist development tax without referendum approval under certain conditions; amending ss. 154.11, 253.025, and 259.041, F.S.; revising provisions related to the Auditor General; amending s. 163.356, F.S.; deleting the Auditor General from the list of entities receiving a report from a community redevelopment agency; amending s. 189.428, F.S.; revising the criteria to be utilized by a local government conducting an oversight review of a special district; amending ss. 193.074 and 196.101, F.S.; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; amending ss. 195.096, 228.056, 228.505, 455.32, and 471.038, F.S.; revising provisions related to certain audits; amending s. 215.44, F.S.; deleting the requirement that the Auditor General annually audit the State Board of Administration; revising provisions related to an examination by the Office of Program Policy Analysis and Government Accountability; creating s. 215.86, F.S.; providing for management systems and controls for state agencies; creating s. 215.98, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending ss. 229.8021, 237.40, 240.299, 240.2995, 240.331, 240.3315, 240.5285, 240.711, 250.115, 266.0018, 267.17, 288.1229, 288.809, 372.0215, 413.615, 413.87, 446.609, 944.802, 960.002, and 985.4145, F.S.; providing for audits of direct-support organizations and citizen support organizations; amending s. 218.31, F.S.; providing additional definitions; amending s. 218.32, F.S.; providing that certain entities file an audit report with the Department of Banking and Finance; correcting a cross reference; providing for the Department of Banking and Finance to prescribe the format of local governmental entities that are required to provide for certain audits; transferring the penalty provisions relating to failure of a local governmental entity to file an annual financial report with the Department of Banking and Finance; amending s. 218.33, F.S.; revising provisions related to the establishment of uniform accounting practices and procedures; amending s. 218.38, F.S.; transferring penalty provisions for failure to verify or provide information to the Division of Bond Finance within the State Board of Administration; creating s. 218.39, F.S.; providing for audits of local governmental entities, district school boards, charter schools, and charter technical career centers; providing for the format of county audits; authorizing dependent special districts to be included within the audit of a county or municipality; prohibiting an independent special district from being included within the audit of a county or municipality; providing for a management letter within each audit report; providing for discussion of the auditor's findings and recommendations; providing for a response to the auditor's findings and recommendations; requiring that a predecessor auditor of a district school board provide the Auditor General with access to the prior year's working papers; requiring certain audits to be conducted in accordance with rules adopted by the Auditor General; creating s. 218.391, F.S.; providing for auditor selection procedures; amending s. 218.415, F.S.; correcting a cross reference; transferring responsibilities of the Auditor General; transferring penalty provisions; amending s. 228.093, F.S.;

providing authority to the Office of Program Policy Analysis and Government Accountability to access records; requiring the Office of Program Policy Analysis and Government Accountability to maintain confidentiality of records; requiring the office to destroy personally identifiable data under certain circumstances; amending s. 230.23, F.S.; authorizing school boards to employ an internal auditor; authorizing school boards to hire independent certified public accountants; amending s. 240.214, F.S.; clarifying that accountability reports are to be designed in consultation with the Office of Program Policy Analysis and Government Accountability; amending s. 240.311, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; creating s. 240.3631, F.S.; authorizing district boards of trustees of community colleges to hire an independent certified public accountant to conduct audits; amending s. 240.512, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to require and receive supplemental data; providing authority to the Office of Program Policy Analysis and Government Accountability to access confidential records; requiring the office to maintain confidentiality; amending s. 240.551, F.S.; providing for audits of direct-support organizations; deleting a paragraph which provides for audits of direct-support organizations; amending ss. 240.609, 288.9517, 296.17, 296.41, 403.1826, 550.125, 601.15, and 744.708, F.S.; providing authority to the Office of Program Policy Analysis and Government Accountability to examine programs; amending s. 290.015, F.S.; providing responsibilities to the Office of Program Policy Analysis and Government Accountability regarding the Florida Enterprise Zone Act of 1994; amending ss. 320.023, 320.08062, and 322.081, F.S.; deleting provisions related to audits of certain organizations; requiring annual attestations of certain organizations; transferring the Auditor General's authority to conduct audits; amending s. 339.406, F.S.; revising provisions related to audits of transportation corporations; providing the Department of Transportation and the Auditor General with the authority to conduct audits of transportation corporations; amending s. 365.171, F.S.; revising the provision related to auditing the 911 fees; correcting a cross reference; amending s. 373.45926, F.S.; replacing certain terms; amending s. 373.507, F.S.; deleting an obsolete provision; correcting a cross reference; providing for the distribution of audits of water management districts; amending ss. 402.73, 411.01, and 413.88, F.S.; deleting provisions related to an audit by the Auditor General; amending s. 403.8532, F.S.; replacing certain terms; amending s. 411.221, F.S.; adding reports issued by the Office of Program Policy Analysis and Government Accountability to the information considered in strategic plan revisions; amending s. 570.903, F.S.; transferring the authority for certain direct-support organizations to conduct business; providing for audits of direct-support organizations; amending s. 616.263, F.S.; providing the Auditor General with the authority to conduct audits; amending s. 943.25, F.S.; providing for the conduct of audits of the criminal justice trust fund; amending s. 944.512, F.S.; providing that certain costs are to be certified by a prosecuting attorney and an imprisoning entity and subject to review by the Auditor General; amending s. 957.07, F.S.; providing responsibilities for the Department of Corrections and the Auditor General; amending ss. 957.11 and 985.416, F.S.; transferring duties from the Auditor General to the Office of Program Policy Analysis and Government Accountability; repealing s. 11.149, F.S., relating to nonapplication of certain provisions to the Legislative Auditing Committee or the Auditor General; repealing s. 11.46, F.S., relating to accounting procedures; repealing s. 125.901(2)(e), F.S., relating to audits of independent special districts related to children's services; repealing ss. 215.56005(2)(1), 216.2815, 228.053(11), 228.082(6), 253.037(3), 288.906(2), 288.9616, 298.65, 348.69, 374.987(3), 380.510(8), 400.335, 403.1837(14), 440.49(14)(i), and 517.1204(14), F.S., relating to authority of the Auditor General to conduct audits; repealing s. 218.415(23), F.S., relating to local government investments; repealing s. 265.607, F.S., relating to audits of local cultural sponsoring organizations; repealing s. 331.419(3), F.S.; deleting obsolete provisions; repealing s. 339.413, F.S., relating to audits of transportation corporations; repealing s. 373.589, F.S., relating to audits of water management districts; repealing s. 388.331, F.S., relating to audits of mosquito control districts and mosquito control programs; repealing ss. 570.912, 581.195, 589.013, and 590.612, F.S., relating to direct support organizations within the Department of Agriculture; amending s.

189.4042, F.S.; providing that an inactive independent special district that was created by a county or municipality through a referendum may be dissolved by the county or municipality after publication of notice as required for the declaration of the inactive status of a special district; amending s. 189.4044, F.S.; reducing the number of weeks such notice of declaration of inactive status must be published; amending s. 189.418, F.S.; providing that a dependent special district may only be budgeted separately with concurrence of the local governing authority upon which said dependent special district is dependent; deleting a requirement that the proposed budget of an independent special district located in one county be filed with the county; deleting requirements for each special district to file certain reports, information, and audits with the local governing authority; amending s. 189.419, F.S., to conform; amending s. 189.429, F.S.; providing the effect of the reenactment of existing law pursuant to the required codification of a special district charter; repealing s. 218.34, F.S.; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 155681)

Technical Amendment 8—On page 70, line 23, remove “s.”

and insert: section
and on page 172, line 28, through page 174, line 23,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 133. Section 189.418, Florida Statutes, is amended to read:
189.418 Reports; budgets; audits.—

(1) When a new special district is created, the district must forward to the department, within 30 days after the adoption of the special act, rule, ordinance, resolution, or other document that provides for the creation of the district, a copy of the document. In addition to the document or documents that create the district, the district must also submit a map of the district, showing any municipal boundaries that cross the district's boundaries, and any county lines if the district is located in more than one county. The department must notify the local government or other entity and the district within 30 days after receipt of the document or documents that create the district as to whether the district has been determined to be dependent or independent.

(2) Any amendment, modification, or update of the document by which the district was created, including changes in boundaries, must be filed with the department within 30 days after adoption. The department may initiate proceedings against special districts as provided in ss. 189.421 and 189.422 for failure to file the information required by this subsection.

(3) *The governing body of each special district shall adopt a budget by resolution each fiscal year. The total amount available from taxation and other sources, including amounts carried over from prior fiscal years, must equal the total of appropriations for expenditures and reserves. The adopted budget must regulate expenditures of the special district, and it is unlawful for any officer of a special district to expend or contract for expenditures in any fiscal year except in pursuance of budgeted appropriations.*

(4) *The proposed budget of a dependent special district shall be presented in accordance with generally accepted accounting principles, contained within the general budget of the local governing authority, and be clearly stated as the budget of the dependent district. However, with the concurrence of the local governing authority, a dependent district may be budgeted separately.*

(5) *A local governing authority may, in its discretion, review the budget or tax levy of any special district located solely within its boundaries.*

~~(3) Each special district shall file with the local general purpose governing authority or authorities within the geographic boundaries of the district a copy of:~~

~~(a) The reports required by ss. 218.32 and 218.34;~~

~~(b) A complete description of all new bonds as provided in s. 218.38(1); and~~

~~(c) A map of the district and any subsequent boundary changes.~~

~~(4) Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.~~

~~(6)(5) All reports or information required to be filed~~

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 984229)

Amendment 9 (with title amendment)—On page 70, line 23, through page 71, line 23,
remove from the bill: all of said lines,

And the title is amended as follows:

On page 5, lines 13-16,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: time; amending ss. 154.11, 253.025, and

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

The question recurred on the passage of HB 1197. The vote was:

Session Vote Sequence: 301

Yeas—118

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	Ritter
Ausley	Feeney	Kilmer	Romeo
Baker	Fields	Kosmas	Ross
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	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrell	Meadows	Weissman
Bullard	Harrington	Mealor	Wiles
Byrd	Hart	Melvin	Wilson
Cantens	Henriquez	Miller	Wishner
Carassas	Heyman	Murman	
Clarke	Hogan	Needelman	

Nays—None

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

Consideration of **HB 1429** was temporarily postponed under Rule 11.10.

Consideration of **HB 1055** was temporarily postponed under Rule 11.10.

HB 1429—A bill to be entitled An act relating to automated external defibrillators; creating s. 768.1325, F.S.; creating the Cardiac Arrest Survival Act; providing definitions; providing immunity from liability for certain persons who use automated external defibrillators under certain circumstances; providing exceptions; repealing s. 768.13(4), F.S., relating to the Good Samaritan Act, to delete reference to the use of an automatic external defibrillator in certain emergency situations; amending s. 401.2915, F.S.; revising a provision of law relating to automatic external defibrillators to conform to the act; directing the Department of Health, with assistance from the Department of Management Services, to adopt rules to establish guidelines on the appropriate placement and deployment of automated external defibrillator devices in certain buildings owned or leased by the state; specifying factors to be considered in device placement and deployment; providing an effective date.

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

Session Vote Sequence: 302

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Ausley, Seiler, Wishner

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

Statement of Legislative Intent on HB 1429

On motion by Rep. Byrd, the rules were waived and the following statement was ordered spread upon the *Journal*, in order to establish legislative intent:

Rep. Byrd: Thank you, Mr. Speaker. This bill creates the Cardiac Arrest Survival Act to provide a qualified immunity to persons who use or attempt to use an automatic external defibrillator device. Provides a

definition of “reckless disregard” to the type of conduct eliminating the qualified immunity protection. While reckless disregard is not defined in the bill, I note that it is the subject of Standard Jury Instruction MI-9 relative to the Good Samaritan provision for hospital emergency rooms, the commentary to which places it somewhere between simple negligence and gross negligence. This emergency room standard was applied in *Garcia v. Randle-Eastern Ambulance Service, Inc.*, which noted that commentators have rejected the application of the punitive damages standard in defining recklessness in an emergency situation.

HJR 1451—A joint resolution proposing an amendment to Section 3 of Article VII of the State Constitution relating to exemption from ad valorem taxation of certain tangible personal property.

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

That the following amendment to Section 3 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier election called for that purpose and, if approved, shall take effect January 1, 2003:

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified

by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) By general law and subject to conditions specified therein, in addition to any other exemption granted to tangible personal property pursuant to this section, all appurtenances and attachments to mobile home dwellings that are classified as tangible personal property and all appliances, furniture, and fixtures classified as tangible personal property which are included in single-family and multifamily residential rental facilities that have ten or fewer individual housing units may be exempted.

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

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 3

TAX EXEMPTION FOR CERTAIN TANGIBLE PERSONAL PROPERTY.—Proposing an amendment to the State Constitution, effective January 1, 2003, to allow the exemption from ad valorem taxation by general law, of all appurtenances and attachments to mobile home dwellings classified as tangible personal property and all appliances, furniture, and fixtures so classified which are included in single-family and multifamily residential rental facilities having 10 or fewer units.

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

Session Vote Sequence: 303

Yeas—118

The Chair	Davis	Jennings	Paul
Alexander	Detert	Johnson	Peterman
Allen	Diaz de la Portilla	Jordan	Pickens
Andrews	Diaz-Balart	Joyner	Prieguez
Argenziano	Dockery	Justice	Rich
Arza	Farkas	Kallinger	Richardson
Attkisson	Fasano	Kendrick	Ritter
Atwater	Feeney	Kilmer	Romeo
Ausley	Fields	Kosmas	Ross
Baker	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
Brown	Green	Mahon	Spratt
Brummer	Greenstein	Mayfield	Stansel
Brutus	Haridopolos	Maygarden	Trovillion
Bucher	Harper	McGriff	Wallace
Bullard	Harrell	Meadows	Waters
Byrd	Harrington	Mealor	Weissman
Cantens	Hart	Melvin	Wiles
Carassas	Henriquez	Miller	Wilson
Clarke	Heyman	Murman	Wishner
Crow	Hogan	Needelman	
Cusack	Holloway	Negron	

Nays—None

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

HB 1225—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; revising certain procedures and conditions relating to the sales tax exemption for enterprise-zone building materials and business property; extending the community contribution tax credit provisions of the enterprise zone program to the

state sales tax; amending s. 212.096, F.S.; redefining the terms “eligible business” and “new employee”; defining the terms “jobs” and “new job has been created”; revising the computation procedures of the enterprise-zone jobs credit against sales tax; amending s. 212.098, F.S.; redefining the term “eligible business”; defining the term “qualified area”; deleting provisions ranking qualified counties; limiting the amount of tax credits available during any one calendar year; providing for reduction or waiver of certain financial match requirements in rural areas by Rural Economic Development Initiative agencies and organizations; amending s. 220.03, F.S.; redefining the terms “new employee” and “project”; defining the terms “new job has been created” and “jobs”; amending s. 220.181, F.S.; revising the computation procedures of the enterprise-zone job credit against the corporate income tax; amending s. 220.183, F.S.; revising the eligibility, application, and administrative requirements of the community contribution corporate income tax credit program; amending s. 288.018, F.S.; revising administration and uses of the Regional Rural Development Grants Program; creating s. 288.019, F.S.; providing for a review and evaluation process of rural grants by Rural Economic Development Initiative agencies; amending s. 288.065, F.S.; expanding the scope of the Rural Community Revolving Loan Fund Program; amending s. 288.0656, F.S.; revising the membership of the Rural Economic Development Initiative; requiring an annual designation of staff representatives; amending s. 288.1088, F.S.; expanding eligible uses of the Quick Action Closing Fund; amending s. 288.9015, F.S.; revising the duties of Enterprise Florida, Inc.; amending s. 290.004, F.S.; defining the term “rural enterprise zone”; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; amending s. 290.0065, F.S.; providing for certain rural enterprise zones; conforming agency references to changes in program administration; authorizing the Office of Tourism, Trade, and Economic Development in consultation with Enterprise Florida, Inc., to develop guidelines relating to the designation of enterprise zones; creating s. 290.00676, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of a rural enterprise zone and providing requirements with respect thereto; creating s. 290.00677, F.S.; modifying the employee residency requirements for the enterprise-zone job credit against the sales tax and corporate income tax if the business is located in a rural enterprise zone; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate rural champion communities as enterprise zones; providing requirements with respect thereto; amending s. 290.007, F.S.; revising the list of enterprise zone incentives to reflect the creation of a community contribution sales tax credit program; amending s. 290.048, F.S.; authorizing the Department of Community Affairs to establish advisory committees and solicit participation with respect to administering the Florida Small Cities Community Development Block Grant Program; repealing s. 290.049, F.S., relating to the Community Development Block Grant Advisory Council; repealing s. 370.28(4), F.S., which provides conditions for tax incentives in enterprise zone net-ban communities; amending s. 380.06, F.S.; providing for guidelines and standards for an area designated by the Governor as a rural area of critical economic concern; deleting a requirement that the Administration Commission adopt certain guidelines and standards by rule; amending s. 420.503, F.S.; redefining the terms “elderly” and “housing for the elderly” under the Florida Housing Finance Act; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to create a recognition program to support affordable housing; amending s. 420.5088, F.S.; revising authority and eligibility criteria for certain loans made by the corporation under the Florida Homeownership Assistance Program; amending s. 420.5092, F.S.; increasing the amount of revenue bonds that may be issued under the Florida Affordable Housing Guarantee Program; amending s. 624.5105, F.S.; conforming definitions; revising eligibility and administrative requirements; amending s. 125.0103, F.S.; providing that a local

government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 166.043, F.S.; providing that a local government may enact an ordinance for the purpose of increasing the supply of affordable housing using land use mechanisms; amending s. 336.025, F.S.; allowing an additional use for local option fuel tax proceeds; providing effective dates.

—was read the third time by title.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 153749)

Amendment 3 (with title amendment)—On page 5, line 6, insert:

Section 1. If section 35 of chapter 2000-260, Laws of Florida, is repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

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

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

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

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

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

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year

on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a “facility for a new professional sports franchise” or a “facility for a retained professional sports franchise” pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a retained spring training franchise” pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

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

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.*

8. All other proceeds shall remain with the General Revenue Fund.

Section 2. If section 35 of chapter 2000-260, Laws of Florida, is not repealed by section 58 of said chapter, paragraph (e) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(e) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

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

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

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

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

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a “facility for a new professional sports franchise” or a “facility for a retained professional sports franchise” pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a “facility for a retained spring training franchise” pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

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

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

e. *Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as a certified sports industry economic development project pursuant to s. 288.113, and has generated new sales tax revenues that have been remitted to the state during the prior twelve months, a monthly sales tax reimbursement payment in the amount set forth in the notice by the Office of Tourism, Trade and Economic Development, based on actual sales tax generated over a 12-month period, shall be distributed to the applicant until the certification expires or notice is received by the department from the Office of Tourism, Trade, and Economic Development of a change in the applicant's certification status or in the certified monthly payment amount. The amount of the monthly sales tax reimbursement distribution shall be adjusted beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development that the applicant is to receive a reduced or increased sales tax reimbursement payment.*

8. All other proceeds shall remain with the General Revenue Fund.

Section 3. Paragraph (k) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7) Notwithstanding any other provision of this section, the department may provide:

(k) Payment information relative to chapters 199, 201, 212, 220, and 221 to the Office of Tourism, Trade, and Economic Development in its administration of the tax refund program for qualified defense contractors authorized by s. 288.1045, and the tax refund program for qualified target industry businesses authorized by s. 288.106, and the sales tax reimbursement program for certified sports industry economic development projects authorized by s. 288.113.

Section 4. Section 288.113, Florida Statutes, is created to read:

288.113 *Tax reimbursement program for certified sports industry economic development projects.—*

(1) *LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature finds that attracting, retaining, and providing favorable*

conditions for the growth of certified sports industry economic development projects provides high-quality employment opportunities for residents of the state, increases tourism, and enhances the economic foundations of the state. It is the policy of the state to encourage the growth of high-value-added employment to the economic base by providing a sales tax reimbursement to certified sports industry economic development projects that create new employment opportunities and generate new sales tax dollars by expanding businesses within the state or by bringing new businesses to the state.

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

(a) “Certified sports industry economic development project” or “project” means any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state, has submitted a properly completed application to the Office of Tourism, Trade, and Economic Development, and has subsequently been certified by that office as a certified sports industry economic development project.

(b) “Sales tax reimbursement” means the monthly amount to be distributed through a reimbursement to a certified sports industry economic development project pursuant to s. 212.20. Such amount shall be determined by the Office of Tourism, Trade, and Economic Development as provided in this section.

(3) **AMATEUR SPORTS BUSINESS ELIGIBLE TO APPLY.**—

(a) Any amateur sports business that develops, operates, attracts, and retains multiyear amateur sporting events that generate new sales taxes for the state may submit to the Office of Tourism, Trade, and Economic Development an application for approval as a certified sports industry economic development project for the purpose of receiving a sales tax reimbursement on new sales taxes generated by increased new business and tourism activity directly attributable to the proposed amateur sports industry economic development project.

(b) The number of certified sports industry economic development projects shall not exceed three until June 30, 2006, and thereafter only one new certified sports industry economic development project may be certified by the Office of Tourism, Trade, and Economic Development each year.

(4) **SALES TAX REIMBURSEMENT AND AUTHORIZED AMOUNT.**—Pursuant to s. 212.20, each certified sports industry economic development project shall be eligible for a monthly distribution of its sales tax reimbursement in the amount determined by its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development. The amount shall be based on new sales tax revenues generated under chapter 212 by increased new business and tourism activity directly attributable to the project as determined using the sports economic impact model and, subject to other restrictions, returns 50 percent of that amount to the project. The total amount of sales tax reimbursement for all fiscal years estimated for each project shall not exceed 50 percent of the cost of the project as determined by the Office of Tourism, Trade, and Economic Development in the certification process set forth in subsection (6). The annualized amount of the monthly distribution shall be calculated by the Office of Tourism, Trade, and Economic Development and specified in the applicant’s sales tax reimbursement agreement. Annual payment amounts shall be no less than \$500,000 and no more than \$2 million, unless the Office of Tourism, Trade, and Economic Development reduces payments below \$500,000 under its authority to decertify a project as discussed in subsection (6).

(5) **AUTHORIZED USE OF SALES TAX REIMBURSEMENT PAYMENTS.**—After entering into a sales tax reimbursement agreement under subsection (7), a certified sports industry economic development project may receive a sales tax reimbursement for:

- (a) Developing and implementing any component of the project’s sports events and activities;
- (b) Constructing, reconstructing, renovating, furnishing, equipping, or operating the project’s facilities or events;
- (c) Pledging payments or debt service on or funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds for the project’s activities and facilities; or

(d) Paying the cost of relocating the project’s corporate headquarters into the state.

(6) **CERTIFICATION, RECERTIFICATION, AND DECERTIFICATION PROCEDURE.**—

(a) The Office of Tourism, Trade, and Economic Development shall establish a certification process by which a proposed amateur sports industry economic development project may be approved by the office as a certified sports industry economic development project that is eligible to receive economic development incentives in the form of a sales tax reimbursement of a percentage of new sales taxes that have been generated and remitted to the state as a result of the certified sports industry economic development project.

(b) Before certifying an applicant under this subsection, the Office of Tourism, Trade, and Economic Development shall determine that the applicant has:

1. Completed an independent analysis or study, verified by the Office of Tourism, Trade, and Economic Development, which demonstrates that the proposed amateur sports industry economic development project will generate a minimum of \$1 million annually in new sales tax revenues over a multiyear period.

2. Received commitments for amateur sports activities which demonstrate that the proposed amateur sports economic development project will bring to this state on a multiyear basis new proposed amateur sports economic development project activities that will generate a minimum of \$1 million in new sales tax revenues annually, as verified by the Office of Tourism, Trade, and Economic Development.

3. Demonstrated that the applicant has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred in or related to the development of the proposed amateur sports industry economic development project.

(c) An amateur sports business that has previously been certified under this section and has received a sales tax reimbursement under that certification is ineligible for additional certification.

(d) Upon determining that a proposed amateur sports industry economic development project meets the established criteria for approval as a certified sports industry economic development project and qualifies for a sales tax reimbursement, the Office of Tourism, Trade, and Economic Development shall issue to the applicant a letter of certification that stipulates the terms of the sales tax reimbursement agreement and the penalties for failing to comply with those terms.

(e) The Office of Tourism, Trade, and Economic Development shall deny the application of an amateur sports business to be a certified sports industry economic development project if the office determines that the proposed project does not meet the established criteria for approval.

(f) The Office of Tourism, Trade, and Economic Development shall develop a standardized form for an amateur sports business to complete in applying for certification as a certified sports industry economic development project. The application shall include, but shall not be limited to, relevant information on employment and job creation, proposed budgets, contracts for multiyear events and projects, project financing, and other information requested by the office. The application may be distributed to applicants by the Office of Tourism, Trade, and Economic Development, and all completed applications shall be processed by the office.

(g) Initial certification for a sales tax reimbursement under this section is valid for 120 months. Subsequent to the initial certification period, the certified sports industry economic development project is eligible for two periods of recertification, each of which is valid for 60 months. A project shall request recertification 12 months before the expiration of the certificate.

(h) A certified sports industry economic development project may request recertification after the initial certification period to be qualified for certification as a certified sports industry economic development project for a period not to exceed 240 months.

(i) *The Office of Tourism, Trade, and Economic Development shall recertify, before the end of the first 10-year period, that the certified sports industry economic development project is operational and that the project is meeting the minimum projections for sales tax revenues as required at the time of original certification. If the project is not recertified during this 10-year review period as meeting the minimum projections, funding shall be adjusted until certification criteria are met. If the project fails to generate annual sales tax revenues pursuant to its sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, the amount of revenues distributed to the project under s. 212.20(6)(e)7.e. shall be reduced to the amount of the taxes collected times 50 percent. If, for 2 consecutive years, the amount of tax revenues collected falls below a minimum of \$1 million per year, the project may be decertified at the discretion of the Office of Tourism, Trade, and Economic Development. Such a reduction shall remain in effect until the sales tax revenues generated by the project in a 12-month period equal or exceed \$1 million.*

(j) *A project may be decertified if the Office of Tourism, Trade, and Economic Development determines that the amateur sports business can no longer maintain its economic development activities in this state. If the project is no longer in existence, or is no longer viable, as determined by the project's sales tax reimbursement agreement with the Office of Tourism, Trade, and Economic Development, or if the project has the certificate for purposes other than those authorized by this section and chapter 212, the Office of Tourism, Trade, and Economic Development shall notify the Department of Revenue to suspend payment for a period of 6 months until the project is either in compliance with the sales tax reimbursement agreement or is determined to be in default. In addition to other penalties imposed by law, any person who knowingly and willfully falsifies an application for purposes other than those authorized by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.*

(k) *The Office of Tourism, Trade, and Economic Development shall provide written notification to the Department of Revenue of all certifications, recertifications, and decertifications of projects and of the sales tax reimbursement distribution amount each project is entitled to receive.*

(l) *The Office of Tourism, Trade, and Economic Development shall develop rules for the receipt and processing of applications for funding pursuant to s. 212.20.*

(7) SALES TAX REIMBURSEMENT AGREEMENT TERMS.—

(a) *In order to qualify for sales tax reimbursement from the state, each certified sports industry economic development project shall enter into a written agreement with the Office of Tourism, Trade, and Economic Development which specifies, at a minimum:*

1. *The total number of full-time-equivalent jobs created in or transferred to this state as a direct result of the project, the average wage paid for those jobs, the criteria that will apply to measuring the achievement of these terms during the effective period of the agreement, and a time schedule or plan for when such jobs will be in place and operative in the state.*

2. *The maximum amount of new sales taxes estimated to be generated as a result of the project, the maximum amount of sales tax reimbursement that the project is eligible to receive, and the maximum amount of sales tax reimbursement that the project is requesting.*

3. *The budgets, financing, projections, and cost estimates for the sports activities and projects for which reimbursement is sought.*

(b) *Compliance with the terms and conditions of the sales tax reimbursement agreement is a condition precedent for receiving a sales tax reimbursement each year. The terms and timeframe of the agreement shall be commensurate with the duration of the certification period. Failure to comply with the terms and conditions of the sales tax reimbursement agreement shall result in an immediate review by the Office of Tourism, Trade, and Economic Development of the activities of the project.*

(c) *The sales tax reimbursement shall not exceed 50 percent of the total project costs, amortized over a period not to exceed 20 years.*

(d) *Sales tax reimbursement may be provided through direct payment or other means of payment to the certified sports industry economic development project, as determined in the sales tax reimbursement agreement with the approval of the Department of Revenue.*

(8) ADMINISTRATION.—

(a) *The Office of Tourism, Trade, and Economic Development may verify information provided in any claim for sales tax reimbursement under this section, including information regarding employment and wage levels or the payment of taxes under chapter 212 to the appropriate agency, including the Department of Revenue, the Agency for Workforce Innovation, or the appropriate local government or authority.*

(b) *To facilitate the process of monitoring and auditing applications made under this program, the Office of Tourism, Trade, and Economic Development may request information necessary for determining a project's compliance with this section from the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority. These governmental entities shall provide assistance in the areas within their scope of responsibilities.*

(c) *The Department of Revenue may audit as provided in s. 213.34 to verify that the distributions pursuant to this section have been expended as required in this section.*

(9) RELATIONSHIP OF SALES TAX REIMBURSEMENTS TO SPORTS INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—*Beginning January 1, 2003, the Office of Tourism, Trade, and Economic Development shall maintain records based on information provided on taxpayer applications for certified sports industry economic development projects that receive sales tax reimbursements. These records shall include a statement of the percentage of the overall new economic impact generated by certified sports industry economic development projects and the amount of funds annually reimbursed to such projects. In addition, the Office of Tourism, Trade, and Economic Development shall maintain data showing the annual growth in Florida-based amateur sports industry businesses and the number of persons employed and wages paid by such businesses. The Office of Tourism, Trade, and Economic Development shall report this information to the Legislature annually, no later than December 1.*

Section 5. Subsection (1) of section 288.1229, Florida Statutes, is amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.—

(1) The Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office in:

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) *The attraction of amateur sports industry economic development projects to this state for the purposes set forth in paragraphs (a) and (b), as well as for the purposes of increasing national and international media promotions and attention, promoting the quality of life in the state, and promoting tourism, which will have a positive effect on expanding the tax base as well as creating new jobs in the state.*

And the title is amended as follows:

On page 1, line 2,

after the semicolon insert: amending s. 212.20, F.S.; providing for the Department of Revenue to distribute sales tax reimbursements to certified sports industry economic development projects under certain circumstances; amending s. 213.053, F.S.; extending the current

information sharing with the Office of Tourism, Trade, and Economic Development to include the sales tax reimbursement program for certified sports industry economic development projects; creating s. 288.113, F.S.; creating a tax reimbursement program for certified sports industry economic development projects; providing legislative findings and declarations; providing definitions; providing eligibility criteria for amateur sports businesses; prescribing the terms and amounts of tax reimbursements; providing a certification procedure, to be established and administered by the Office of Tourism, Trade, and Economic Development; providing for periodic recertification; abating or reducing funding in specified circumstances; providing a maximum number of years for which an amateur sports business may be certified; providing for decertification; providing a penalty for falsifying an application; providing for a tax reimbursement agreement and prescribing terms of the agreement; providing for annual claims for reimbursement; providing duties of the Department of Revenue; providing for administration of the program; providing for recordkeeping and submission of an annual report to the Legislature; amending s. 288.1229, F.S.; providing an additional purpose for which the Office of Tourism, Trade, and Economic Development may authorize a direct-support organization to assist the office; providing for the creation of new jobs in this state;

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

Representative(s) Pickens offered the following:

(Amendment Bar Code: 665733)

Amendment 4—On page 61, line 2, remove from the bill: *using*

and insert in lieu thereof: *marketing*

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

Representative(s) Jordan offered the following:

(Amendment Bar Code: 174881)

Amendment 5 (with title amendment)—On page 86, between lines 8 and 9, of the bill

insert:

Section 35. Section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida's Graduates Act.—

(1) SHORT TITLE.—This section may be cited as the "Jobs for Florida's Graduates Act."

(2) DEFINITIONS.—For the purposes of this section:

(a) "Board" means the board of directors of the Florida Endowment Foundation for Florida's Graduates.

(b) "Department" means the Department of Education.

(c) "Endowment fund" means an account established within the Florida Endowment Foundation for Florida's Graduates to provide a continuing and growing source of revenue for school-to-work transition efforts.

(d) "Foundation" means the Florida Endowment Foundation for Florida's Graduates.

(e) "Operating account" means an account established under paragraph (7)(8)(h) to carry out the purposes of this section.

(3) LEGISLATIVE INTENT.—The Legislature recognizes that it is in the best interest of the citizens of this state that the state have a well-educated and skilled workforce to be competitive in a changing economy. It is the intent of the Legislature to meet the challenge of ensuring a skilled workforce by creating a formal program to facilitate the important school-to-work transition and to provide additional funding to achieve this goal. Accordingly, the Legislature finds and declares that:

(a) The purpose of this section is to broaden the participation and funding potential for further significant support for Florida students who are approaching the transition from school to work.

(b) It is appropriate to encourage individual and corporate support and involvement, as well as state support and involvement, to promote employment opportunities for Florida's students.

(4) PROGRAM.—There is hereby created, ~~for an initial 5-year period,~~ a school-to-work program to be known as Jobs for Florida's Graduates which shall, ~~during the initial 5-year phase set forth in this section and~~ except as otherwise provided by law or by rule of the Department of Education, be operated in accordance with the process and outcome standards of Jobs for America's Graduates, Inc. To that end, the board shall enter into a sponsoring agreement with Jobs for America's Graduates, Inc., to carry out the Jobs for America's Graduates model within the state.

(a) ~~During the first year of operation, the Jobs for Florida's Graduates Program shall be operated in not less than 25 nor more than 50 high schools in the state to be chosen by the board.~~ The goal of the program shall be to have a minimum of 300 high schools participating in the program ~~by the end of the 2001-2002 school year.~~

(b) The schools chosen by the board to participate in the program must represent a demographically balanced sample population, include both urban and rural schools, and be comprised of schools, *including charter schools*, in all geographic areas of the state. Each school selected to participate shall enter into a formal written agreement with the board which, at a minimum, details the responsibilities of each party and the process and outcome goals of the ~~initial 5-year~~ Jobs for Florida's Graduates Program.

(c) Students shall be selected and approved for participation in the program by the educational institutions in which they are enrolled, and such selection and approval shall be based on their being classified as ~~12th grade~~ at-risk students *pursuant to the Jobs for America's Graduates model.*

~~(5) REVENUE FOR THE ENDOWMENT FUND.—~~

~~(a) An endowment fund is created as a long term, stable, growing source of revenue to be administered by the foundation in accordance with rules promulgated by the department.~~

~~(b) The principal of the endowment fund shall consist of legislative appropriations that are made to the endowment fund and bequests, gifts, grants, and donations as may be solicited from public or private sources by the foundation.~~

~~(c) The State Board of Administration shall invest and reinvest moneys of the endowment fund principal in accordance with the provisions of ss. 215.44-215.53. Interest and investment income earned on the endowment fund principal shall be annually transmitted to the foundation, based upon a fiscal year which runs from July 1 through June 30, and shall be deposited in the foundation's operating account for distribution as provided in this section.~~

~~(5)(6) THE FLORIDA ENDOWMENT FOUNDATION FOR FLORIDA'S GRADUATES.—~~

~~(a) The Florida Endowment Foundation for Florida's Graduates is created as a direct support organization of the Department of Education to encourage public and private support to enhance school-to-work transition. As a direct support organization, the foundation shall operate under contract with the department and shall be:~~

1. A Florida corporation not for profit which is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to do the following: raise funds; submit requests and receive grants from the Federal Government, the state, private foundations, and individuals; receive, hold, and administer property; and make expenditures to or for the benefit of school-to-work transition programs approved by the board of directors of the foundation.

(b) ~~As a direct support organization,~~ The foundation shall:

1. Develop articles of incorporation.
2. Create a board of directors appointed by the Commissioner of Education.
3. Perform an annual financial and performance review to determine if the foundation is operating in a manner consistent with the goals of the Legislature in providing assistance for school-to-work transitions.
4. Provide a mechanism for the reversion to the state of moneys in the foundation and in any other funds and accounts held in trust by the foundation if the foundation is dissolved.

(6)(7) BOARD OF DIRECTORS.—The foundation shall be administered by a board of directors, as follows:

(a) The board shall consist of *at least 15 members a majority of which shall*. ~~At least 9 of the 15 members must be from the private sector, and the remaining members may be from the public sector. Among the public sector members, representation shall come from secondary education, vocational education, and job-training programs such as Job Education Partnership.~~ The chair *shall* ~~may~~ be from either the private sector ~~or the public sector~~.

(b) All members shall have an interest in school-to-work transition and, insofar as is practicable, shall:

1. Have skills in foundation work or other fundraising activities, financial consulting, or investment banking or other related experience; or
2. Have experience in policymaking or senior management level positions or have distinguished themselves in the fields of education, business, or industry.

(c) *Initially*, the chair and all board members shall be appointed by the Commissioner of Education. *Effective July 1, 2001, all reappointments shall be made by a membership committee comprised of current board members.*

1. The chair shall be appointed for a term of 2 years and may be reappointed. However, no chair may serve more than 6 consecutive years.
2. Board members shall serve for 3-year terms or until resignation or removal for cause, except that members appointed to serve initial terms shall be appointed for staggered terms of 1, 2, and 3 years, respectively.

(d) In the event of a vacancy on the board caused by an occurrence other than the expiration of a term, a new member shall be appointed.

(e) Each member is accountable to the Commissioner of Education for the proper performance of the duties of office. The commissioner may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties or for pleading *nolo contendere* to, or being found guilty of, a crime.

(7)(8) ORGANIZATION, POWERS, AND DUTIES.—Within the limits prescribed in this section or by rule of the department:

(a) Upon appointment, the board shall meet and organize. Thereafter, the board shall hold such meetings as are necessary to implement the provisions of this section and shall conduct its business in accordance with rules promulgated by the department.

(b) The board may solicit and receive bequests, gifts, grants, donations, goods, and services. When gifts are restricted as to purpose, they may be used only for the purpose or purposes stated by the donor.

(c) The board may enter into contracts with the Federal Government, state or local agencies, private entities, or individuals to carry out the purposes of this section.

(d) The board may identify, initiate, and fund Jobs for Florida's Graduates programs to carry out the purposes of this section.

(e) The board may make gifts or grants:

1. To the state, or any political subdivision thereof, or any public agency of state or local government.
2. To a corporation, trust, association, or foundation organized and operated exclusively for charitable, educational, or scientific purposes.
3. To the department for purposes of program recognition and marketing, public relations and education, professional development, and technical assistance and workshops for grant applicants and recipients and the business community.

(f) The board may advertise and solicit applications for funding and shall evaluate applications and program proposals submitted thereto.

(g) The board shall monitor, review, and annually evaluate funded programs to determine whether funding should be continued, terminated, reduced, or increased.

(h) The board shall establish an operating account for the deposit of funds to be used in carrying out the purposes of this section.

(i) The board shall operate the Jobs for Florida's Graduates Program in such a way, and shall recommend to the Department of Education the adoption of such rules as may be necessary, to ensure that the following outcome goals are met:

1. In year 1:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 82 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 70 to 75 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

2. In year 2:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 85 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 75 to 78 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

3. In years 3 through 5:

a. The statewide graduation rates, or GED test completion rates, of participants in the Jobs for Florida's Graduates Program shall be at least 90 percent by ~~June 30~~ ~~March 31~~ of the year following the end of the

academic year in which the participants' respective high school classes graduated.

b. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, 80 percent of *graduated working* participants in the Jobs for Florida's Graduates Program shall be employed *full time* ~~a minimum of 40 hours per week~~ in the civilian sector or the military or enrolled in postsecondary training education, or any combination of these that together are equivalent to *full time* ~~40 hours per week~~.

c. By ~~June 30~~ ~~March 31~~ of the year following the end of the academic year in which the participants' respective high school classes graduated, the average wage of *graduated* participants in the Jobs for Florida's Graduates Program who are working shall be at or above the national average wage for all participants in programs affiliated with Jobs for America's Graduates, Inc.

(j) The board may take such additional actions, including independently organizing and conducting hiring practices, as are deemed necessary and appropriate to administer the provisions of this section. To the maximum extent possible, the board shall hire Jobs for Florida's Graduates Program staff who operate in selected schools to fill necessary staff positions and shall provide for salary, benefits, discipline, evaluation, or discharge according to a contractual agreement. These positions shall not be state employee positions.

~~(9) DISTRIBUTION OF EARNINGS ON ENDOWMENT FUND PRINCIPAL.—The board shall use the moneys in the operating account, by whatever means, to provide for:~~

~~(a) Planning, research, and policy development for issues related to school-to-work transition and publications and dissemination of such information as may serve the objectives of this section.~~

~~(b) Promotion of initiatives for school-to-work transition.~~

~~(c) Funding of programs which engage in, contract for, foster, finance, or aid in job training and counseling for school-to-work transition research, education, or demonstration, or other related activities.~~

~~(d) Funding of programs which engage in, contract for, foster, finance, or aid in activities designed to advance better public understanding and appreciation of the school-to-work transition.~~

~~(10) STARTUP FUNDING.—Notwithstanding any provision of this section to the contrary, in order to provide for first-year startup funds, 50 percent of the money allocated during the 12-month period beginning July 1, 1998, shall not be available for investment by the State Board of Administration, but shall be transmitted quarterly to the foundation board and shall be available to the foundation for the purposes set forth in this section.~~

~~(8)(11) ACCREDITATION.—During the initial 5-year period, The board shall request and contract with the national accreditation process of Jobs for America's Graduates, Inc., to ensure the viability and efficacy of the individual school-based Jobs for Florida's Graduates programs in the state.~~

~~(9)(12) ANNUAL AUDIT.—The board shall cause an annual audit of the foundation's financial accounts to be conducted by an independent certified public accountant in accordance with rules adopted by the department. The annual audit report shall be submitted to the Auditor General and the department for review. The Auditor General and the department may require and receive from the foundation, or from its independent auditor, any relevant detail or supplemental data.~~

~~(10)(13) ASSESSMENT OF PROGRAM RESULTS.—The success of the Jobs for Florida's Graduates Program shall be assessed as follows:~~

(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment,

modification, or continuation, to the board not later than December 31 of the same year.

(b) Beginning in the first year of the Jobs for Florida's Graduates Program, the Division of Economic and Demographic Research of the Joint Legislative Management Committee shall undertake, during the initial phase, an ongoing longitudinal study of participants to determine the overall efficacy of the program. The division shall transmit its findings each year to the Office of Program Policy Analysis and Government Accountability for inclusion in the report provided for in paragraph (a).

~~(11)(14) ANNUAL REPORT.—The board shall issue a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education by March 1, 2000, and each year thereafter, summarizing the performance of the endowment fund for the previous fiscal year and the foundation's fundraising activities and performance and detailing those activities and programs supported by the earnings on the endowment principal or by bequests, gifts, grants, donations, and other valued goods and services received.~~

~~(12)(15) RULES.—The department shall adopt promulgate rules to implement for the implementation of this section.~~

Section 36. *The State Board of Administration shall transfer all principal and interest in the endowment fund, as defined in s. 446.609, Florida Statutes, to the Board of Directors of the Florida Endowment Foundation for Florida's Graduates to be used for the Jobs for Florida's Graduates Program as provided by law.*

Section 37. *Section 3 of chapter 98-218, Laws of Florida, is repealed.*

And the title is amended as follows:

On page 5, line 2,

after the semicolon insert: amending s. 446.609, F.S.; deleting a time-period limitation for the "Jobs for Florida's Graduates" school-to-work program; deleting provisions relating to an endowment fund; revising certain provisions relating to the members of the board of directors of the Florida Endowment Foundation for Florida Graduates; revising criteria for certain outcome goals; deleting provisions relating to distribution of earnings on the endowment fund; deleting provisions relating to startup funding; revising annual report requirements; requiring the State Board of Administration to transfer all principal and interest in the endowment fund to the foundation's board of directors for certain purposes; repealing s. 3, ch. 98-218, Laws of Florida, relating to a temporary pilot apprenticeship program;

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

Representative(s) Melvin offered the following:

(Amendment Bar Code: 384485)

Amendment 6 (with title amendment)—On page 86, between lines 8 and 9, of the bill

insert:

Section 35. *No county, municipality, or any other political subdivision of the state may, whether by ordinance, resolution, referendum, initiative, or as a condition of bidding or contracting, or by any other means, require a private employer to pay any employee a minimum wage higher than that required by federal law. If it is determined by the officer or agency responsible or distributing federal funds to the state, or any political subdivision, agency, or instrumentality of the state, that compliance with this section will cause denial of these federal funds or would otherwise be inconsistent with the federal requirements pertaining to such funds, this section shall not apply, but only to the extent necessary to prevent denial of the federal funds or to eliminate the inconsistency with federal requirements.*

And the title is amended as follows:

On page 5, line 2,

after the semicolon insert: prohibiting local governments from establishing a local minimum wage; providing exceptions;

Rep. Melvin moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

Point of Order

Rep. Kosmas raised a point of order, under Rule 12.9, that the amendment was not germane.

Subsequently, Rep. Melvin withdrew **Amendment 6**.

Subsequently, Rep. Kosmas withdrew the point of order.

Representative(s) Joyner offered the following:

(Amendment Bar Code: 495211)

Amendment 7 (with title amendment)—On page 86, between lines 8 and 9

insert: *(1) This section shall be cited as the Moses General Miles Act. For the purpose of establishing a long-term residential care continuum of assisted living facilities for low-income elderly living in urban distressed communities, and as an additional source for community economic development opportunities in specific targeted areas, the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University is authorized to develop a grant program to fund five pilot projects to be located in 5 of the 10 urban distressed communities of Pensacola, Tallahassee, Jacksonville, Daytona Beach, Orlando, Tampa, St. Petersburg, West Palm Beach, Ft. Lauderdale, and Miami-Dade. The funding for the five pilot projects shall be provided to not-for-profit community and faith-based organizations located in urban distressed communities. Each organization seeking funding shall submit to a review panel a strategic plan that outlines the need for and the location of assisted living facilities for low-income elderly in the urban distressed communities. The plan should incorporate public-private partnerships that will be used for the development and construction of the assisted living facilities in the urban distressed communities. To be eligible for funding under this program, a not-for-profit community and faith-based organization must hold a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code. The institute shall develop criteria for the review of the plans. The institute shall give priority consideration for funding under this program to plans submitted by neighborhood-based organizations that have as a principal part of their missions the improvement of conditions for residents of the neighborhoods in which the organizations are located. The institute shall develop weighted criteria to be used in evaluating applications from the community and faith-based organizations.*

(2) A review panel is created within the institute to evaluate proposals for award of funding for the five pilot projects. The review panel shall consist of seven members appointed by the President of Florida Agricultural and Mechanical University, as follows:

(a) One member who is affiliated with the Agency for Health Care Administration.

(b) The Secretary of Health, or the secretary's designee.

(c) The Secretary of the Department of Elderly Affairs, or the secretary's designee.

(d) The president of Enterprise Florida, Inc., or the president's designee.

(e) One member who is from a private-sector investment institution or organization.

(f) One member who is affiliated with the Office of Tourism, Trade, and Economic Development.

(g) One member who is from a professional trade organization representing long-term-care assisted living facilities.

(h) One member who is affiliated with Workforce Florida, Inc.

The director of the institute, or a designee, shall serve as secretary to the review panel without voting rights.

(3) The institute has the authority to adopt rules to implement the provisions of his section. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 5, line 2 after the “;”

and insert in lieu thereof: creating the “Moses General Miles Act”; authorizing the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University to develop a grant program for pilot projects in assisted living facility long-term care for elderly persons in urban distressed communities; providing for eligibility; creating a review panel to evaluate proposed pilot projects; providing membership of the review panel; directing the institute to provide program technical assistance support; providing rulemaking authority;

Rep. Joyner moved the adoption of the amendment.

On motion by Rep. Joyner, further consideration of **Amendment 7** was temporarily postponed under Rule 11.10.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 695891)

Amendment 8 (with title amendment)—On page 86, between lines 8 and 9, of the bill

insert: *Section 35. The Florida Department of Citrus or its successor may collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation and its related not-for-profit corporations. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 5,000 members who are engaged in growing citrus in this state for commercial sale.*

And the title is amended as follows:

On page 5, line 2,

after the semicolon, insert: authorizing the Department of Citrus or its successor to collect dues or other payments on behalf of certain not-for-profit corporations and their related not-for-profit corporations;

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

The question recurred on the adoption of **Amendment 7**, which was withdrawn.

The question recurred on the passage of HB 1225. The vote was:

Session Vote Sequence: 304

Yeas—106

The Chair	Brown	Frankel	Jordan
Alexander	Brummer	Gannon	Joyner
Allen	Bucher	Garcia	Justice
Andrews	Bullard	Gardiner	Kallinger
Arza	Byrd	Gelber	Kendrick
Attkisson	Cantens	Gibson	Kilmer
Atwater	Carassas	Goodlette	Kosmas
Ausley	Clarke	Gottlieb	Kottkamp
Ball	Davis	Green	Kravitz
Baxley	Detert	Greenstein	Lacasa
Bean	Diaz de la Portilla	Harper	Lee
Bendross-Mindingall	Diaz-Balart	Harrington	Lerner
Bense	Dockery	Henriquez	Littlefield
Benson	Farkas	Heyman	Lynn
Berfield	Fasano	Hogan	Machek
Betancourt	Fields	Holloway	Mahon
Bilirakis	Florentino	Jennings	Mayfield
Bowen	Flanagan	Johnson	Maygarden

McGriff	Peterman	Russell	Stansel
Meadows	Pickens	Ryan	Trovillion
Mealor	Prieguez	Seiler	Waters
Melvin	Rich	Simmons	Weissman
Miller	Richardson	Siplin	Wiles
Murman	Ritter	Slosberg	Wilson
Needelman	Romeo	Smith	Wishner
Negron	Ross	Sorensen	
Paul	Rubio	Spratt	

Nays—10

Baker	Cusack	Kyle	Sobel
Barreiro	Haridopolos	Mack	Wallace
Bennett	Hart		

Votes after roll call:

Yeas—Brutus, Harrell

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

Disclosure of Interest

I own property in the enterprise zone proposed in another bill—potential conflict. I will vote on HB 1225.

*Rep. Michael S. Bennett
District 67*

HB 1055 was taken up. On motion by Rep. Needelman, 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 770, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Crist—

SB 770—A bill to be entitled An act relating to workers' compensation; amending s. 440.092, F.S.; characterizing certain activities of certain officers as arising out of and in the course of employment for compensability purposes; providing a declaration of important state interest; providing an effective date.

—was taken up, read the first time by title, and substituted for HB 1055. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Needelman, the rules were waived and SB 770 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 305

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Brutus, Davis

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

Continuation of Bills and Joint Resolutions on Third Reading

SB 428—A bill to be entitled An act relating to building construction; amending s. 95.11, F.S.; providing alternative applications to a statute of limitations for certain legal or equitable actions for actions to enforce claims against payment bonds; revising a statute of limitations for actions to enforce claims against certain payment bonds; amending s. 255.05, F.S.; clarifying criteria for performance of bonds; revising a provision relating to notice of nonpayment for certain labor, materials, or supplies; amending s. 713.01, F.S.; revising certain definitions; amending s. 713.02, F.S.; clarifying a criterion for a proscription against certain liens; amending s. 713.13, F.S.; deleting authorization for certain fax numbers in notices of commencement; amending s. 713.18, F.S.; revising provisions relating to manner of serving notices and certain instruments; amending s. 713.23, F.S.; including certain unpaid finance charges under a written notice of nonpayment of a payment bond; amending s. 713.245, F.S.; providing additional bond criteria for coextension of a surety's duty to pay lienors with a contractor's duty to pay; amending ss. 725.06, 725.08, F.S.; revising indemnification and hold harmless requirements for construction contracts and design professional contracts; repealing s. 713.18(3), F.S., relating to service of certain notices by facsimile transmission; providing effective dates. amending s. 489.13, F.S.; providing for issuance of a notice of noncompliance, imposition of an administrative fine, and assessment of reasonable investigative and legal costs of prosecution for unlicensed contracting; specifying that such remedies are not exclusive; providing for uses of fine proceeds; requiring the Department of Business and Professional Regulation to create a web page on its Internet website dedicated to listing known information concerning unlicensed contractors; providing an effective date.

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

Session Vote Sequence: 306

Yeas—110

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

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

Nays—None

Votes after roll call:

Yeas—Brutus, Carassas, Kottkamp

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

CS/HB 199—A bill to be entitled An act relating to substance abuse treatment programs; providing goals for treatment-based drug courts; requiring judicial circuits to establish a model of treatment-based drug courts for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug courts; providing for inclusion of certain programs in such courts; amending s. 910.035, F.S.; providing for transferring persons eligible for participation in drug court treatment programs to other jurisdictions under certain circumstances; providing criteria, requirements, and limitations; amending s. 948.08, F.S.; adding persons charged with specified crimes to the list of persons eligible for admission into a pretrial substance abuse program; creating s. 948.16, F.S.; providing for a misdemeanor pretrial substance abuse education and treatment intervention program; providing for admitting certain persons to the program under certain circumstances; providing for disposition of persons in the program; providing criteria; providing contracting requirements for entities providing such a program; providing an effective date.

—was read the third time by title.

Representative(s) Trovillion offered the following:

(Amendment Bar Code: 942427)

Amendment 3 (with title amendment)—On page 2, line 1, through page 5, line 20, remove from the bill: all of said lines, and insert in lieu thereof:

Section 1. (1) *It is the intent of the Legislature to implement treatment-based drug court programs in each judicial circuit in an effort to reduce crime and recidivism, abuse and neglect cases, and family dysfunction by breaking the cycle of addiction which is the most predominant cause of cases entering the justice system. The Legislature recognizes that the integration of judicial supervision, treatment, accountability, and sanctions greatly increases the effectiveness of substance abuse treatment. The Legislature also seeks to ensure that there is a coordinated, integrated, and multidisciplinary response to the substance abuse problem in this state, with special attention given to creating partnerships between the public and private sectors and to the coordinated, supported, and integrated delivery of multiple-system services for substance abusers, including a multiagency team approach to service delivery.*

(2) *Each judicial circuit shall establish a model of a treatment-based drug court program under which persons in the justice system assessed with a substance abuse problem will be processed in such a manner as to appropriately address the severity of the identified substance abuse problem through treatment plans tailored to the individual needs of the participant. These treatment-based drug court program models may be established in the misdemeanor, felony, family, delinquency, and dependency divisions of the judicial circuits. It is the intent of the Legislature to encourage the Department of Corrections, the Department of Children and Family Services, the Department of Juvenile Justice, the*

Department of Health, the Department of Law Enforcement, and such other agencies, local governments, law enforcement agencies, and other interested public or private sources to support the creation and establishment of these problem-solving court programs. Participation in the treatment-based drug court programs does not divest any public or private agency of its responsibility for a child or adult, but allows these agencies to better meet their needs through shared responsibility and resources.

(3) *The treatment-based drug court programs shall include therapeutic jurisprudence principles and adhere to the following 10 key components, recognized by the Drug Courts Program Office of the Office of Justice Programs of the United States Department of Justice and adopted by the Florida Supreme Court Treatment-Based Drug Court Steering Committee:*

(a) *Drug court programs integrate alcohol and other drug treatment services with justice system case processing.*

(b) *Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.*

(c) *Eligible participants are identified early and promptly placed in the drug court program.*

(d) *Drug court programs provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.*

(e) *Abstinence is monitored by frequent testing for alcohol and other drugs.*

(f) *A coordinated strategy governs drug court program responses to participants' compliance.*

(g) *Ongoing judicial interaction with each drug court program participant is essential.*

(h) *Monitoring and evaluation measure the achievement of program goals and gauge program effectiveness.*

(i) *Continuing interdisciplinary education promotes effective drug court program planning, implementation, and operations.*

(j) *Forging partnerships among drug court programs, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.*

(4) *Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.306, Florida Statutes.*

(5)(a) *The Florida Association of Drug Court Program Professionals is created. The membership of the association may consist of drug court program practitioners who comprise the multidisciplinary drug court program team, including, but not limited to, judges, state attorneys, defense counsel, drug court program coordinators, probation officers, law enforcement officers, members of the academic community, and treatment professionals. Membership in the association shall be voluntary.*

(b) *The association shall annually elect a chair whose duty is to solicit recommendations from members on issues relating to the expansion, operation, and institutionalization of drug court programs. The chair is responsible for providing the association's recommendations to the Supreme Court Treatment-Based Drug Court Steering Committee, and shall submit a report each year, on or before October 1, to the steering committee.*

Section 2. Subsection (5) is added to section 910.035, Florida Statutes, to read:

910.035 Transfer from county for plea and sentence.—

(5) *Any person eligible for participation in a drug court treatment program pursuant to s. 948.08(6) may be eligible to have the case transferred to a county other than that in which the charge arose if the drug court program agrees and if the following conditions are met:*

(a) *The authorized representative of the drug court program of the county requesting to transfer the case shall consult with the authorized representative of the drug court program in the county to which transfer is desired.*

(b) *If approval for transfer is received from all parties, the trial court shall enter a transfer order directing the clerk to transfer the case to the county which has accepted the defendant into its drug court program.*

(c) *The transfer order shall include a copy of the probable cause affidavit, any charging documents in the case, all reports, witness statements, test results, evidence lists, and other documents in the case, the defendant's mailing address and phone number, and the defendant's written consent to abide by the rules and procedures of the receiving county's drug court program.*

(d) *After the transfer takes place, the clerk shall set the matter for a hearing before the drug court program judge and the court shall ensure the defendant's entry into the drug court program.*

And the title is amended as follows:

On page 1, lines 4-10,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: drug court programs; requiring judicial circuits to establish a model of treatment-based drug court programs for certain purposes; providing criteria; providing legislative intent; providing certain principles for operating drug court programs; providing for inclusion of certain programs in such drug court programs; amending s. 910.035,

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

The question recurred on the passage of CS/HB 199. The vote was:

Session Vote Sequence: 307

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Attkisson

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

CS/HB 73 was taken up. On motion by Rep. Wallace, 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 CS for SB 710 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Governmental Oversight and Productivity and Senator Crist—

CS for CS for SB 710—A bill to be entitled An act relating to state government; creating the “Florida Customer Service Standards Act”; providing definitions; specifying measures that state departments are directed to implement with respect to interaction with their customers; providing requirements regarding operating hours; providing that failure to comply with the act does not constitute a cause of action; providing exceptions; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/HB 73. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Wallace, the rules were waived and CS for CS for SB 710 was read the second time by title and the third time by title. On passage, the vote was:

Session Vote Sequence: 308

Yeas—112

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

Nays—2

Ausley Richardson

Votes after roll call:

Yeas—Brutus, Gannon

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

Session Vote Sequence: 310

Continuation of Bills and Joint Resolutions on Third Reading

Consideration of **HB 1983** was temporarily postponed under Rule 11.10.

SB 226—A bill to be entitled An act relating to prisons; creating the “Protection Against Sexual Violence in Florida Jails and Prisons Act”; amending s. 944.35, F.S.; requiring the Criminal Justice Standards and Training Commission to develop a course relating to sexual assault identification and prevention as part of the correctional-officer training program; creating s. 951.221, F.S.; prohibiting sexual misconduct by employees of county or municipal detention facilities; providing for termination of employment under certain circumstances; providing penalties; providing an effective date.

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

Session Vote Sequence: 309

Yeas—117

The Chair	Clarke	Holloway	Paul
Alexander	Cusack	Jennings	Peterman
Allen	Davis	Johnson	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	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	
Carassas	Hogan	Negron	

Nays—1

Sorensen

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

HB 1091—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for a Florida Golf license plate; providing for a use fee; directing the Department of Highway Safety and Motor Vehicles to develop a Florida Golf license plate; providing for the distribution and use of fees; requiring the Florida Sports Foundation to establish a youth golf program; providing for an advisory committee; providing an effective date.

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

Yeas—116

The Chair	Clarke	Hogan	Needelman
Alexander	Crow	Holloway	Negron
Allen	Cusack	Jennings	Paul
Andrews	Davis	Johnson	Peterman
Argenziano	Detert	Joyner	Pickens
Arza	Diaz de la Portilla	Justice	Prieguez
Attkisson	Diaz-Balart	Kallinger	Rich
Atwater	Dockery	Kendrick	Richardson
Ausley	Farkas	Kilmer	Ritter
Baker	Fasano	Kosmas	Ross
Ball	Fields	Kottkamp	Rubio
Barreiro	Fiorentino	Kravitz	Russell
Baxley	Flanagan	Kyle	Ryan
Bean	Frankel	Lacasa	Seiler
Bendross-Mindingall	Gannon	Lee	Simmons
Bennett	Garcia	Lerner	Siplin
Bense	Gardiner	Littlefield	Slosberg
Benson	Gelber	Lynn	Smith
Berfield	Gibson	Machek	Sobel
Betancourt	Goodlette	Mack	Sorensen
Bilirakis	Gottlieb	Mahon	Spratt
Bowen	Greenstein	Mayfield	Stansel
Brown	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—3

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

On motion by Rep. Goodlette, the rules were waived and **HB 1933, HB 1713, HB 1947, CS/HB 371, HJR 571, CS/HB 135, HB 361, HB 1883, CS/HB 1255, HB 1923, HB 1099, HB 1789, HB 561, HB 829, HB 831, HB 835, HB 843, HB 869, HB 899, HB 923, HB 933, HB 935, HB 1849, and HB 837** were added to the Special Order Calendar.

On motion by Rep. Goodlette, the House moved to the consideration of HB 1919 on Bills and Joint Resolutions on Third Reading.

HB 1919—A bill to be entitled An act relating to trust funds; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; 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: 311

Yeas—114

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

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

Nays—None

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

On motion by Rep. Byrd, the House moved to the consideration of CS for SB 1226 on Bills and Joint Resolutions on Third Reading.

THE SPEAKER PRO TEMPORE IN THE CHAIR

CS for SB 1226—A bill to be entitled An act relating to workforce development; amending s. 445.004, F.S.; specifying an additional member of the board of directors of Workforce Florida, Inc.; requiring certain funds to be expended for after-school care programs; prohibiting certain uses of such funds; prescribing eligibility criteria for certain organizations providing such programs; amending s. 445.007, F.S.; providing legislative intent relating to involving certain persons in board activities; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an effective date.

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

Session Vote Sequence: 312

Yeas—114

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

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

Nays—None

Votes after roll call:

Yeas—Ross

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

Bills and Joint Resolutions on Second Reading

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements; providing an effective date.

—was read the second time by title.

Further consideration of **SB 1066** was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 717 on Bills and Joint Resolutions on Third Reading.

Continuation of Bills and Joint Resolutions on Third Reading

CS/HB 717—A bill to be entitled An act relating to assessment of agricultural property; amending s. 193.461, F.S.; providing that, for purposes of the income methodology approach to such assessment, certain irrigation systems, litter containment structures, and animal waste nutrient containment structures shall be considered a part of the average yields per acre and have no separately assessable contributory value; providing an effective date.

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

Session Vote Sequence: 313

Yeas—119

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

Richardson	Ryan	Sobel	Waters	Trovillion	Waters	Wiles	Wishner
Ritter	Seiler	Sorensen	Weissman	Wallace	Weissman	Wilson	
Romeo	Simmons	Spratt	Wiles				
Ross	Siplin	Stansel	Wilson	Nays—None			
Rubio	Slosberg	Trovillion	Wishner				
Russell	Smith	Wallace					

Nays—None

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

CS/HB 161—A bill to be entitled An act relating to water management; creating the Citrus/Hernando Waterways Restoration Council; providing for membership, powers, and duties; providing for separate county task forces; providing for an advisory group to the council; providing for a report to the Legislature; requiring the Southwest Florida Water Management District to provide staff for the council; providing for a Citrus/Hernando Waterways restoration program; providing program tasks; providing for award of contracts subject to an appropriation of funds; providing for demonstration restoration projects; providing effective dates.

—was read the third time by title.

Representative(s) Argenziano offered the following:

(Amendment Bar Code: 502167)

Amendment 6—On page 2, line 21 after the period, of the bill

insert:

The lead agency shall be the Fish and Wildlife Conservation Commission.

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

The question recurred on the passage of CS/HB 161. The vote was:

Session Vote Sequence: 314

Yeas—119

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

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

CS/HB 1361—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; requiring a school board to provide notice of denial to charter school applicant in writing; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; exempting a charter school from a sponsor’s policies; authorizing charter school cooperatives; deleting a cap on the number of newly created charter schools; authorizing students in a charter school-in-a-development or charter school-in-a-municipality as a condition of eligibility; authorizing students articulating from one charter school to another as a condition of eligibility; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow accounting principles for not-for-profit organizations; requiring a charter to address the identification and acquisition of appropriate technologies; requiring a charter to address how a school board shall provide academic student performance data to charter schools; requiring a charter to address means for ensuring accountability; requiring a charter to address a description of delineated responsibilities needed to effectively manage the charter school; requiring a charter to address procedures that identify risks and provide an approach to remove the impact of losses; requiring a charter to include a financial plan for the facilities to be used; requiring a charter to address the strategies used to recruit qualified staff; requiring the governing body to exercise continuing oversight over charter school operations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; stipulating that a charter school may not knowingly employ an individual whose certification has been revoked by this or any other state; requiring student enrollment report to be submitted in a certain format; prohibiting a sponsor from withholding an administrative fee from certain funds; requiring PECO maintenance funds to remain with a conversion charter school; authorizing the establishment of a charter school-in-a-development and a charter school-in-a-municipality; amending s. 228.0561, F.S.; deleting current capital outlay distribution methods; requiring the Department of Education to distribute capital outlay funds on a monthly basis; amending s. 228.058, F.S.; requiring public schools in a charter school district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; amending s. 159.27, F.S.; redefining the term “educational facility” for purposes of part II of ch. 159, F.S., the Florida Industrial Development Financing Act, to include charter schools and developmental research schools; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 763679)

Technical Amendment 13—On page 2, line 9, of the bill

after the semicolon insert: requiring the charter school governing board to adopt an operating budget;

On page 3, line 11,

after the semicolon insert: requiring a school board to expedite consideration of a resolution relating to certain revenue procedures; revising provisions relating to compliance with the Florida Building Code;

On page 33, lines 30 and 31,
remove from the bill: all of said lines

and insert in lieu thereof: ~~to the~~ After January 1, 2001, charter school facilities shall utilize facilities which comply with the Florida

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

THE SPEAKER IN THE CHAIR

Representative(s) Richardson offered the following:

(Amendment Bar Code: 885199)

Amendment 14 (with title amendment)—On page 11, line 24 through page 12, line 8,
remove from the bill: all of said lines

and insert in lieu thereof: (c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interests of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district board's action on the state board's recommendation is a final action subject to judicial review.

And the title is amended as follows:

On page 1, lines 20-24,
remove from the title of the bill: all of said lines

and insert in lieu thereof: denial of charter school applications; exempting a charter school from a

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 505921)

Amendment 15 (with title amendment)—On page 28, line 27, of the bill

after the period insert:

If a charter school or public school teacher has completed the requirements in s. 231.17(2)(g), except the demonstration of general knowledge of mathematics, that person may continue employment as a teacher for the 3 years during which the temporary certificate is valid, if the teacher does not teach mathematics above the 4th-grade level and the teacher is enrolled in a state-approved program designed to improve mathematics skills. If the teacher has not completed the mathematics requirement after 3 school years, the school district may not continue to employ him or her in a position for which a temporary certificate is required.

And the title is amended as follows:

On page 3, line 6,

after the semicolon insert: revising criteria for continued employment as a teacher under certain circumstances;

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

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 375563)

Amendment 16 (with title amendment)—On page 43, between lines 13 and 14, of the bill

insert:

(1) *By mutual agreement with the local general purpose government, the applicant for a comprehensive plan amendment, rezoning, or an approved development may satisfy any proportionate share mitigation required as follows:*

(a) *The local government shall designate by ordinance a geographic area to be known as a neighborhood school construction zone. The zone shall include the area within the proposed comprehensive plan amendment, rezoning designation, or approved development.*

(b) *The local general purpose government shall also create by ordinance a neighborhood school construction trust fund. All revenues allocated to and deposited in the trust fund shall be used to fund educational facilities construction within the neighborhood school construction zone pursuant to an approved educational facilities plan.*

(2) *Upon creation of a neighborhood school construction zone, all educational facilities impact fees, voluntary or involuntary extraction payments, collected within the zone shall be deposited in the trust fund for facilities construction within the zone. All interlocal agreements between local general purpose governments and school districts shall provide for such allocation.*

(3) *In the event the local general purpose government and the applicant agree pursuant to paragraph (a) to the described proportionate share mitigation, additional annual funding of the trust fund shall be in an amount not less than the increment in the income, proceeds, revenues, and funds of the school district derived from or held in connection with the undertaking and carrying out of residential development within the neighborhood school construction zone. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:*

(a) *The amount of ad valorem taxes levied each year by the school district within the neighborhood school construction zone pursuant to s. 236.25(1), Florida Statutes, exclusive of any amount for any debt service millage, on taxable real property contained within the geographic boundaries of the neighborhood school construction zone; and*

(b) *The amount of ad valorem taxes which would have been produced pursuant to s. 236.25(1), Florida Statutes, by the rate upon which the tax is levied each year by the school district, exclusive of any debt service millage, upon the total assessed value of the taxable real property in the neighborhood school construction zone as shown upon the most recent assessment roll used in connection with the taxation of such property by the school district prior to the effective date of the ordinance providing for the funding of the trust fund.*

(4) *An approved applicant may petition the local general purpose government for funds to build an educational facility. The facility shall be built according to state law, located geographically within the established neighborhood school construction zone, and adhere to the following requirements:*

(a) *For schools operated by the school district, the school must be included in the district's approved facilities plan or approved by the school board.*

(b) *For schools organized and operated pursuant to s. 228.056, Florida Statutes, the application for the school must be approved according to the requirements of law prior to petitioning the local general purpose government for funding.*

(5)(a) *If the funds generated pursuant to this section are insufficient to fully fund the proposed public school, the difference between the amount needed to construct the school and the local revenue source, up to 35 percent of the construction costs, shall be funded as follows:*

1. *For district-operated schools, the difference shall be funded pursuant to other local sources of revenue per agreement with the local school district.*

2. For schools approved pursuant to s. 228.056, Florida Statutes, the difference shall be funded with funds generated pursuant to s. 228.0561, Florida Statutes.

(b) No schools shall be built costing more than the SMART Schools Clearinghouse annual estimate of student station costs.

(c) The SMART Schools Clearinghouse shall oversee this section as a 3-year pilot project beginning July 1, 2001. The pilot project shall be for up to six counties selected by the SMART Schools Clearinghouse. A report showing the feasibility and long-term effects of neighborhood school construction trust funds shall be made to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2004.

And the title is amended as follows:

On page 3, line 31, after the semicolon, of the title of the bill

insert: creating a neighborhood school construction zone pilot project; providing for procedures; providing that impact fees within the zone must be placed in a facilities construction trust fund for that zone; providing additional funding; providing that the SMART Schools Clearinghouse shall oversee the pilot project and submit a report to the Governor and Legislature regarding the program's feasibility;

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

Session Vote Sequence: 315

Yeas—73

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

Nays—45

Atwater	Gelber	Lerner	Siplin
Ausley	Gottlieb	Lynn	Slosberg
Bendross-Mindingall	Greenstein	McGriff	Smith
Betancourt	Harper	Meadows	Sobel
Brutus	Henriquez	Melvin	Stansel
Bucher	Heyman	Peterman	Weissman
Cusack	Joyner	Rich	Wiles
Detert	Justice	Richardson	Wilson
Fields	Kendrick	Ritter	Wishner
Fiorentino	Kilmer	Romeo	
Frankel	Kosmas	Ryan	
Gannon	Lee	Seiler	

Motion to Reconsider

Rep. Greenstein moved that the House reconsider the vote by which **Amendment 15 to CS/HB 1361** was adopted, which was not agreed to by the required two-thirds vote.

REPRESENTATIVE MELVIN IN THE CHAIR

The question recurred on the passage of CS/HB 1361. The vote was:

Session Vote Sequence: 316

Yeas—86

Alexander	Cantens	Hart	Needelman
Allen	Carassas	Hogan	Negron
Argenziano	Clarke	Johnson	Paul
Arza	Cusack	Jordan	Pickens
Attkisson	Davis	Kallinger	Prieguez
Atwater	Diaz de la Portilla	Kilmer	Rich
Baker	Diaz-Balart	Kosmas	Ritter
Ball	Dockery	Kottkamp	Romeo
Barreiro	Farkas	Kravitz	Ross
Baxley	Fasano	Kyle	Rubio
Bean	Feeney	Lacasa	Russell
Bennett	Fields	Lee	Simmons
Bense	Fiorentino	Lerner	Siplin
Benson	Flanagan	Littlefield	Sorensen
Berfield	Gannon	Lynn	Spratt
Betancourt	Garcia	Mack	Stansel
Bilirakis	Gardiner	Mahon	Trovillion
Bowen	Gibson	Mayfield	Wallace
Brown	Goodlette	Maygarden	Waters
Brummer	Green	Mealor	Wiles
Bullard	Haridopolos	Miller	
Byrd	Harrell	Murman	

Nays—23

Ausley	Greenstein	McGriff	Slosberg
Bucher	Henriquez	Meadows	Sobel
Detert	Heyman	Peterman	Weissman
Frankel	Holloway	Richardson	Wilson
Gelber	Jennings	Ryan	Wishner
Gottlieb	Kendrick	Seiler	

Votes after roll call:

Yeas—Joyner, Justice, Melvin

Yeas to Nays—Rich

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

HB 465—A bill to be entitled An act relating to determinations of residency for tuition purposes; amending s. 240.1201, F.S.; revising provisions relating to determinations of residency for tuition purposes to classify members of the active Florida National Guard as residents for tuition purposes; amending s. 240.2099, F.S.; providing additional authority of the Board of Regents and the State Board of Community Colleges with respect to the implementation of the statewide computer-assisted student advising system; providing for expenditure of specified proceeds; providing an effective date.

—was read the third time by title.

Representative(s) Baker offered the following:

(Amendment Bar Code: 892517)

Amendment 2—On page 4, lines 1-5 remove from the bill: all of said lines

and insert in lieu thereof:

(d) Final actions taken by the Board of Regents and the State Board of Community Colleges or their successor, related to the agreement, are subject to the notice review and objection procedure established in s. 216.177, Florida Statutes.

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

The question recurred on the passage of HB 465. The vote was:

Session Vote Sequence: 317

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Flanagan, Melvin

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

HB 757—A bill to be entitled An act relating to wrecker liens; amending s. 320.03, F.S.; including a cross reference; providing that the term “civil penalties and fines” does not include reference to a wrecker operator’s lien; amending s. 713.78, F.S.; providing that the Department of Highway Safety and Motor Vehicles shall not issue a license plate or revalidation sticker for certain motor vehicles, vessels, or motor homes for which a wrecker operator’s lien has been issued; providing procedures with respect to such liens; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 485277)

Technical Amendment 2—On page 1, line 6, remove from the bill: F.S.;

and insert in lieu thereof: F.S., relating to liens; revising conditions for sale of certain vehicles and vessels;

and on page 2, lines 18-23, remove from the bill: all of said lines

and insert:

Section 2. Paragraph (b) of subsection (4) and subsection (6) of section 713.78, Florida Statutes, are amended, and subsection (13) is added to said section, to read:

713.78 Liens for recovering, towing, or storing vehicles and documented vessels.—

(4)

(b) Notice by certified mail, return receipt and on page 4, line 22, remove from the bill: “paragraphs” and on page 4, line 23, remove from the bill: “(2)(c) or (2)(d)”

and insert in lieu thereof: paragraph (2)(c) or paragraph (2)(d) and on page 6, line 25, remove from the bill: “licensed”

and insert in lieu thereof: license On page 7, line 22, remove from the bill: “licensed”

and insert in lieu thereof: license and on page 8, line 9, remove from the bill: “licensed”

and insert in lieu thereof: license and on page 8, line 16, remove from the bill: “application”

and insert in lieu thereof: applicable

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

The question recurred on the passage of HB 757. The vote was:

Session Vote Sequence: 318

Yeas—113

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

Nays—1

Waters

Votes after roll call:

Yeas—Flanagan, Melvin

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

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

(Amendment Bar Code: 085181)

Session Vote Sequence: 319

Yeas—117

Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz de la Portilla	Jordan	Prieguez
Arza	Diaz-Balart	Joyner	Rich
Attkisson	Dockery	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	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	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrell	Meadows	Weissman
Bullard	Harrington	Mealor	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—1

Wishner

Votes after roll call:

Yeas—Melvin

Nays to Yeas—Wishner

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

CS/CS/HB 411—A bill to be entitled An act relating to the Florida Mobile Home Act; amending s. 723.003, F.S.; defining the term “proportionate share”; amending s. 723.011, F.S.; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes to maintain specified records; requiring that copies be provided within a specified time after written request; amending s. 723.012, F.S.; revising provisions relating to statements in a prospectus; amending s. 723.037, F.S.; revising procedures for meetings that determine the status of changes in lot rentals; amending s. 723.061, F.S.; revising timeframes for giving notice of changes in lot rental amounts and use of mobile home parks; creating s. 723.0611, F.S.; creating the Florida Mobile Home Relocation Corporation; providing for a board of directors to be appointed by the Secretary of Business and Professional Regulation; providing for terms of office; specifying powers and duties of the board; authorizing the corporation to borrow from private finance sources; creating s. 723.0612, F.S.; providing for the payment of relocation expenses if a mobile home owner is required to move due to a change in use of the mobile home park; providing exceptions; specifying procedures for payments upon approval of the corporation; authorizing a mobile home owner to abandon the mobile home and collect one-fourth the amount of relocation expenses; providing a penalty; providing for recognition of existing contracts; providing an effective date.

—was read the third time by title.

Representative(s) Alexander offered the following:

Amendment 3 (with title amendment)—On page 2, line 7, insert:

Section 1. Section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—

(1) There is created a Hurricane Loss Mitigation Program. The Legislature shall annually appropriate \$10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the Department of Community Affairs for the purposes set forth in this section.

(2)(a) Seven million dollars in funds provided in subsection (1) shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.

(b) Three million dollars in funds provided in subsection (1) shall be used to retrofit existing facilities used as public hurricane shelters. The department must prioritize the use of these funds for projects included in the September 1, 2000, version of the Shelter Retrofit Report prepared in accordance with s. 252.385(3), and each annual report thereafter. The department must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize use of state funds.

(3) ~~Forty At least 40~~ percent of the total appropriation in paragraph (2)(a) shall be used to inspect and improve tie-downs for mobile homes. Within 30 days after the effective date of that appropriation, the department shall contract with a public higher educational institution in this state which has previous experience in administering the programs set forth in this subsection to serve as the administrative entity and fiscal agent pursuant to s. 216.346 for the purpose of administering the programs set forth in this subsection in accordance with established policy and procedures for loans, subsidies, grants, demonstration projects, and direct assistance for the first year of the programs shall be used for mobile homes, including programs to inspect and improve tie-downs, construct and provide safety structures, and provide other means to reduce losses. In the second year of the programs, at least 30 percent of the total appropriation shall be used for mobile homes, and thereafter at least 20 percent shall be used for such purposes. The administrative entity working with the advisory council set up under subsection (5) shall develop a list of mobile home parks and counties that may be eligible to participate in the tie-down program.

(4) Of moneys provided to the Department of Community Affairs in paragraph (2)(a), 10 percent shall be allocated to a ~~the Operations and Maintenance Trust Fund in the general office of the Board of Regents, to be used by the Type I Center within the State University System~~ dedicated to hurricane research. ~~The Type I Center shall develop a preliminary work plan approved by the advisory council set forth in subsection (5) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and to support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences and mobile homes and relating to the development of credible data on potential loss reductions.~~ The State University System also shall consult with the Department of Community Affairs and assist the department with the report required under subsection (7).

(5) Except for the program set forth in subsection (3), the Department of Community Affairs shall develop the programs set forth in this section in consultation with an advisory council appointed by the secretary consisting of a representative designated by the Department of Insurance, a representative designated by the Florida Home Builders Association of home builders, a representative designated by the Florida Insurance Council of insurance companies, a representative designated by the Federation of Manufactured Mobile Home Owners, and a representative designated by the Florida Association of Counties, and

a representative designated by of the Florida Manufactured Housing Association who is a mobile home manufacturer or supplier.

(6) Moneys provided to the Department of Community Affairs under this section are intended to supplement other funding sources of the Department of Community Affairs and may not supplant other funding sources of the Department of Community Affairs.

(7) On January 1st of each year 2001 and 2002, the Department of Community Affairs shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate.

(8) This section is repealed June 30, 2002.

And the title is amended as follows:

On page 1, line 2, remove from the title of the bill: all of said line,

and insert in lieu thereof: An act relating to mobile homes; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; establishing responsibilities for such administrative entity; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report;

Rep. Spratt moved the adoption of the amendment.

Representative(s) Alexander offered the following:

(Amendment Bar Code: 912143)

Amendment 1 to Amendment 3—On page 4, line 14, remove from the amendment: 2002

and insert in lieu thereof: 2006 2002

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

The question recurred on the adoption of Amendment 3, as amended, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 411. The vote was:

Session Vote Sequence: 320

Yeas—116

Table listing names of representatives who voted 'Yeas' for Amendment 3, including The Chair, Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Ball, Barreiro, Baxley, Bean, Bendross-Mindingall, Bennett, Bense, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Hart, Henriquez, Heyman, Hogan, Holloway, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Macheke, Mack, Mahon, Mayfield, Maygarden, Meadows, Mealor, Miller, Murman, Needelman, Negron, Paul, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Sorensen, Smith, Seiler, Simmons, Siplin, Stansel, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, Wilson, and Wishner.

Table listing names of representatives who voted 'Nays' for Amendment 3, including Needelman, Negron, Paul, Peterman, Pickens, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Sorensen, Ryan, Seiler, Simmons, Siplin, Slosberg, Sobel, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, and Wishner.

Nays—None

Votes after roll call:

Yeas—Smith

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

SB 1516—A bill to be entitled An act relating to surety bonds; amending ss. 235.32, 255.05, F.S.; prohibiting public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company; providing an effective date.

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

Session Vote Sequence: 321

Yeas—115

Table listing names of representatives who voted 'Yeas' for SB 1516, including The Chair, Alexander, Allen, Andrews, Argenziano, Arza, Attkisson, Atwater, Ausley, Baker, Baxley, Bean, Bendross-Mindingall, Bennett, Benson, Berfield, Betancourt, Bilirakis, Bowen, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Clarke, Cusack, Davis, Detert, Diaz de la Portilla, Diaz-Balart, Dockery, Farkas, Fasano, Feeney, Fields, Fiorentino, Frankel, Gannon, Garcia, Gardiner, Gelber, Gibson, Goodlette, Gottlieb, Green, Greenstein, Haridopolos, Harper, Harrell, Harrington, Henriquez, Heyman, Hogan, Holloway, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kravitz, Kyle, Lacasa, Lee, Lerner, Littlefield, Lynn, Macheke, Mack, Mahon, Mayfield, Maygarden, McGriff, Meadows, Mealor, Miller, Murman, Needelman, Negron, Paul, Peterman, Pickens, Prieguez, Rich, Richardson, Ritter, Romeo, Ross, Rubio, Russell, Ryan, Seiler, Simmons, Siplin, Stansel, Stansel, Trovillion, Wallace, Waters, Weissman, Wiles, Wilson, and Wishner.

Nays—None

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

Special Orders

On motion by Rep. Byrd, the House moved to the consideration of SB 1066.

On motion by Rep. Maygarden, the rules were waived and—

SB 1066—A bill to be entitled An act relating to the Florida Evidence Code; creating s. 90.4026, F.S.; providing definitions; providing for the inadmissibility of certain statements, writings, or benevolent gestures as evidence in a civil action; providing for the admissibility of certain statements; providing an effective date.

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

Session Vote Sequence: 322

Yeas—116

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

Nays—1

Hart

Votes after roll call:

Yeas—Melvin, Richardson

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

Consideration of CS for CS for SB 668

On motion by Rep. Byrd, the House moved to the consideration of CS for CS for SB 668.

On motion by Rep. Russell, the rules were waived and—

CS for CS for SB 668—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Hernando County or of Hernando County and the City of Brooksville jointly; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Holmes County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00698, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; providing for designation of a specified area within Hillsborough County as an enterprise zone; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; authorizing a boundary change in a specified enterprise zone; amending s. 290.0065,

F.S.; providing for the change in the boundaries of an enterprise zone under specified conditions; providing an effective date.

—was read the second time by title. On motion by Rep. Russell, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 323

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Melvin

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

Disclosure of Interest

I wish to disclose I own a one and one-half acre of property under a corporate entity within the proposed enterprise zone in Sarasota county. I will vote for CS/HB 83 and SB 668 as they are good bills for the state.

*Rep. Michael S. Bennett
District 67*

Continuation of Bills and Joint Resolutions on Third Reading

HB 625—A bill to be entitled An act relating to security for public deposits; amending ss. 280.02, 280.04, 280.041, 280.05, 280.051, 280.054, 280.055, 280.07, 280.08, 280.09, 280.10, 280.11, 280.13, and 280.16, F.S.; revising definitions; revising provisions requiring collateral for public deposits; providing for use of certain letters of credit; requiring additional collateral under certain circumstances; providing penalties; specifying certain agreements for use as collateral; prohibiting a qualified public depository from acting as its own custodian; authorizing a custodian to withdraw as custodian under certain circumstances; authorizing use of certain letters of credit; providing requirements; revising triggering events for certain actions by the Treasurer; revising powers and duties of the Treasurer; clarifying grounds for suspension or disqualification of a qualified public depository; revising conditions for imposition of an administrative penalty; clarifying criteria for the Treasurer to issue certain orders;

providing for contingent liability; clarifying procedures for payment of losses; providing for deposit of draws on letters of credit into the Public Deposits Trust Fund; revising procedures and requirements relating to effect of mergers, acquisitions, or consolidations; providing conditions for eligibility of certain letters of credit as collateral; clarifying requirements of qualified public depositories; creating s. 280.071, F.S.; creating the Qualified Public Depository Oversight Board; providing purposes; requiring the Treasurer to initiate selection of board members; providing for selection of board members by certain qualified public depositories; providing qualifications; providing powers and duties of the board; authorizing the Treasurer to adopt rules for certain purposes; providing effective dates.

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

Session Vote Sequence: 324

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Melvin

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

HB 1077 was taken up. On motion by Rep. Mack, the rules were waived and—

SB 1324—A bill to be entitled An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient’s Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient’s health care practitioner believes is in the patient’s best interests; providing an effective date.

—was substituted for HB 1077 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Mack, the rules were waived and SB 1324 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 325

Yeas—118

Alexander	Cusack	Holloway	Paul
Allen	Davis	Jennings	Peterman
Andrews	Detert	Johnson	Pickens
Argenziano	Diaz de la Portilla	Jordan	Prieguez
Arza	Diaz-Balart	Joyner	Rich
Attkisson	Dockery	Justice	Richardson
Atwater	Farkas	Kallinger	Ritter
Ausley	Fasano	Kendrick	Romeo
Baker	Feeney	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	Littlefield	Smith
Berfield	Gibson	Lynn	Sobel
Betancourt	Goodlette	Machek	Sorensen
Bilirakis	Gottlieb	Mack	Spratt
Bowen	Green	Mahon	Stansel
Brown	Greenstein	Mayfield	Trovillion
Brummer	Haridopolos	Maygarden	Wallace
Brutus	Harper	McGriff	Waters
Bucher	Harrell	Meadows	Weissman
Bullard	Harrington	Mealor	Wiles
Byrd	Hart	Miller	Wilson
Cantens	Henriquez	Murman	Wishner
Carassas	Heyman	Needelman	
Clarke	Hogan	Negron	

Nays—None

Votes after roll call:

Yeas—Melvin

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

On motion by Rep. Byrd, consideration of **CS/HB 1819** was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of SB 1986 on Bills and Joint Resolutions on Third Reading.

THE SPEAKER IN THE CHAIR

SB 1986—A bill to be entitled An act relating to group insurance for public officers, employees, and volunteers; amending s. 112.08, F.S.; prescribing procedure for a local governmental unit to replace health insurance when the contracting provider becomes financially impaired or fails or refuses to provide coverage; providing an effective date.

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

Session Vote Sequence: 326

Yeas—117

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

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

Nays—None

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

CS/HB 1701—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; expanding the exemption from public records requirements for identifying information relating to code enforcement officers to include additional information and to include such officers' spouses and children; 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: 327

Yeas—116

The Chair	Davis	Jennings	Negron
Alexander	Detert	Johnson	Paul
Allen	Diaz de la Portilla	Jordan	Peterman
Andrews	Diaz-Balart	Joyner	Pickens
Argenziano	Dockery	Justice	Prieguez
Arza	Farkas	Kallinger	Rich
Attkisson	Fasano	Kendrick	Richardson
Atwater	Fields	Kilmer	Ritter
Ausley	Fiorentino	Kosmas	Romeo
Baker	Flanagan	Kottkamp	Ross
Ball	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
Bilirakis	Greenstein	Mahon	Sorensen
Brown	Haridopolos	Mayfield	Spratt
Brummer	Harper	Maygarden	Stansel
Brutus	Harrell	McGriff	Trovillion
Bucher	Harrington	Meadows	Wallace
Bullard	Hart	Mealor	Waters
Byrd	Henriquez	Melvin	Weissman
Cantens	Heyman	Miller	Wiles
Clarke	Hogan	Murman	Wilson
Cusack	Holloway	Needelman	Wishner

Nays—1

Carassas

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

Continuation of Special Orders

Consideration of **CS/HB 135** was temporarily postponed under Rule 11.10.

Bills and Joint Resolutions on Second Reading

Consideration of **HB 61** was temporarily postponed under Rule 11.10.

Continuation of Special Orders

HB 361 was taken up. On motion by Rep. Stansel, the rules were waived and—

CS for SB 240—A bill to be entitled An act relating to sentencing; amending s. 944.17, F.S.; requiring that a prisoner sentenced for a crime committed during incarceration in the state correctional system serve the sentence for such crime in the state system, regardless of the length of sentence imposed; providing an effective date.

—was substituted for HB 361 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Stansel, the rules were waived and CS for SB 240 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 328

Yeas—116

The Chair	Clarke	Heyman	Needelman
Alexander	Crow	Hogan	Negron
Allen	Cusack	Holloway	Paul
Andrews	Davis	Jennings	Peterman
Argenziano	Detert	Johnson	Pickens
Arza	Diaz de la Portilla	Jordan	Prieguez
Attkisson	Diaz-Balart	Joyner	Rich
Atwater	Dockery	Justice	Richardson
Ausley	Farkas	Kallinger	Ritter
Baker	Fasano	Kendrick	Romeo
Ball	Fields	Kilmer	Ross
Barreiro	Fiorentino	Kosmas	Rubio
Baxley	Flanagan	Kottkamp	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	Simmons
Bennett	Garcia	Lee	Siplin
Benson	Gardiner	Lerner	Slosberg
Berfield	Gelber	Littlefield	Smith
Betancourt	Gibson	Lynn	Sobel
Bilirakis	Goodlette	Machek	Sorensen
Bowen	Gottlieb	Mack	Spratt
Brown	Green	Mahon	Stansel
Brummer	Greenstein	Mayfield	Trovillion
Brutus	Haridopolos	Maygarden	Wallace
Bucher	Harper	McGriff	Waters
Bullard	Harrell	Meadows	Weissman
Byrd	Harrington	Mealor	Wiles
Cantens	Hart	Melvin	Wilson
Carassas	Henriquez	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/HB 213** on Bills and Joint Resolutions on Second Reading.

Bills and Joint Resolutions on Second Reading

CS/HB 213 was taken up. On motion by Rep. Barreiro, the rules were waived and—

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 substituted for CS/HB 213 and read the third time by title. Under Rule 5.15, the House bill was laid on the table. On passage, the vote was:

Session Vote Sequence: 329

Yeas—120

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	Slosberg
Brutus	Greenstein	Mack	Smith
Bucher	Haridopolos	Mahon	Sobel
Bullard	Harper	Mayfield	Sorensen
Byrd	Harrell	Maygarden	Spratt

Stansel	Wallace	Weissman	Wilson
Trovillion	Waters	Wiles	Wishner

Nays—None

So the bill passed 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 397, 399, 401, and 947; CS/HB 1425; and HBs 1673 and 1865.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

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., Wednesday, May 2. The motion was agreed to.

Recorded Votes

Rep. Attkisson:

Yeas—CS/HB 1927

Rep. Bilirakis:

Yeas—CS for CS for SB 144; SB 540; CS/HB 795; HB 1673

Nays—passage of HB 1943 after reconsideration

Rep. Brutus:

Nays—CS/HB 1927

Rep. Crow:

Nays—motion to reconsider the vote by which Amendment 1 to CS/CS/HB 807 was laid on the table

Rep. Cusack:

Nays—Amendment 1 to Amendment 1 to CS/HB 1819

Change from Nays to Yeas—HB 1225

Rep. Fields:

Yeas—CS/HB 1

Rep. Gannon:

Nays—passage of HB 1943 after reconsideration

Rep. Justice:

Change from Nays to Yeas—HB 251

Rep. Kendrick:

Yeas—HB 1785

Rep. Mahon:

Yeas—HB 421; passage of HB 1607 after reconsideration

Rep. Meadows:

Nays—CS/HB 1927

Rep. Pickens:

Nays—passage of HB 1943 after reconsideration

Rep. Stansel:

Yeas—HB 1785

Rep. Waters:

Yeas—Amendment 1 to SB 708; CS/HB 1633

Nays—Amendment 2 to HB 159

Rep. Wishner:

Yeas—CS/CS/HB 1193; CS for SB 1610

Explanation of Vote on HB 489

I believe the people of the great State of Florida were very clear on November 7, 2000, when they voted for the High Speed Rail. I believe citizens said, they want the job done. Therefore, I cannot support HB 489, High Speed Rail Study Commission. This bill would delay the start of the High Speed Rail under the guise of studying the issue. The voters have spoken, we are charged with the responsibility of carrying out their instructions. I am cosponsoring HB 507, a bill which will begin the process of building the High Speed Rail, as the citizens of my district and the state have instructed us.

*Rep. Gary Siplin
District 39*

Cosponsors

HB 189—Kottkamp
CS/CS/HB 273—Brutus
CS/CS/HB 411—Argenziano
HB 421—Argenziano, Bendross-Mindingall, Berfield, Brutus, Jordan, Mahon, Meadows, Stansel
CS/HB 623—Brutus
CS/HB 687—Fields
CS/HB 729—Gibson
CS/CS/HB 1193—Brummer
CS/HB 1361—Harrell
CS/HB 1375—Harrington
CS/CS/HB 1509—Atwater
CS/CS/HB 1533—Brummer
HB 1695—Brummer
HB 1811—Brummer
HB 1845—Brummer
CS/HB 1889—Bendross-Mindingall, Wilson
HB 1931—Brummer

Communications

*The Honorable John M. McKay
President of the Florida Senate*

May 1, 2001

Dear Mr. President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Appropriations Conference Committee Reports on SB 2000 and SB 2002 have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed May 1, 2001 at 7:20 p.m., EDT.

Respectfully submitted,
Faye W. Blanton
Secretary of the Senate

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 6:10 p.m., to reconvene at 10:30 a.m., Wednesday, May 2.

Pages and Messengers for the week of April 30-May 4

PAGES—Katelyn M. Baird, Palatka; Matthew Barnette, Brooksville; Robert Justin Berry, Clermont; Sarah Block, Tequesta; Amber Lynn Brown, Tallahassee; Mark A. Cavins, Palm Bay; Sarah A. Fowler, Clermont; Jeremy C. Fowler, Clermont; Jessica Harmsen, Tallahassee; Taylor Johnson-Rule, Tallahassee; John T. Kennedy, Stuart; Joseph Leuchter, Coral Springs; Lindsay M. Loe, Lake Mary; Terry Paul McGowan, Lithia; Stephen-Michael Hawkins Nixon, Miami; Matthew Parantha, Clewiston; John Daniel Pritchard, Orlando; Jaika S. Selesky, Miami; Joseph Sindad, St. Augustine; Marianne L. Smokay, Orlando; Kristina M. Torpy, Melbourne; Ansley Wales, Lake Alfred; Elizabeth A. Webster, Orlando; Rebekah Wirgau, Tallahassee; Sarah Wirgau, Tallahassee.

MESSENGERS—Jarrett Corbett Austin, Tallahassee; Caitlin Barry, Tallahassee; Paige Barton, Leesburg; Michelle Brown, Orlando; Raymond Lawson Davis, Jacksonville; James Freeman, Waldo; Lauren Jones, DeFuniak Springs; David Aaron Morgan, Jacksonville; Emily K. Newsom, Plant City; Sarah B. Newsom, Plant City; Lloyd Grant Patterson, Pensacola; Richard Phillips, Tallahassee; Kyle D. Rushing, Winter Park; Alexander Steffen Ryan, DeFuniak Springs; Heather Schwartz, Cantonment; Christopher Thompson, Milton; Michael B. Twomey, Tallahassee; Jordan Walker, Indian River; Katherine Williams, Tallahassee.