



The Journal OF THE House of Representatives

Number 6

Wednesday, March 19, 2003

The House was called to order by the Speaker at 10:00 a.m.

Moment of Silence

Speaker Byrd: Members, today before we have our invocation, I would like to ask that you join me in a moment of silence to reflect upon the prospect of imminent hostilities in the Middle East. I would urge you to reflect upon our men and women in uniform, today, that God will be with them and their families and their friends.

You see that the freedoms that we enjoy, especially the freedom that we will exercise this morning to debate the great issues of the day without fear, without restraint, and without coercion—those freedoms were purchased with a price. When the time of decision came, our men and women in uniform have always ventured much for the freedoms we enjoy. For that we owe them a debt of gratitude, one that can never really be repaid except to honor them by treating the freedoms they give us as things that are precious. And today and throughout the session and throughout the following days, we will have spirited debate over the great issues of the day. But I know of no better way that we can honor those who have sacrificed to give us our freedoms than to make them proud of our debate, make them proud of our decorum, to make them proud of our commitment to freedom at all costs, not just peace at any price.

So, if you would rise and the guests in the gallery rise and join me in a moment of reflection, prayer, silence for our men and women in uniform.

Prayer

The following prayer was offered by Reverend Cornelius Kostруб of Glades Presbyterian Church of Boca Raton, upon invitation of Rep. Ausley:

God of all people, You are the Creator of heaven and earth and of each of us. We thank you for the gift of government and the privilege of these in this House to serve as Representatives of the people of Florida. Grant them wisdom, kindness, and patience as they do their work. Enable them each to be slow to speak and quick to listen. Help them to use their authority to faithfully serve all those in our state—especially our children. May this day be a day of doing Your will for Your glory and the good of others.

And we do lift up our President today, we ask for Your wisdom for him and for our leaders. We ask for courage and protection for those in the service; and we still pray that Saddam Hussein, that You might change his heart, help him to leave to avert this war. We ask this in Your Name. Amen.

The following Members were recorded present:

Session Vote Sequence: 20

Speaker Byrd in the Chair.

Adams	Davis, D.	Jordan	Quinones
Allen	Davis, M.	Joyner	Reagan
Ambler	Dean	Justice	Rich
Anderson	Detert	Kallinger	Richardson
Antone	Domino	Kravitz	Ritter
Arza	Evers	Kilmer	Rivera
Attkisson	Farkas	Kosmas	Robaina
Ausley	Fields	Kottkamp	Roberson
Barreiro	Fiorentino	Kravitz	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Machek	Sansom
Berfield	Gelber	Mack	Seiler
Bilirakis	Gibson, A.	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Green	Murman	Sorensen
Brutus	Greenstein	Murzin	Spratt
Bucher	Harper	Needelman	Stansel
Bullard	Harrell	Negron	Stargel
Byrd	Harrington	Patterson	Troutman
Cantens	Hasner	Paul	Vana
Carassas	Henriquez	Peterman	Waters
Clarke	Hogan	Pickens	Wiles
Cretul	Homan	Planas	Wishner
Culp	Jennings	Poppell	Zapata
Cusack	Johnson	Prieguez	

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

A quorum was present.

Video Presentation

The Members viewed a video about the freedoms enjoyed by all Americans. At the conclusion of the video, the Members stood for the “Star Spangled Banner.”

Pledge

The Members, led by August Brooks of Jacksonville, Shelly Bucher of Orlando, Kelly Crews of Tallahassee, Justin Stephen Franklin of Dover, Sean Gibbins of Oviedo, Sarah Sokolin of Boca Raton, Keaton R. Heller of Oviedo, and Gregory Kallinger of Winter Park, pledged allegiance to the Flag. August Brooks served at the invitation of Rep. Fields. Shelly Bucher served at the

invitation of Rep. Bucher. Kelly Crews served at the invitation of Rep. Dean. Justin Stephen Franklin served at the invitation of the Speaker. Sean Gibbins served at the invitation of Rep. Wiles. Sarah Sokolin served at the invitation of Rep. Slosberg. Keaton R. Heller served at the invitation of Rep. Adams. Gregory Kallinger served at the invitation of his father, Rep. Kallinger.

House Physician

The Speaker introduced Dr. Larry Hobbs of Fort Myers, who served in the Clinic today upon invitation of Rep. Green.

Correction of the Journal

The *Journal* of March 7 was further corrected as follows: On page 160, column 1, line 15 from the top, delete "30,000" and insert: 3,000

The *Journal* of March 13 was corrected and approved as corrected.

Changes in Committee and Subcommittee Assignments

The Speaker advised that he had made the following committee and subcommittee appointments: Rep. Hasner to the Coordinating Committee on Public Security; Rep. Culp as Vice Chair of the Subcommittee on Children's Services, in addition to previous appointments.

Additionally, Rep. Jordan was removed from the Subcommittee on Commerce & Local Affairs Appropriations.

Reports of Standing Committees

Report of the Subcommittee on Rules

The Honorable Johnnie Byrd March 14, 2003
Speaker, House of Representatives

Dear Mr. Speaker:

Your Subcommittee on Rules herewith submits Special Orders for Wednesday, March 19, 2003. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

- I. Consideration of the following bill(s):
 - HB 1591 - State Administration, Mack
 Public Records Exemption for State Employee Assistance Program Records
 - HB 1593 - State Administration, Mack
 Public Records Exemption for Foster Parent Applicants and Licensed Foster Parents
 - HB 1713 - Health Care, Farkas
 Medical Incidents

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,
Sandra L. Murman *Dennis A. Ross*
 Co-Chair Co-Chair
 Subcommittee on Rules Subcommittee on Rules

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

Report of the Committee on Appropriations

The Honorable Johnnie B. Byrd, Jr. March 17, 2003
Speaker, Florida House of Representatives

Dear Mr. Speaker:

The following report is submitted for the purpose of outlining a procedure for committee and floor action on the appropriations bill, implementing bill, and conforming legislation.

No later than 4:30 p.m. on Monday, March 24, 2003, the Committee on Appropriations will provide to the Members and to the public the appropriations bill, implementing bill, and conforming legislation to be considered at its meeting on Friday, March 28, 2003.

By 4:30 p.m. on Wednesday, March 26, 2003, the Committee on Appropriations will file notice of all bills to be considered at its meeting on Friday, March 28, 2003.

Amendments to the appropriations bill, implementing bill, and conforming legislation must be filed no later than 1:00 p.m. on Wednesday, March 26, 2003. Packages of these filed amendments for the proposed committee bills will be available from the Committee on Appropriations as early as possible on Thursday morning, March 27, 2003.

All amendments to amendments and substitute amendments for the appropriations bill, implementing bill, and conforming legislation must be filed no later than 1:00 p.m. on Thursday, March 27, 2003.

Amendments will be filed with the Committee on Appropriations, Room 221, The Capitol. Member requests for staff to draft amendments shall be deemed as timely filed if received before the relevant deadline.

The Committee on Appropriations will meet at the noticed time on the morning of Friday, March 28, 2003, and will consider all timely filed amendments.

The Committee on Appropriations will publish the General Appropriations Bill, the implementing bill, and conforming legislation as amended, on Monday, March 31, 2003.

All floor amendments to be considered on second reading of the General Appropriations Bill, implementing bill, and conforming legislation must be filed no later than 1:00 p.m. on Wednesday, April 2, 2003.

Packages of amendments for the General Appropriations Bill, implementing bill, and conforming legislation will be available from the Committee on Appropriations as early as possible on Thursday morning, April 3, 2003.

All amendments to floor amendments and substitute amendments to floor amendments must be filed no later than 1:00 p.m. on Thursday, April 3, 2003.

The bills will be read a second time on the floor on Friday, April 4, 2003.

Floor amendments will be filed with the Committee on Appropriations, Room 221, The Capitol. Member requests for staff to draft amendments shall be deemed as timely filed if received before the relevant deadline.

Pursuant to House Rule 12.5, amendments offered to the General Appropriations Act must be balanced with increases offset by equivalent or greater decreases within the jurisdiction of the same appropriations subcommittee. Requests to draft amendments must include the item to be funded *and* the item from which funding is to be reduced.

Amendment deadlines apply to all Members, including Members of the Committee on Appropriations and any Appropriations Subcommittees. Amendments can only be accepted from House Members, their legislative assistants, and staff of the Majority and Democratic Offices on behalf of the Member.

Sincerely,
Bruce Kyle
 Chair
 Committee on Appropriations

Time Schedule

Procedure for Committee and Floor Action on the Appropriations Bill and related Implement Bills

Table with 2 columns: Date and Description of Action. Rows include dates from Monday, March 24, 2003 to Tuesday, April 8, 2003, detailing committee meetings and bill filings.

Amendments will be filed with the Committee on Appropriations Room 221, The Capitool

Member requests for staff to draft amendments, which requests are received before the relevant deadline, will be considered timely filed.

On motion by Rep. Kyle, the above report was adopted.

Motions Relating to Committee References

On motion by Rep. McInvale, by the required two-thirds vote, HB 1187 was withdrawn from further consideration of the House.

Bills and Joint Resolutions on Third Reading

HB 263—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners; providing an effective date.

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

Session Vote Sequence: 21

Speaker Byrd in the Chair.

Yeas—105

Table listing names of representatives who voted 'Yeas' (105 total). Names are arranged in four columns.

Nays—6

Table listing names of representatives who voted 'Nays' (6 total). Names are arranged in three columns.

Votes after roll call: Yeas—Richardson

So the bill passed and was certified to the Senate.

HB 1019—A bill to be entitled An act relating to a public records exemption for identifying information contained in a videotaped statement of a minor; amending s. 119.07, F.S., relating to the public records exemption for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct which reveals the minor's identity; making editorial changes; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 22

Speaker Byrd in the Chair.

Yeas—112

Table listing names of representatives who voted 'Yeas' (112 total). Names are arranged in four columns.

Henriquez	Llorente	Planas	Sansom
Hogan	Machek	Poppell	Seiler
Homan	Mack	Prieguez	Simmons
Jennings	Mayfield	Quinones	Slosberg
Johnson	McInvale	Reagan	Smith
Jordan	Meadows	Rich	Sobel
Joyner	Mealor	Richardson	Sorensen
Justice	Murman	Ritter	Stansel
Kallinger	Murzin	Rivera	Stargel
Kendrick	Needelman	Robaina	Troutman
Kilmer	Negron	Roberson	Vana
Kosmas	Patterson	Ross	Waters
Kravitz	Paul	Rubio	Wiles
Kyle	Peterman	Russell	Wishner
Littlefield	Pickens	Ryan	Zapata

So the bill passed and was certified to the Senate.

HB 1023—A bill to be entitled An act relating to a public records exemption for county employee assistance program records; amending s. 125.585, F.S.; narrowing the exemption for records relating to an employee's participation in a county employee assistance program to provide that a county employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 24

Speaker Byrd in the Chair.

Nays—None

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

HB 1021—A bill to be entitled An act relating to a public records exemption for certain information regarding an applicant for federal, state, or local housing assistance programs; amending s. 119.07, F.S.; narrowing the public records exemption; removing the exemption for bank account numbers, credit card numbers, and telephone numbers of applicants and participants in such programs; adding clarifying language; making editorial changes; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 23

Speaker Byrd in the Chair.

Yeas—115

Adams	Davis, D.	Jordan	Quinones
Allen	Davis, M.	Joyner	Reagan
Ambler	Dean	Justice	Rich
Anderson	Detert	Kallinger	Richardson
Antone	Domino	Kendrick	Ritter
Arza	Evers	Kilmer	Rivera
Attkisson	Farkas	Kosmas	Robaina
Ausley	Fields	Kottkamp	Roberson
Barreiro	Fiorentino	Kravitz	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Machek	Sansom
Berfield	Gelber	Mack	Seiler
Bilirakis	Gibson, A.	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Green	Murman	Sorensen
Brutus	Greenstein	Murzin	Spratt
Bucher	Harper	Needelman	Stansel
Bullard	Harrell	Negron	Stargel
Byrd	Harrington	Patterson	Troutman
Cantens	Hasner	Paul	Vana
Carassas	Henriquez	Peterman	Waters
Clarke	Hogan	Pickens	Wiles
Cretul	Homan	Planas	Wishner
Culp	Jennings	Poppell	Zapata
Cusack	Johnson	Prieguez	

Nays—None

So the bill passed and was certified to the Senate.

HB 1025—A bill to be entitled An act relating to a public records exemption for municipal employee assistance program records; amending s. 166.0444, F.S.; narrowing the exemption for records relating to a municipal employee's participation in a municipal employee assistance program to provide that a municipal employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 25

Speaker Byrd in the Chair.

Yeas—114

Adams	Davis, D.	Jordan	Quinones
Allen	Davis, M.	Joyner	Reagan
Ambler	Dean	Justice	Rich
Anderson	Detert	Kallinger	Richardson
Antone	Domino	Kendrick	Ritter
Arza	Evers	Kilmer	Rivera
Attkisson	Farkas	Kosmas	Robaina
Ausley	Fields	Kottkamp	Roberson
Barreiro	Fiorentino	Kravitz	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Machek	Sansom
Berfield	Gelber	Mack	Seiler
Bilirakis	Gibson, A.	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Green	Murman	Sorensen
Brutus	Greenstein	Murzin	Stansel
Bucher	Harper	Needelman	Stargel
Bullard	Harrell	Negron	Troutman
Byrd	Harrington	Patterson	Vana
Cantens	Hasner	Paul	Waters
Carassas	Henriquez	Peterman	Wiles
Clarke	Hogan	Pickens	Wishner
Cretul	Homan	Planas	Zapata
Culp	Jennings	Poppell	
Cusack	Johnson	Prieguez	

Nays—None

Yeas—114

Adams	Davis, M.	Joyner	Reagan
Allen	Dean	Justice	Rich
Ambler	Detert	Kallinger	Richardson
Anderson	Domino	Kendrick	Ritter
Antone	Evers	Kilmer	Rivera
Arza	Farkas	Kosmas	Robaina
Attkisson	Fields	Kottkamp	Roberson
Ausley	Fiorentino	Kravitz	Ross
Barreiro	Galvano	Kyle	Rubio
Baxley	Gannon	Littlefield	Russell
Bean	Garcia	Llorente	Ryan
Bense	Gardiner	Machek	Sansom
Benson	Gelber	Mack	Seiler
Berfield	Gibson, A.	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Green	Murman	Sorensen
Brutus	Greenstein	Murzin	Spratt
Bucher	Harper	Needelman	Stansel
Bullard	Harrell	Negron	Stargel
Byrd	Harrington	Patterson	Troutman
Cantens	Hasner	Paul	Vana
Carassas	Henriquez	Peterman	Waters
Clarke	Hogan	Pickens	Wiles
Cretul	Homan	Planas	Wishner
Culp	Jennings	Poppell	Zapata
Cusack	Johnson	Prieguez	
Davis, D.	Jordan	Quinones	

Nays—None

So the bill passed and was certified to the Senate.

HB 1027—A bill to be entitled An act relating to a public records exemption for certain records, reports, or information containing trade secret information held by the Department of Community Affairs; amending s. 252.943, F.S., relating to the exemptions from public records requirements for specified records, reports, or information contained in a risk management plan required pursuant to, and obtained from an investigation, inspection, or audit under, the Florida Accidental Release Prevention and Risk Management Planning Act, to remove the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; making editorial changes; providing clarifying language; providing an effective date.

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

Session Vote Sequence: 26

Speaker Byrd in the Chair.

Yeas—111

Adams	Brown	Domino	Greenstein
Allen	Brummer	Evers	Harper
Antone	Brutus	Farkas	Harrell
Arza	Bucher	Fields	Harrington
Attkisson	Bullard	Fiorentino	Hasner
Ausley	Byrd	Galvano	Henriquez
Barreiro	Cantens	Gannon	Hogan
Baxley	Carassas	Garcia	Homan
Bean	Clarke	Gardiner	Jennings
Bense	Cretul	Gelber	Johnson
Benson	Culp	Gibson, A.	Jordan
Berfield	Cusack	Gibson, H.	Joyner
Bilirakis	Davis, D.	Goodlette	Justice
Bowen	Dean	Gottlieb	Kallinger
Brandenburg	Detert	Green	Kendrick

Kilmer	Murman	Rich	Smith
Kosmas	Murzin	Richardson	Sobel
Kottkamp	Needelman	Ritter	Sorensen
Kravitz	Negron	Robaina	Spratt
Kyle	Patterson	Roberson	Stansel
Littlefield	Paul	Ross	Stargel
Llorente	Peterman	Rubio	Troutman
Machek	Pickens	Russell	Vana
Mack	Planas	Ryan	Waters
Mayfield	Poppell	Sansom	Wiles
McInvale	Prieguez	Seiler	Wishner
Meadows	Quinones	Simmons	Zapata
Mealor	Reagan	Slosberg	

Nays—None

So the bill passed and was certified to the Senate.

HB 1031—A bill to be entitled An act relating to a public records exemption for the Florida Kidcare program; amending s. 409.821, F.S.; expanding the exemption for identifying information of applicants to the Florida Kidcare program to provide that any information identifying a program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, and the Florida Healthy Kids Corporation is confidential and exempt; providing for disclosure of such information to governmental entities under certain circumstances; providing a penalty for unlawful disclosure of such information; adding clarifying language; making editorial changes; providing for retroactive application; removing the October 2, 2003, repeal of the exemption scheduled pursuant to the Open Government Sunset Review Act of 1995; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Session Vote Sequence: 27

Speaker Byrd in the Chair.

Yeas—113

Adams	Davis, M.	Justice	Rich
Allen	Dean	Kallinger	Richardson
Ambler	Detert	Kendrick	Ritter
Antone	Domino	Kilmer	Rivera
Arza	Evers	Kosmas	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Fiorentino	Kyle	Rubio
Baxley	Galvano	Littlefield	Russell
Bean	Gannon	Llorente	Ryan
Bense	Garcia	Machek	Sansom
Benson	Gardiner	Mack	Seiler
Berfield	Gelber	Mayfield	Simmons
Bilirakis	Gibson, A.	McInvale	Slosberg
Bowen	Gibson, H.	Meadows	Smith
Brandenburg	Goodlette	Mealor	Sobel
Brown	Gottlieb	Murman	Sorensen
Brummer	Green	Murzin	Spratt
Brutus	Greenstein	Needelman	Stansel
Bucher	Harper	Negron	Stargel
Bullard	Harrell	Patterson	Troutman
Byrd	Harrington	Paul	Vana
Cantens	Hasner	Peterman	Waters
Carassas	Henriquez	Pickens	Wiles
Clarke	Hogan	Planas	Wishner
Cretul	Jennings	Poppell	Zapata
Culp	Johnson	Prieguez	
Cusack	Jordan	Quinones	
Davis, D.	Joyner	Reagan	

Nays—None

So the bill passed by the required constitutional two-thirds vote of the Members voting and was certified to the Senate.

HB 1033—A bill to be entitled An act relating to public records and public meetings exemptions for the Statewide Provider and Subscriber Assistance Program within the Agency for Health Care Administration; amending s. 408.7056, F.S., which provides exemptions from public records and public meetings requirements for information held by the Agency for Health Care Administration, the Department of Insurance, or the Statewide Provider and Subscriber Assistance Panel that identifies a subscriber to a managed health care entity and for portions of meetings of a provider and subscriber assistance panel during which information disclosing a subscriber's medical treatment or history or information relating to specified internal risk management programs may be revealed; narrowing the exemption; eliminating the exemption for identifying information of a subscriber's spouse, relative, or guardian; providing an exception to the exemption; adding clarifying language; making editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 28

Speaker Byrd in the Chair.

Yeas—113

Adams	Dean	Justice	Rich
Allen	Detert	Kallinger	Richardson
Ambler	Domino	Kendrick	Ritter
Anderson	Evers	Kilmer	Rivera
Antone	Farkas	Kosmas	Robaina
Arza	Fields	Kottkamp	Roberson
Attkisson	Fiorentino	Kravitz	Ross
Ausley	Galvano	Kyle	Rubio
Barreiro	Gannon	Littlefield	Russell
Baxley	Garcia	Llorente	Ryan
Bean	Gardiner	Machek	Sansom
Bense	Gelber	Mack	Seiler
Benson	Gibson, A.	Mayfield	Simmons
Berfield	Gibson, H.	McInvale	Slosberg
Bowen	Goodlette	Meadows	Smith
Brandenburg	Gottlieb	Mealor	Sobel
Brown	Green	Murman	Sorensen
Brummer	Greenstein	Murzin	Spratt
Brutus	Harper	Needelman	Stansel
Bucher	Harrell	Negron	Stargel
Bullard	Harrington	Patterson	Troutman
Cantens	Hasner	Paul	Vana
Carassas	Henriquez	Peterman	Waters
Clarke	Hogan	Pickens	Wiles
Cretul	Homan	Planas	Wishner
Culp	Jennings	Poppell	Zapata
Cusack	Johnson	Prieguez	
Davis, D.	Jordan	Quinones	
Davis, M.	Joyner	Reagan	

Nays—None

So the bill passed and was certified to the Senate.

HB 1035—A bill to be entitled An act relating to a public records exemption for investigatory records relating to workers' compensation employer compliance; amending s. 440.108, F.S.; providing an exception to the exemption; adding conforming and clarifying language; removing the

October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 29

Speaker Byrd in the Chair.

Yeas—114

Adams	Davis, M.	Joyner	Reagan
Allen	Dean	Justice	Rich
Ambler	Detert	Kallinger	Richardson
Anderson	Domino	Kendrick	Ritter
Antone	Evers	Kilmer	Rivera
Arza	Farkas	Kosmas	Robaina
Attkisson	Fields	Kottkamp	Roberson
Ausley	Fiorentino	Kravitz	Ross
Barreiro	Galvano	Kyle	Rubio
Baxley	Gannon	Littlefield	Russell
Bean	Garcia	Llorente	Ryan
Bense	Gardiner	Machek	Sansom
Benson	Gelber	Mack	Seiler
Berfield	Gibson, A.	Mayfield	Simmons
Bilirakis	Gibson, H.	McInvale	Slosberg
Bowen	Goodlette	Meadows	Smith
Brandenburg	Gottlieb	Mealor	Sobel
Brown	Green	Murman	Sorensen
Brummer	Greenstein	Murzin	Spratt
Brutus	Harper	Needelman	Stansel
Bucher	Harrell	Negron	Stargel
Bullard	Harrington	Patterson	Troutman
Cantens	Hasner	Paul	Vana
Carassas	Henriquez	Peterman	Waters
Clarke	Hogan	Pickens	Wiles
Cretul	Homan	Planas	Wishner
Culp	Jennings	Poppell	Zapata
Cusack	Johnson	Prieguez	
Davis, D.	Jordan	Quinones	

Nays—None

So the bill passed and was certified to the Senate.

HB 1037—A bill to be entitled An act relating to a public records exemption for certain information contained in a rabies vaccination certificate; amending s. 828.30, F.S.; narrowing the exemption; specifying exempt information; adding clarifying language; making editorial changes; eliminating the condition of making a written request in order to view or copy rabies vaccination certificates; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 30

Speaker Byrd in the Chair.

Yeas—114

Adams	Barreiro	Brandenburg	Clarke
Allen	Baxley	Brown	Cretul
Ambler	Bean	Brummer	Culp
Anderson	Bense	Brutus	Cusack
Antone	Benson	Bucher	Davis, D.
Arza	Berfield	Bullard	Davis, M.
Attkisson	Bilirakis	Cantens	Dean
Ausley	Bowen	Carassas	Detert

Domino	Hogan	Mealor	Rubio
Evers	Homan	Murman	Russell
Farkas	Jennings	Murzin	Ryan
Fields	Johnson	Needelman	Sansom
Fiorentino	Jordan	Negron	Seiler
Galvano	Joyner	Patterson	Simmons
Gannon	Justice	Paul	Slosberg
Garcia	Kallinger	Peterman	Smith
Gardiner	Kendrick	Pickens	Sobel
Gelber	Kilmer	Planas	Sorensen
Gibson, A.	Kosmas	Poppell	Spratt
Gibson, H.	Kottkamp	Prieguez	Stansel
Goodlette	Kravitz	Quinones	Stargel
Gottlieb	Kyle	Reagan	Troutman
Green	Littlefield	Rich	Vana
Greenstein	Llorente	Richardson	Waters
Harper	Machek	Ritter	Wiles
Harrell	Mack	Rivera	Wishner
Harrington	Mayfield	Robaina	Zapata
Hasner	McInvale	Roberson	
Henriquez	Meadows	Ross	

Nays—None

So the bill passed and was certified to the Senate.

HB 1039—A bill to be entitled An act relating to a public records exemption for investigative information held by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 498.047, F.S.; making conforming and editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Session Vote Sequence: 31

Speaker Byrd in the Chair.

Yeas—113

Adams	Davis, D.	Jordan	Reagan
Allen	Davis, M.	Joyner	Rich
Ambler	Dean	Justice	Richardson
Anderson	Detert	Kallinger	Ritter
Antone	Domino	Kendrick	Rivera
Arza	Evers	Kilmer	Robaina
Attkisson	Farkas	Kosmas	Roberson
Ausley	Fields	Kottkamp	Ross
Barreiro	Fiorentino	Kravitz	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Littlefield	Ryan
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Machek	Seiler
Berfield	Gelber	Mack	Slosberg
Bilirakis	Gibson, A.	Mayfield	Smith
Bowen	Gibson, H.	McInvale	Sobel
Brandenburg	Goodlette	Meadows	Sorensen
Brown	Gottlieb	Mealor	Spratt
Brummer	Green	Murman	Stansel
Brutus	Greenstein	Murzin	Stargel
Bucher	Harper	Needelman	Troutman
Bullard	Harrell	Negron	Vana
Byrd	Harrington	Patterson	Waters
Cantens	Hasner	Paul	Wiles
Carassas	Henriquez	Peterman	Wishner
Clarke	Hogan	Pickens	Zapata
Cretul	Homan	Poppell	
Culp	Jennings	Prieguez	
Cusack	Johnson	Quinones	

Nays—None

So the bill passed and was certified to the Senate.

HB 1041—A bill to be entitled An act relating to a public records and public meetings exemption for the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; narrowing the exemption for specified records and meetings of the association; removing the exemption for matters reasonably encompassed in privileged attorney-client communications; making editorial changes; adding conforming language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; amending ss. 440.51 and 631.912, F.S.; correcting cross references, to conform; providing an effective date.

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

Session Vote Sequence: 32

Speaker Byrd in the Chair.

Yeas—112

Adams	Davis, D.	Johnson	Quinones
Allen	Davis, M.	Jordan	Reagan
Ambler	Dean	Joyner	Rich
Anderson	Detert	Justice	Richardson
Antone	Domino	Kallinger	Ritter
Arza	Evers	Kendrick	Rivera
Attkisson	Farkas	Kilmer	Robaina
Ausley	Fields	Kottkamp	Roberson
Barreiro	Fiorentino	Kravitz	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Littlefield	Russell
Bense	Garcia	Llorente	Ryan
Benson	Gardiner	Machek	Sansom
Berfield	Gelber	Mack	Seiler
Bilirakis	Gibson, A.	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Slosberg
Brandenburg	Goodlette	Meadows	Smith
Brown	Gottlieb	Mealor	Sobel
Brummer	Green	Murman	Sorensen
Brutus	Greenstein	Murzin	Spratt
Bucher	Harper	Needelman	Stansel
Bullard	Harrell	Negron	Stargel
Cantens	Harrington	Patterson	Troutman
Carassas	Hasner	Paul	Vana
Clarke	Henriquez	Peterman	Waters
Cretul	Hogan	Pickens	Wiles
Culp	Homan	Poppell	Wishner
Cusack	Jennings	Prieguez	Zapata

Nays—None

So the bill passed and was certified to the Senate.

Special Orders

Special Order Calendar

HB 1591—A bill to be entitled An act relating to a public records exemption for state employee assistance program records; amending s. 110.1091, F.S.; narrowing the exemption for records relating to an employee's participation in an employee assistance program to provide that an employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1593—A bill to be entitled An act relating to a public records exemption for information regarding foster parent applicants and licensed foster parents; amending s. 409.175, F.S.; expanding the exemption to include foster parent applicants and medical records of licensed foster parents and foster parent applicants; narrowing the exemption to remove information contained in neighbor references; making exempt the name, address, and telephone number of persons providing character or neighbor references; providing for expiration and retroactive application of the exemptions; clarifying language and making editorial changes; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1713—A bill to be entitled An act relating to medical incidents; providing legislative findings; creating s. 395.1012, F.S.; requiring hospitals, ambulatory surgical centers, and mobile surgical facilities to establish patient safety plans and committees; creating s. 395.1051, F.S.; providing for notification of injuries in a hospital, ambulatory surgical center, or mobile surgical facility; amending s. 456.041, F.S.; requiring additional information to be included in health care practitioner profiles; providing for fines; revising requirements for the reporting of paid liability claims; amending s. 456.042, F.S.; requiring health care practitioner profiles to be updated within a specific time period; amending s. 456.049, F.S.; revising requirements for the reporting of paid liability claims; amending s. 456.057, F.S.; authorizing the Department of Health to utilize subpoenas to obtain patient records without patients' consent under certain circumstances; amending s. 456.072, F.S.; authorizing the Department of Health to determine administrative costs in disciplinary actions; amending s. 456.073, F.S.; extending the time for the Department of Health to refer a request for an administrative hearing; amending s. 456.077, F.S.; revising provisions relating to designation of certain citation violations; amending s. 456.078, F.S.; revising provisions relating to designation of certain mediation offenses; creating s. 456.085, F.S.; providing for notification of an injury by a physician; amending s. 458.307, F.S.; revising membership of the Board of Medicine; amending s. 458.331, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; creating s. 458.3311, F.S.; establishing emergency procedures for disciplinary actions; amending s. 459.004, F.S.; revising membership of the Board of Osteopathic Medicine; amending s. 459.015, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; creating s. 459.0151, F.S.; establishing emergency procedures for disciplinary actions; amending s. 461.013, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; amending s. 627.062, F.S.; prohibiting the inclusion of payments made by insurers for bad faith claims in an insurer's rate base; requiring annual rate filings; amending s. 627.357, F.S.; deleting the prohibition against formation of medical malpractice self-insurance funds; providing requirements to form a self-insurance fund; providing rulemaking authority to the Financial Services Commission; creating s. 627.3575, F.S.; creating the Health Care Professional Liability Insurance Facility; providing purpose; providing for governance and powers; providing eligibility requirements; providing for premiums and assessments; providing for regulation; providing applicability; specifying duties of the Department of Health; providing for debt and regulation thereof; amending s. 627.912, F.S.; requiring certain claims information to be filed with the Office of Insurance Regulation and the Department of Health; providing for rulemaking by the Financial Services Commission; creating s. 627.9121, F.S.; requiring certain information relating to medical malpractice to be reported to the Office of Insurance Regulation; providing for enforcement; amending s. 766.106, F.S.; extending the time period for the presuit screening period; providing conditions for causes of action for bad faith against insurers providing coverage for medical negligence; creating s. 766.1065, F.S.; authorizing presuit mediation in medical negligence cases; providing for confidentiality of information; creating s. 766.1067, F.S.; providing for mandatory mediation in

medical negligence causes of action; requiring offers of settlement and demands for judgment; establishing assessments by the court; creating s. 766.118, F.S.; providing a limitation on noneconomic damages which can be awarded in causes of action involving medical negligence; amending s. 766.202, F.S.; providing requirements for medical experts; amending s. 766.203, F.S.; providing for discovery and admissibility of opinions and statements tendered during presuit investigation; amending s. 766.207, F.S.; conforming provisions to the extension in the time period for presuit investigation; requiring the Department of Health to study the efficacy and constitutionality of medical review panels; requiring a report; amending s. 768.81, F.S.; providing that a defendant's liability for damages in medical negligence cases is several only; creating s. 1004.08, F.S.; requiring patient safety instruction for certain students in public schools, colleges, and universities; creating s. 1005.07, F.S.; requiring patient safety instruction for certain students in nonpublic schools, colleges, and universities; requiring a report by the Agency for Health Care Administration regarding information to be provided to health care consumers; requiring a report by the Agency for Health Care Administration regarding the establishment of a Patient Safety Authority; specifying elements of the report; repealing s. 768.21(8), F.S., relating to damages for wrongful death; removing the prohibition against certain parties from bringing suit for wrongful death as a result of medical negligence; amending ss. 400.023, 400.0235, and 400.4295, F.S.; correcting cross references; providing severability; providing an effective date.

—was read the second time by title.

Representatives Harrell and Sobel offered the following:

(Amendment Bar Code: 259127)

Amendment 1—Between line(s) 1232 and 1233, insert:

(f) In submitting its report with respect to (a)-(c), the Department should identify at a minimum:

1. The percentage of medical malpractice claims submitted to the panels during the time period the panels were in existence.

2. The percentage of claims that were settled while the panels were in existence and the percentage of claims that were settled in the 3 years prior to the establishment of such panels or, for each panel which no longer exists, 3 years after the dissolution of such panels.

3. In those state where panels have been discontinued, whether additional safeguards have been implemented to avoid the filing of frivolous lawsuits and what those additional safeguards are.

4. How the rates for medical malpractice insurance in states utilizing such panels compares with the rates in states not utilizing such panels.

5. Whether, and to what extent, a finding by a panel is subject to review and the burden of proof required to overcome a finding by the panel.

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

Representative Sobel offered the following:

(Amendment Bar Code: 475585)

Amendment 2 (with directory and title amendments)—Between line(s) 772 and 773, insert:

(9) Medical malpractice insurance companies shall submit a rate filing to the Office of Insurance Regulation no earlier than 30 days, but no later than 120 days, after the date upon which this act becomes law.

Remove line(s) 749, and insert:

Section 20. Subsections (7), (8), and (9) are added to section

Remove line(s) 47, and insert:

claims in an insurer's rate base; requiring certain rate

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

Representatives Berfield, Harrell and Homan offered the following:

(Amendment Bar Code: 152495)

Amendment 3 (with directory and title amendments)—Between lines 772 and 773, insert:

Section 21. Section 627.0662, Florida Statutes, is created to read:

627.0662 Excessive profits for medical liability insurance prohibited.--

(1) As used in this section:

(a) "Medical liability insurance" means insurance that is written on a professional liability insurance policy issued to a health care practitioner or on a liability insurance policy covering medical malpractice claims issued to a health care facility.

(b) "Medical liability insurer" means any insurance company or group of insurance companies writing medical liability insurance in this state and does not include any self-insurance fund or other nonprofit entity writing such insurance.

(2) Each medical liability insurer shall file with the Office of Insurance Regulation, prior to July 1 of each year on forms prescribed by the office, the following data for medical liability insurance business in this state. The data shall include both voluntary and joint underwriting association business, as follows:

(a) Calendar-year earned premium.

(b) Accident-year incurred losses and loss adjustment expenses.

(c) The administrative and selling expenses incurred in this state or allocated to this state for the calendar year.

(d) Policyholder dividends incurred during the applicable calendar year.

(3)(a) Excessive profit has been realized if there has been an underwriting gain for the 3 most recent calendar-accident years combined which is greater than the anticipated underwriting profit plus 5 percent of earned premiums for those calendar-accident years.

(b) As used in this subsection with respect to any 3-year period, "anticipated underwriting profit" means the sum of the dollar amounts obtained by multiplying, for each rate filing of the insurer group in effect during such period, the earned premiums applicable to such rate filing during such period by the percentage factor included in such rate filing for profit and contingencies, such percentage factor having been determined with due recognition to investment income from funds generated by business in this state. Separate calculations need not be made for consecutive rate filings containing the same percentage factor for profits and contingencies.

(4) Each medical liability insurer shall also file a schedule of medical liability insurance loss in this state and loss adjustment experience for each of the 3 most recent accident years. The incurred losses and loss adjustment expenses shall be valued as of March 31 of the year following the close of the accident year, developed to an ultimate basis, and at two 12-month intervals thereafter, each developed to an ultimate basis, to the extent that a total of three evaluations is provided for each accident year. The first year to be so reported shall be accident year 2004, such that the reporting of 3 accident years will not take place until accident years 2005 and 2006 have become available.

(5) Each insurer group's underwriting gain or loss for each calendar-accident year shall be computed as follows: the sum of the accident-year incurred losses and loss adjustment expenses as of March 31 of the following year, developed to an ultimate basis, plus the administrative and selling expenses incurred in the calendar year, plus policyholder dividends applicable to the calendar year, shall be subtracted from the calendar-year earned premium to determine the underwriting gain or loss.

(6) For the 3 most recent calendar-accident years, the underwriting gain or loss shall be compared to the anticipated underwriting profit.

(7) If the medical liability insurer has realized an excessive profit, the office shall order a return of the excessive amounts to policyholders after affording the insurer an opportunity for hearing and otherwise complying with the requirements of chapter 120. Such excessive amounts shall be refunded to policyholders in all instances unless the insurer affirmatively demonstrates to the office that the refund of the excessive amounts will render the insurer or a member of the insurer group financially impaired or will render it insolvent.

(8) The excessive amount shall be refunded to policyholders on a pro rata basis in relation to the final compilation year earned premiums to the voluntary medical liability insurance policyholders of record of the insurer group on December 31 of the final compilation year.

(9) Any return of excessive profits to policyholders under this section shall be provided in the form of a cash refund or a credit towards the future purchase of insurance.

(10)(a) Cash refunds to policyholders may be rounded to the nearest

dollar.

(b) Data in required reports to the office may be rounded to the nearest dollar.

(c) Rounding, if elected by the insurer group, shall be applied consistently.

(11)(a) Refunds to policyholders shall be completed as follows:

1. If the insurer elects to make a cash refund, the refund shall be completed within 60 days after entry of a final order determining that excessive profits have been realized; or

2. If the insurer elects to make refunds in the form of a credit to renewal policies, such credits shall be applied to policy renewal premium notices which are forwarded to insureds more than 60 calendar days after entry of a final order determining that excessive profits have been realized. If an insurer has made this election but an insured thereafter cancels his or her policy or otherwise allows the policy to terminate, the insurer group shall make a cash refund not later than 60 days after termination of such coverage.

(b) Upon completion of the renewal credits or refund payments, the insurer shall immediately certify to the office that the refunds have been made.

(12) Any refund or renewal credit made pursuant to this section shall be treated as a policyholder dividend applicable to the year in which it is incurred, for purposes of reporting under this section for subsequent years.

Remove line(s) 48, and insert:

filings; creating s. 627.0662, F.S.; providing definitions; requiring each medical liability insurer to report certain information to the Office of Insurance Regulation; providing for determination of whether excessive profit has been realized; requiring return of excessive amounts; amending s. 627.357, F.S.; deleting the

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

Representative Green offered the following:

(Amendment Bar Code: 279041)

Amendment 4 (with title amendment)—Remove line(s) 555-574

Remove line(s) 29-30, and insert:
amending s. 458.331, F.S.; increasing

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

Representative Green offered the following:

(Amendment Bar Code: 444653)

Amendment 5 (with title amendment)—Remove line(s) 631-641

Remove line(s) 35-36, and insert:
disciplinary actions; amending

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

Representative Ambler offered the following:

(Amendment Bar Code: 692619)

Amendment 6—Remove line(s) 1198-1207, and insert:
damages within ~~180~~ 90 days after service of the claimant's notice of intent to initiate litigation upon the defendant. The evidentiary standards for voluntary binding arbitration of medical negligence claims shall be as provided in ss. 120.569(2)(g) and 120.57(1)(c).

(3) Upon receipt of a party's request for such arbitration, the opposing party may accept the offer of voluntary binding arbitration within 30 days. However, in no event shall the defendant be required to respond to the request for arbitration sooner than ~~180~~ 90 days after service of the

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

Representatives Ambler and Homan offered the following:

(Amendment Bar Code: 090397)

Amendment 7 (with title amendment)—Remove line(s) 1010-1098, and insert:

Section 25. Subsections (3) and (4) and paragraph (a) of subsection (10) of section 766.106, Florida Statutes, are amended, and subsections (13) and (14) are added to said section, to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.--

(3)(a) No suit may be filed for a period of 180 ~~90~~ days after notice is mailed to any prospective defendant. During the 180-day ~~90-day~~ period, the prospective defendant's insurer or self-insurer shall conduct a review to determine the liability of the defendant. Each insurer or self-insurer shall have a procedure for the prompt investigation, review, and evaluation of claims during the 180-day ~~90-day~~ period. This procedure shall include one or more of the following:

1. Internal review by a duly qualified claims adjuster;
2. Creation of a panel comprised of an attorney knowledgeable in the prosecution or defense of medical malpractice actions, a health care provider trained in the same or similar medical specialty as the prospective defendant, and a duly qualified claims adjuster;
3. A contractual agreement with a state or local professional society of health care providers, which maintains a medical review committee;
4. Any other similar procedure which fairly and promptly evaluates the pending claim.

Each insurer or self-insurer shall investigate the claim in good faith, and both the claimant and prospective defendant shall cooperate with the insurer in good faith. If the insurer requires, a claimant shall appear before a pretrial screening panel or before a medical review committee and shall submit to a physical examination, if required. Unreasonable failure of any party to comply with this section justifies dismissal of claims or defenses. There shall be no civil liability for participation in a pretrial screening procedure if done without intentional fraud.

(b) At or before the end of the 180 ~~90~~ days, the insurer or self-insurer shall provide the claimant with a response:

1. Rejecting the claim;
2. Making a settlement offer; or
3. Making an offer of admission of liability and for arbitration on the issue of damages. This offer may be made contingent upon a limit of general damages.

(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 or self-insurer to reply to the notice within 180 ~~90~~ days after receipt shall be deemed a final rejection of the claim for purposes of this section.

(d) Within 30 days ~~after~~ of receipt of a response by a prospective defendant, insurer, or self-insurer to a claimant represented by an attorney, the attorney shall advise the claimant in writing of the response, including:

1. The exact nature of the response under paragraph (b).
2. The exact terms of any settlement offer, or admission of liability and offer of arbitration on damages.
3. The legal and financial consequences of acceptance or rejection of any settlement offer, or admission of liability, including the provisions of this section.
4. An evaluation of the time and likelihood of ultimate success at trial on the merits of the claimant's action.
5. An estimation of the costs and attorney's fees of proceeding through trial.

(4) The notice of intent to initiate litigation shall be served within the time limits set forth in s. 95.11. However, during the 180-day ~~90-day~~ period, the statute of limitations is tolled as to all potential defendants. Upon stipulation by the parties, the 180-day ~~90-day~~ period may be extended and the statute of limitations is tolled during any such extension. Upon receiving notice 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.

(10) If a prospective defendant makes an offer to admit liability and for arbitration on the issue of damages, the claimant has 50 days from the date of receipt of the offer to accept or reject it. The claimant shall respond in writing to the insurer or self-insurer by certified mail, return receipt requested. If the claimant rejects the offer, he or she may then file suit. Acceptance of the offer of admission of liability and for arbitration waives recourse to any other remedy by the parties, and the claimant's written acceptance of the offer shall so state.

(a) If rejected, the offer to admit liability and for arbitration on damages is not admissible in any subsequent litigation. Upon rejection of the offer to admit liability and for arbitration, the claimant has 60 days from receipt of the rejection of the offer to admit liability and for arbitration, 60 days from the date of the declaration of impasse during presuit mediation conducted pursuant to s. 766.1065, or the remainder of the period of the statute of limitations, whichever period is greater, in which to file suit.

(13) In matters relating to professional liability insurance coverage for medical negligence, an insurer shall not be held in bad faith for failure to timely pay its policy limits if it tenders its policy limits and meets all other conditions of settlement prior to the conclusion of the presuit screening period provided for in this section.

(14) Failure to cooperate on the part of any party during the presuit investigation may be grounds to strike any claim made, or defense raised, by such party in suit.

Section 26. Section 766.1065, Florida Statutes, is created to read:

766.1065 Mandatory staging of presuit investigation and mandatory mediation.--

(1) Within 30 days after service of the presuit notice of intent to initiate medical malpractice litigation, each party shall voluntarily produce to all other parties, without being requested, any and all medical, hospital, health care, and employment records concerning the claimant in the disclosing party's possession, custody, or control, and the disclosing party shall affirmatively certify in writing that the records produced include all records in that party's possession, custody, or control or that the disclosing party has no medical, hospital, health care, or employment records concerning the claimant.

(a) Subpoenas may be issued according to the Florida Rules of Civil Procedure as though suit had been filed for the limited purpose of obtaining copies of medical, hospital, health care, and employment records of the claimant. The party shall indicate on the subpoena that it is being issued in accordance with the presuit procedures of this section and shall not be required to include a case number.

(b) Nothing in this section shall limit the ability of any party to use any other available form of presuit discovery available under this chapter or the Florida Rules of Civil Procedure.

(2) Within 60 days after service of the presuit notice of intent to initiate medical malpractice litigation, all parties must be made available for a sworn deposition. Such deposition may not be used in a civil suit for medical negligence.

(3) Within 120 days after service of the presuit notice of intent to initiate medical malpractice litigation, each party's corroborating expert, who will otherwise be tendered as the expert complying with the affidavit provisions set forth in s. 766.203, must be made available for a sworn deposition.

(a) The expenses associated with the expert's time and travel in preparing for and attending such deposition shall be the responsibility of the party retaining such expert.

(b) An expert shall be deemed available for deposition if suitable accommodations can be made for appearance of said expert via real-time video technology.

(4) Within 180 days after service of the presuit notice of intent to initiate medical malpractice litigation, all parties shall attend in-person mandatory mediation in accordance with s. 44.102 if binding arbitration under s. 766.106 or s. 766.207 has not been agreed to by the parties. The Florida Rules of Civil Procedure shall apply to mediation held pursuant to this section.

Remove line(s) 70-72, and insert:

revising provisions relating to a claimant's period to file suit after rejection of a prospective defendant's offer to admit liability and for arbitration on the issue of damages; specifying consequences of failure to cooperate on the part of any party during the presuit investigation; creating s. 766.1065, F.S.; requiring parties to provide certain information to parties without request; authorizing the issuance of subpoenas without case numbers; requiring that

parties and certain experts be made available for deposition; providing for mandatory presuit mediation; creating s. 766.1067, F.S.; providing for

Rep. Ambler moved the adoption of the amendment.

On motion by Rep. Brown, the rules were waived by the required two-thirds vote, and the following late-filed amendment to the amendment was considered. The vote on the motion was:

Session Vote Sequence: 33

Speaker Byrd in the Chair.

Yeas—76

Adams	Clarke	Hogan	Pickens
Allen	Cretul	Homan	Planas
Ambler	Culp	Johnson	Poppell
Anderson	Davis, D.	Jordan	Prieguez
Arza	Davis, M.	Kallinger	Quinones
Attkisson	Detert	Kilmer	Reagan
Barreiro	Domino	Kottkamp	Rivera
Baxley	Evers	Kravitz	Robaina
Bean	Farkas	Kyle	Ross
Bense	Fiorentino	Littlefield	Rubio
Benson	Galvano	Llorente	Russell
Berfield	Garcia	Mack	Sansom
Bilirakis	Gardiner	Mayfield	Simmons
Bowen	Gibson, H.	Mealor	Sorensen
Brown	Goodlette	Murman	Spratt
Brummer	Green	Needelman	Stargel
Byrd	Harrell	Negron	Troutman
Cantens	Harrington	Patterson	Waters
Carassas	Hasner	Paul	Zapata

Nays—36

Antone	Gibson, A.	Kosmas	Ryan
Brandenburg	Gottlieb	Machek	Seiler
Brutus	Greenstein	McInvale	Slosberg
Bucher	Harper	Meadows	Smith
Bullard	Henriquez	Peterman	Sobel
Cusack	Jennings	Rich	Stansel
Fields	Joyner	Richardson	Vana
Gannon	Justice	Ritter	Wiles
Gelber	Kendrick	Roberson	Wishner

Representative Brown offered the following:

(Amendment Bar Code: 274567)

Amendment 1 to Amendment 7 (with directory and title amendments)—Between line(s) 116 and 117, insert:

(15) In all matters relating to professional liability insurance coverage for medical negligence, and in determining whether the insurer acted fairly and honestly towards its insured with due regard for her or his interest during the presuit process or after a complaint has been filed, the following factors shall be considered:

- (a) The insurer's willingness to negotiate with the claimant;
- (b) The insurer's consideration of the advice of its defense counsel;
- (c) The insurer's proper investigation of the claim;
- (d) Whether the insurer informed the insured of the offer to settle within the limits of coverage, the right to retain personal counsel, and the risk of litigation;
- (e) Whether the insured denied liability or requested that the case be defended; and
- (f) Whether the claimant imposed any condition, other than the tender of the policy limits, on the settlement of the claim.

Remove line 17, and insert:
amended, and subsections (13), (14), and (15) are added to said

Remove line(s) 174, and insert: investigation; providing factors to be considered with respect to certain claims of bad faith against an insurer; creating s. 766.1065, F.S.; requiring

Rep. Brown moved the adoption of the amendment to the amendment.

On motion by Rep. Brown, further consideration of **Amendment 7**, with pending amendment to the amendment, was temporarily postponed under Rule 11.10.

Representative Brown offered the following:

(Amendment Bar Code: 144567)

Amendment 8 (with directory and title amendments)—Remove line(s) 1083-1088

Remove line(s) 1011-1012, and insert:
Florida Statutes, are amended to read:

Remove line(s) 67-69, and insert:
period for the presuit screening period;

Rep. Brown moved the adoption of the amendment. Subsequently, **Amendment 8** was withdrawn.

Representatives Ambler and Homan offered the following:

(Amendment Bar Code: 182333)

Amendment 9 (with title amendment)—Remove line(s) 1101-1138, and insert:

766.1067 Mandatory mediation after suit is filed.--Within 120 days after suit being filed, unless such period is extended by mutual agreement of all parties, all parties shall attend in-person mandatory mediation in accordance with s. 44.102 if binding arbitration under s. 766.106 or s. 766.207 has not been agreed to by the parties. The Florida Rules of Civil Procedure shall apply to mediation held pursuant to this section.

Remove line(s) 74-75, and insert: action; creating

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

Representative Simmons offered the following:

(Amendment Bar Code: 021647)

Amendment 10 (with title amendment)—Between lines 182 and 183, insert:

Section 2. Paragraphs (a) and (d) of subsection (2) of section 624.155, Florida Statutes, are amended to read:

624.155 Civil remedy.--

(2)(a) As a condition precedent to bringing an action under this section, and an action founded upon common law bad faith failure to settle a claim, the department and the insurer must have been given 90 ~~60~~ days' written notice of the violation. If the department returns a notice for lack of specificity, the 60-day time period shall not begin until a proper notice is filed. In an action for medical negligence under chapter 766, the 90 day time period shall not begin until 90 days after service of the complaint or demand for arbitration upon the defendant.

(d) No action shall lie if, within 90 ~~60~~ days after filing notice, the damages are paid, the policy limits of the insurer are tendered and its insured is fully released from all liability relating to the underlying claim, or the circumstances giving rise to the violation are otherwise corrected.

Remove line(s) 2-3, and insert: An act relating to medical incidents and insurance reform; providing legislative findings, amending s. 624.155, F.S.;

extending the time period for providing notice to the insurer and the Department of Insurance when bringing a civil action against an insurer; providing a different time period for actions alleging medical negligence; providing that a civil action may not be brought against the insurer if it tenders the policy limits within 90 days of the notice; creating s. 395.1012, F.S.;

Rep. Simmons moved the adoption of the amendment. Subsequently, **Amendment 10** was withdrawn.

The question recurred on the adoption of **Amendment 7**.

The question recurred on the adoption of **Amendment 1 to Amendment 7**, which was adopted.

The question recurred on the adoption of **Amendment 7**, as amended, which was adopted.

Representative Simmons offered the following:

(Amendment Bar Code: 837611)

Amendment 11 (with title amendment)—Between lines 182 and 183, insert:

Section 2. Subsection (7) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.--

(7) There shall be no monetary liability on the part of, and no cause of action for injunctive relief or damages shall arise against, any licensed facility, its governing board or governing board members, medical staff, or disciplinary board or against its agents, investigators, witnesses, or employees, or against any other person, for any action arising out of or related to carrying out the provisions of this section, absent taken in good faith and without intentional fraud in carrying out the provisions of this section.

Remove line 3, and insert: legislative findings; amending s. 395.0191, F.S.; deleting requirement that persons act in good faith to avoid liability or discipline for their actions regarding the awarding of staff membership or clinical privileges; amending s. 395.1012, F.S.;

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

Representative Homan offered the following:

(Amendment Bar Code: 181131)

Amendment 12 (with title amendment)—Remove line(s) 1358-1380

Remove line(s) 99-103, and insert:
providing

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

Representative Ambler offered the following:

(Amendment Bar Code: 513325)

Amendment 13 (with title amendment)—Remove line(s) 1358-1380, and insert:

Section 38. Subsection (8) of section 768.21, Florida Statutes, is amended to read:

768.21 Damages.--All potential beneficiaries of a recovery for wrongful death, including the decedent's estate, shall be identified in the complaint, and their relationships to the decedent shall be alleged. Damages may be awarded as follows:

(8) Notwithstanding any other provision of law to the contrary, for purposes of a wrongful death action arising out of medical negligence, only individuals named as beneficiaries under a testamentary estate may recover noneconomic damages as though they were within that class of survivors identified in this section. The personal representative of the estate shall be entitled to assert a cause of action on behalf of the class of beneficiaries for

the noneconomic damages of such beneficiaries which shall be in addition to any other damages that the estate would otherwise be entitled to assert. However, in no event shall the total of noneconomic damages for the entire class of beneficiaries exceed any limitation on noneconomic damages imposed under chapter 766. The damages specified in subsection (3) shall not be recoverable by adult children and the damages specified in subsection (4) shall not be recoverable by parents of an adult child with respect to claims for medical malpractice as defined by s. 766.106(1).

Remove line(s) 99-103, and insert:

amending s. 768.21, F.S.; permitting the recovery of damages in wrongful death actions involving medical negligence by beneficiaries of the decedent's estate; removing the prohibition against certain parties from bringing suit for wrongful death as a result of medical malpractice; providing

Rep. Ambler moved the adoption of the amendment.

Representative Ambler offered the following:

(Amendment Bar Code: 037845)

Amendment 1 to Amendment 13 (with title amendment)—Remove line 23, and insert:

medical negligence, only surviving spouses, minor children, and those individuals named as beneficiaries

Remove line 43, and insert:

surviving spouses, minor children, and those individuals named as beneficiaries of the decedent's estate; removing the prohibition

Rep. Ambler moved the adoption of the amendment to the amendment. Subsequently, **Amendment 1 to Amendment 13** was withdrawn.

The question recurred on the adoption of **Amendment 13**, which was withdrawn.

Representative Ambler offered the following:

(Amendment Bar Code: 289067)

Amendment 14 (with title amendment)—Remove line(s) 1168-1188, and insert:

Section 30. Subsections (2) and (3) of section 766.203, Florida Statutes, are amended to read:

766.203 Presuit investigation of medical negligence claims and defenses by prospective parties.--

(2) Prior to issuing notification of intent to initiate medical malpractice litigation pursuant to s. 766.106, the claimant shall conduct an investigation to ascertain that there are reasonable grounds to believe that:

- (a) Any named defendant in the litigation was negligent in the care or treatment of the claimant; and
- (b) Such negligence resulted in injury to the claimant.

Corroboration of reasonable grounds to initiate medical negligence litigation shall be provided by the claimant's submission of a verified written medical expert opinion from a medical expert as defined in s. 766.202(5), at the time the notice of intent to initiate litigation is mailed, which statement shall corroborate reasonable grounds to support the claim of medical negligence. This opinion and statement are subject to discovery.

(3) Prior to issuing its response to the claimant's notice of intent to initiate litigation, during the time period for response authorized pursuant to s. 766.106, the defendant or the defendant's insurer or self-insurer shall conduct an investigation to ascertain whether there are reasonable grounds to believe that:

- (a) The defendant was negligent in the care or treatment of the claimant; and
- (b) Such negligence resulted in injury to the claimant.

Corroboration of lack of reasonable grounds for medical negligence litigation shall be provided with any response rejecting the claim by the defendant's submission of a verified written medical expert opinion from a medical expert as defined in s. 766.202(5), at the time the response rejecting the claim is mailed, which statement shall corroborate reasonable grounds for lack of negligent injury sufficient to support the response denying negligent injury. This opinion and statement are subject to discovery.

Remove line(s) 80, and insert:
F.S.; providing for discovery of

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

Representative Ryan offered the following:

(Amendment Bar Code: 617587)

Amendment 15—Between line(s) 630 and 631, insert:

(3) No later than 15 days after a physician has, within a 60-month period, made three reports as required by subsection (1), and those reports involve adverse incidents, the Department of Health shall suspend the physician's license and initiate an emergency investigation and the Board of Medicine shall conduct an emergency probable cause hearing to determine whether the physician should be disciplined for a violation of s. 458.331(1)(t) or any other relevant provision of law. For the purposes of this subsection, an "adverse incident" means an event that results in:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure;

(e) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(f) The surgical repair of damage to a patient resulting from a planned surgical procedure, which damage is not a recognized specific risk as disclosed to the patient and documented through the informed-consent process; or

(g) The performance of a procedure to remove unplanned foreign objects remaining from a surgical procedure.

Rep. Ryan moved the adoption of the amendment.

Representative Ryan offered the following:

(Amendment Bar Code: 588911)

Substitute Amendment 15—Between line(s) 630 and 631, insert:

(3) No later than 20 days after a physician has, within a 48-month period, made three reports as required by subsection (1), and those reports involve adverse incidents, the Department of Health shall suspend the physician's license and initiate an emergency investigation and the Board of Medicine shall conduct an emergency probable cause hearing to determine whether the physician should be disciplined for a violation of s. 458.331(1)(t) or any other relevant provision of law. For the purposes of this subsection, an "adverse incident" means an event that results in:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure;

(e) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(f) The surgical repair of damage to a patient resulting from a planned surgical procedure, which damage is not a recognized specific risk as disclosed to the patient and documented through the informed-consent process; or

(g) The performance of a procedure to remove unplanned foreign objects remaining from a surgical procedure.

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

Session Vote Sequence: 34

Speaker Byrd in the Chair.

Yeas—36

Antone	Gannon	Justice	Ryan
Ausley	Gelber	Kendrick	Seiler
Brandenburg	Gibson, A.	Kosmas	Slosberg
Brutus	Gottlieb	Machek	Smith
Bucher	Greenstein	Meadows	Sorensen
Bullard	Harper	Peterman	Stansel
Cusack	Henriquez	Rich	Vana
Detert	Jennings	Richardson	Wiles
Fields	Joyner	Ritter	Wishner

Nays—73

Adams	Culp	Johnson	Pickens
Allen	Davis, D.	Jordan	Poppell
Ambler	Davis, M.	Kallinger	Prieguez
Arza	Dean	Kilmer	Reagan
Attkisson	Domino	Kottkamp	Robaina
Barreiro	Evers	Kravitz	Ross
Baxley	Farkas	Kyle	Rubio
Bean	Fiorentino	Littlefield	Russell
Bense	Galvano	Llorente	Sansom
Benson	Garcia	Mack	Simmons
Berfield	Gardiner	Mayfield	Sobel
Bilirakis	Gibson, H.	McInvale	Spratt
Bowen	Goodlette	Mealor	Stargel
Brown	Green	Murman	Troutman
Brummer	Harrell	Murzin	Waters
Byrd	Harrington	Needelman	Zapata
Cantens	Hasner	Negron	
Carassas	Hogan	Patterson	
Clarke	Homan	Paul	

Votes after roll call:

Yeas—Roberson

Yeas to Nays—Detert

The question recurred on the adoption of **Amendment 15**, which failed of adoption. The vote was:

Session Vote Sequence: 35

Speaker Byrd in the Chair.

Yeas—35

Antone	Gelber	Kendrick	Ryan
Ausley	Gibson, A.	Kosmas	Seiler
Brandenburg	Gottlieb	Machek	Slosberg
Brutus	Greenstein	Meadows	Smith
Bucher	Harper	Peterman	Stansel
Bullard	Henriquez	Rich	Vana
Cusack	Jennings	Richardson	Wiles
Fields	Joyner	Ritter	Wishner
Gannon	Justice	Roberson	

Nays—78

Adams	Baxley	Brown	Culp
Allen	Bean	Brummer	Davis, D.
Ambler	Bense	Byrd	Davis, M.
Anderson	Benson	Cantens	Dean
Arza	Berfield	Carassas	Detert
Attkisson	Bilirakis	Clarke	Domino
Barreiro	Bowen	Cretul	Evers

Farkas	Johnson	Murman	Rubio
Fiorentino	Jordan	Murzin	Russell
Galvano	Kallinger	Needelman	Sansom
Garcia	Kilmer	Negron	Simmons
Gardiner	Kottkamp	Patterson	Sobel
Gibson, H.	Kravitz	Paul	Sorensen
Goodlette	Kyle	Pickens	Spratt
Green	Littlefield	Poppell	Stargel
Harrell	Llorente	Prieguez	Troutman
Harrington	Mack	Quinones	Waters
Hasner	Mayfield	Reagan	Zapata
Hogan	McInvale	Robaina	
Homan	Mealor	Ross	

Point of Order

Rep. Seiler raised a point of order, under Rule 6.5, that the amendment had a fiscal impact and had not been referred to the Committee on Appropriations.

Subsequently, **Amendment 16** was withdrawn.

Representatives Bucher and Sobel offered the following:

(Amendment Bar Code: 121143)

Amendment 17 (with title amendment)—Between lines 772 and 773, insert:

Section 21. Effective 2 years after the effective date of this act, each insurer issuing policies of medical malpractice insurance in this state shall reduce the rates for policies issued to hospitals by at least 25 percent of the rate in effect for hospitals on the effective date of this act and for policies issued to persons licensed under chapter 458 or chapter 459, Florida Statutes, by at least 30 percent of the rate in effect for such persons on the effective date of this act, unless such reduction would result in rates that are inadequate for the insurer to cover projected claims. Further, prior to the reduction required by this section, the rates of all such policies may not be increased to any rate higher than the rate in effect on March 17, 2003.

Remove line(s) 48, and insert:
filings; requiring insurers to reduce medical malpractice insurance rates for hospitals and licensed physicians and osteopathic physicians by certain minimum percentages at a time certain; prohibiting certain rate increases prior to such reduction; amending s. 627.357, F.S.; deleting the

Rep. Bucher moved the adoption of the amendment.

Representative Bucher offered the following:

(Amendment Bar Code: 168765)

Substitute Amendment 17 (with title amendment)—Between lines 772 and 773, insert:

Section 21. By June 1, 2003, each insurer issuing policies of medical malpractice insurance in this state shall reduce the rates for policies issued to hospitals by at least 25 percent of the rate in effect for hospitals on March 17, 2003, and for policies issued to persons licensed under chapter 458 or chapter 459, Florida Statutes, by at least 30 percent of the rate in effect for such persons on March 17, 2003, unless such reduction would result in rates that are inadequate for the insurer to cover projected claims. In addition, prior to the reduction required by this section, the rates of all such policies may not be increased to any rate higher than the rate in effect on March 17, 2003.

Remove line(s) 48, and insert:
filings; requiring insurers to reduce medical malpractice insurance rates for hospitals and licensed physicians and osteopathic physicians by certain minimum percentages at a date certain; prohibiting certain rate increases prior to such reduction; amending s. 627.357, F.S.; deleting the

Rep. Bucher moved the adoption of the substitute amendment.

REPRESENTATIVE MURMAN IN THE CHAIR

Rep. Smith suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 36].

The question recurred on the adoption of **Substitute Amendment 17**, which failed of adoption. The vote was:

Session Vote Sequence: 37

Rep. Murman in the Chair.

Votes after roll call:

Nays to Yeas—Quinones

Representatives Harrell, Green, and Sobel offered the following:

(Amendment Bar Code: 824209)

Amendment 16 (with title amendment)—Between line(s) 1380 and 1381, insert:

Section 42. Paragraph (b) of subsection (9) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.--

(9)

(b) As used in this subsection, the term:

1. "Employee" includes any volunteer firefighter.

2. "Officer, employee, or agent" includes, but is not limited to;

a. Any health care provider when providing services pursuant to s. 766.1115, any member of the Florida Health Services Corps, as defined in s. 381.0302, who provides uncompensated care to medically indigent persons referred by the Department of Health, and any public defender or her or his employee or agent, including, among others, an assistant public defender and an investigator.

b. Any emergency health care provider acting pursuant to obligations imposed by ss. 395.1041, 395.401, and 401.45. Except for persons or entities that are otherwise covered under this section, emergency health care providers shall be considered agents of the Department of Health and shall indemnify the department for the reasonable costs of defense and indemnity payments, if any, up to the liability limits set forth in this chapter. For purposes of this subparagraph:

(I) "Emergency health care providers" includes all persons and entities covered under or providing services pursuant to obligations imposed by s. 395.1041, s. 395.401, or s. 401.45.

(II) "Emergency medical services" means ambulance assessment, treatment, or transport services provided pursuant to obligations imposed by s. 401.45 or s. 395.1041; and all screening, examination, and evaluation by a physician, hospital, or other person or entity acting pursuant to obligations imposed by s. 395.1041 or s. 395.401, as well as the care, treatment, surgery, or other medical services provided to relieve or eliminate the emergency medical condition for a period not to exceed 72 hours after admission, or prior to the patient's discharge from the hospital, whichever is sooner.

Remove line 103, and insert:

400.4295, F.S.; correcting cross references; amending s. 768.28, F.S.; providing that certain health care employees performing certain obligations are considered agents of the Department of Health for the purpose of the application of the doctrine of sovereign immunity; providing definitions; providing

Rep. Harrell moved the adoption of the amendment.

Yeas—37

Antone	Gibson, A.	Machek	Slosberg
Ausley	Gottlieb	McInvale	Smith
Brandenburg	Greenstein	Meadows	Sobel
Brutus	Harper	Peterman	Stansel
Bucher	Henriquez	Rich	Vana
Bullard	Jennings	Richardson	Wiles
Cusack	Joyner	Ritter	Wishner
Fields	Justice	Roberson	
Gannon	Kendrick	Ryan	
Gelber	Kosmas	Seiler	

Nays—76

Adams	Culp	Homan	Pickens
Allen	Davis, D.	Johnson	Planas
Ambler	Davis, M.	Jordan	Poppell
Anderson	Dean	Kallinger	Prieguez
Arza	Detert	Kilmer	Quinones
Attkisson	Domino	Kottkamp	Reagan
Barreiro	Evers	Kravitz	Rivera
Baxley	Farkas	Kyle	Robaina
Bean	Fiorentino	Littlefield	Ross
Bense	Galvano	Llorente	Rubio
Benson	Garcia	Mack	Russell
Berfield	Gardiner	Mayfield	Sansom
Bilirakis	Gibson, H.	Mealor	Simmons
Bowen	Goodlette	Murman	Sorensen
Brown	Green	Murzin	Spratt
Brummer	Harrell	Needelman	Stargel
Cantens	Harrington	Negron	Troutman
Clarke	Hasner	Patterson	Waters
Cretul	Hogan	Paul	Zapata

The question recurred on the adoption of **Amendment 17**, which failed of adoption. The vote was:

Session Vote Sequence: 38

Rep. Murman in the Chair.

Yeas—38

Antone	Gibson, A.	Machek	Slosberg
Ausley	Gottlieb	McInvale	Smith
Brandenburg	Greenstein	Meadows	Sobel
Brutus	Harper	Peterman	Sorensen
Bucher	Henriquez	Rich	Stansel
Bullard	Jennings	Richardson	Vana
Cusack	Joyner	Ritter	Wiles
Fields	Justice	Roberson	Wishner
Gannon	Kendrick	Ryan	
Gelber	Kosmas	Seiler	

Nays—75

Adams	Bowen	Farkas	Johnson
Allen	Brown	Fiorentino	Jordan
Ambler	Brummer	Galvano	Kallinger
Anderson	Cantens	Garcia	Kilmer
Arza	Clarke	Gardiner	Kottkamp
Attkisson	Cretul	Gibson, H.	Kravitz
Barreiro	Culp	Goodlette	Kyle
Baxley	Davis, D.	Green	Littlefield
Bean	Davis, M.	Harrell	Llorente
Bense	Dean	Harrington	Mack
Benson	Detert	Hasner	Mayfield
Berfield	Domino	Hogan	Mealor
Bilirakis	Evers	Homan	Murman

Murzin	Planas	Robaina	Spratt
Needelman	Poppell	Ross	Stargel
Negron	Prieguez	Rubio	Troutman
Patterson	Quinones	Russell	Waters
Paul	Reagan	Sansom	Zapata
Pickens	Rivera	Simmons	

On motion by Rep. Ross, the House moved to the order of—

Resolutions

By Representatives Arza, Barreiro, Bendross-Mindingall, Brutus, Cantens, Garcia, Planas, Prieguez, Rivera, Robaina, and Rubio—

HR 9047—A resolution commending Florida International University Head Coach Don Strock.

WHEREAS, in 1999, when former Dolphins quarterback Don Strock accepted the challenge to build a Division I-AA football program at Florida International University, he saw a "great situation" that was "only going to get better," and

WHEREAS, by the start of the 2002 season, Head Coach Strock's team of Golden Panthers, made up almost exclusively of players from within the state, and largely talent from the South Florida area, was operating at an electric, all-time-high-energy level, eager for the approach of the opening game of its inaugural season, and

WHEREAS, as Coach Strock had predicted, the Golden Panthers successfully met their opportunity to make history, garnering a 27-3 victory over St. Peter's of New Jersey, then the Division I-AA top-rated defensive team, and thus became the seventh major Florida football program to win its opening game, and

WHEREAS, at season's end, six members of FIU's inaugural football program were named as first-team selections to the 2002 I-AA Independent All-Star team, one player was a second-team selection, and Coach Strock had led the Golden Panthers to a 5-6 record, a finish that ranks among the best starts for new Division I-AA programs since 1991, and

WHEREAS, the Golden Panthers ultimately plan to play in Division I-A, competing with Florida, Florida State, and Miami, a goal that is certain to be attained under the brilliant leadership of Head Coach Don Strock, NOW, THEREFORE,

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

That Head Coach Don Strock is heartily congratulated on the outstanding success of the inaugural season of the Division I-AA football program at Florida International University.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Head Coach Don Strock as a tangible token of the sentiments expressed herein.

—was read the first time by title. On motion by Rep. Arza, the rules were waived and the resolution was read the second time in full and adopted.

On motion by Rep. Ross, the House moved to the order of—

Special Orders

Special Order Calendar

The House returned to consideration of HB 1713.

HB 1713—A bill to be entitled An act relating to medical incidents; providing legislative findings; creating s. 395.1012, F.S.; requiring hospitals, ambulatory surgical centers, and mobile surgical facilities to establish patient safety plans and committees; creating s. 395.1051, F.S.; providing for notification of injuries in a hospital, ambulatory surgical center, or mobile surgical facility; amending s. 456.041, F.S.; requiring additional information to be included in health care practitioner profiles; providing for fines; revising requirements for the reporting of paid liability claims; amending s. 456.042,

F.S.; requiring health care practitioner profiles to be updated within a specific time period; amending s. 456.049, F.S.; revising requirements for the reporting of paid liability claims; amending s. 456.057, F.S.; authorizing the Department of Health to utilize subpoenas to obtain patient records without patients' consent under certain circumstances; amending s. 456.072, F.S.; authorizing the Department of Health to determine administrative costs in disciplinary actions; amending s. 456.073, F.S.; extending the time for the Department of Health to refer a request for an administrative hearing; amending s. 456.077, F.S.; revising provisions relating to designation of certain citation violations; amending s. 456.078, F.S.; revising provisions relating to designation of certain mediation offenses; creating s. 456.085, F.S.; providing for notification of an injury by a physician; amending s. 458.307, F.S.; revising membership of the Board of Medicine; amending s. 458.331, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; creating s. 458.3311, F.S.; establishing emergency procedures for disciplinary actions; amending s. 459.004, F.S.; revising membership of the Board of Osteopathic Medicine; amending s. 459.015, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; creating s. 459.0151, F.S.; establishing emergency procedures for disciplinary actions; amending s. 461.013, F.S.; increasing the amount of paid liability claims requiring investigation by the Department of Health; revising the definition of "repeated malpractice" to conform; amending s. 627.062, F.S.; prohibiting the inclusion of payments made by insurers for bad faith claims in an insurer's rate base; requiring annual rate filings; amending s. 627.357, F.S.; deleting the prohibition against formation of medical malpractice self-insurance funds; providing requirements to form a self-insurance fund; providing rulemaking authority to the Financial Services Commission; creating s. 627.3575, F.S.; creating the Health Care Professional Liability Insurance Facility; providing purpose; providing for governance and powers; providing eligibility requirements; providing for premiums and assessments; providing for regulation; providing applicability; specifying duties of the Department of Health; providing for debt and regulation thereof; amending s. 627.912, F.S.; requiring certain claims information to be filed with the Office of Insurance Regulation and the Department of Health; providing for rulemaking by the Financial Services Commission; creating s. 627.9121, F.S.; requiring certain information relating to medical malpractice to be reported to the Office of Insurance Regulation; providing for enforcement; amending s. 766.106, F.S.; extending the time period for the presuit screening period; providing conditions for causes of action for bad faith against insurers providing coverage for medical negligence; creating s. 766.1065, F.S.; authorizing presuit mediation in medical negligence cases; providing for confidentiality of information; creating s. 766.1067, F.S.; providing for mandatory mediation in medical negligence causes of action; requiring offers of settlement and demands for judgment; establishing assessments by the court; creating s. 766.118, F.S.; providing a limitation on noneconomic damages which can be awarded in causes of action involving medical negligence; amending s. 766.202, F.S.; providing requirements for medical experts; amending s. 766.203, F.S.; providing for discovery and admissibility of opinions and statements tendered during presuit investigation; amending s. 766.207, F.S.; conforming provisions to the extension in the time period for presuit investigation; requiring the Department of Health to study the efficacy and constitutionality of medical review panels; requiring a report; amending s. 768.81, F.S.; providing that a defendant's liability for damages in medical negligence cases is several only; creating s. 1004.08, F.S.; requiring patient safety instruction for certain students in public schools, colleges, and universities; creating s. 1005.07, F.S.; requiring patient safety instruction for certain students in nonpublic schools, colleges, and universities; requiring a report by the Agency for Health Care Administration regarding information to be provided to health care consumers; requiring a report by the Agency for Health Care Administration regarding the establishment of a Patient Safety Authority; specifying elements of the report; repealing s. 768.21(8), F.S., relating to damages for wrongful death; removing the prohibition against certain parties from bringing suit for wrongful death as a result of medical negligence; amending ss. 400.023, 400.0235, and 400.4295, F.S.; correcting cross references; providing severability; providing an effective date.

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

Representatives Bucher and Gelber offered the following:

(Amendment Bar Code: 014187)

Amendment 18 (with title amendment)—Between lines 935 and 936, insert:

Section 23. Section 627.4148, Florida Statutes, is amended to read:

627.4148 Medical malpractice insurers; required offer of coverage limits.—An insurer issuing policies of professional liability coverage for claims arising out of the rendering of, or the failure to render, medical care or services shall make available to physicians licensed under chapter 458 and to osteopathic physicians licensed under chapter 459 coverage with the following limits, subject to usual underwriting standards:

(1) One hundred thousand dollars per claim, \$300,000 annual aggregate; and

(2) Two hundred fifty thousand dollars per claim, \$750,000 annual aggregate.

The premium for such coverage shall reflect the prior claims experience of the insured.

Remove line(s) 59, and insert: thereof; amending s. 627.4148, F.S.; providing for using an insured's claims experience in determining medical malpractice premiums; amending s. 627.912, F.S.; requiring certain

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

Representative Bucher offered the following:

(Amendment Bar Code: 360065)

Amendment 19 (with title amendment)—Remove line(s) 1149, and insert:

of the number of claimants or defendants involved in the action; however, this section shall not limit noneconomic damages recoverable from any person who has been found to have committed two or more incidents of medical malpractice. For purposes of this section:

(1) "Medical malpractice" means both the failure to practice medicine in this state with the level of care, skill, and treatment recognized in general law related to health care providers' licensure, and any similar wrongful act, neglect, or default in any other state or country which, if committed in this state, would be considered medical malpractice.

(2) "Found to have committed" means that the malpractice has been found in a final judgment of a court of law, final administrative agency decision, or decision of binding arbitration or similar process which is entered or enforceable in a court of law.

Remove line(s) 78, and insert: medical negligence; specifying nonapplication of noneconomic damages limits to certain persons under certain circumstances; providing definitions; amending s. 766.202, F.S.; providing

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

Representative Smith offered the following:

(Amendment Bar Code: 737013)

Amendment 20 (with title amendment)—Between lines 1380 and 1381, insert:

Section 42. Effective upon this act becoming a law and applying to claims accruing on or after that date, section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.--

(1) As a condition of licensing and maintaining an active license, and prior to the issuance or renewal of an active license or reactivation of an inactive license for the practice of medicine, an applicant shall by one of the following

methods demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per claim amounts specified in paragraph (b). The required escrow amount set forth in this paragraph shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim.

(b) Obtaining and maintaining professional liability coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357. The required coverage amount set forth in this paragraph shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit shall be payable to the physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. The letter of credit shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim. The Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(2) Physicians who perform surgery in an ambulatory surgical center licensed under chapter 395 and, as a continuing condition of hospital staff privileges, physicians who have with staff privileges shall also be required to establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per claim amounts specified in paragraph (b). The required escrow amount set forth in this paragraph shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim.

(b) Obtaining and maintaining professional liability coverage in an amount not less than \$250,000 per claim, with a minimum annual aggregate of not less than \$750,000 from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), through a plan of self-insurance as provided in s. 627.357, or through a plan of self-insurance which meets the conditions specified for satisfying financial responsibility in s. 766.110. The required coverage amount set forth in this paragraph shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim.

(c) Obtaining and maintaining an unexpired irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than \$250,000 per claim, with a minimum aggregate availability of credit of not less than \$750,000. The letter of credit shall be payable to the physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. The letter of credit shall not be used for litigation costs and attorney's fees for the defense of any medical malpractice claim. The Such letter of credit shall be nonassignable and nontransferable. The Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

This subsection shall be inclusive of the coverage in subsection (1).

~~(3)(a) The financial responsibility requirements of subsections (1) and (2) shall apply to claims for incidents that occur on or after January 1, 1987, or the initial date of licensure in this state, whichever is later.~~

~~(b) Meeting the financial responsibility requirements of this section or the criteria for any exemption from such requirements shall be established at the time of issuance or renewal of a license on or after January 1, 1987.~~

~~(b)(e) Any person may, at any time, submit to the department a request for an advisory opinion regarding such person's qualifications for exemption.~~

(4)(a) Each insurer, self-insurer, risk retention group, or Joint Underwriting Association shall promptly notify the department of cancellation or nonrenewal of insurance required by this section. Unless the physician demonstrates that he or she is otherwise in compliance with the requirements of this section, the department shall suspend the license of the physician pursuant to ss. 120.569 and 120.57 and notify all health care facilities licensed under chapter 395 of such action. Any suspension under this subsection shall remain in effect until the physician demonstrates compliance with the requirements of this section. If any judgment or settlement is pending at the time of suspension, such judgment or settlement shall be paid in accordance with this section unless otherwise mutually agreed to in writing by the parties. This paragraph does not abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment, except that a license suspended under paragraph (5)(g) shall not be reinstated until the physician demonstrates compliance with the requirements of that provision.

(b) If financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the entire amount of the judgment together with all accrued interest, or the amount maintained in the escrow account or provided in the letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made by the physician, the department shall suspend the license of the physician pursuant to procedures set forth in subparagraphs (5)(g)3., 4., and 5. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(5) The requirements of subsections (1), (2), and (3) ~~do shall~~ not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(15).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 458.317 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his or her teaching duties at an accredited medical school or in its main teaching hospitals. Such person may engage in the practice of medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the medical school.

(e) Any person holding an active license under this chapter who is not practicing medicine in this state. If such person initiates or resumes any practice of medicine in this state, he or she must notify the department of such activity and fulfill the financial responsibility requirements of this section before resuming the practice of medicine in this state.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or

another state or some combination thereof for more than 15 years.

2. The licensee has either retired from the practice of medicine or maintains a part-time practice of no more than 1,000 patient contact hours per year.

3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$25,000 within the previous 5-year period.

4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the medical practice act of any other state.

5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time; probation for a period of 3 years or longer; or a fine of \$500 or more for a violation of this chapter or the medical practice act of another jurisdiction. The regulatory agency's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, ~~constitutes shall be construed as~~ action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with ~~the provisions of~~ this paragraph.

7. The licensee shall submit biennially to the department certification stating compliance with ~~the provisions of~~ this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall ~~be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or provide a written statement to any person to whom medical services are being provided.~~ Such sign or statement shall state that: Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time physicians who meet state requirements are exempt from the financial responsibility law. YOUR DOCTOR MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

~~(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:~~

~~(6)(a)1-~~ Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either ~~\$250,000 \$100,000~~, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or ~~\$500,000 \$250,000~~, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, he or she either:

~~1.a-~~ Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

~~2.b-~~ Furnishes the department with a copy of a timely filed notice of appeal and either:

~~a.(4)~~ A copy of a supersedeas bond properly posted in the amount required by law; or

~~b.(4)~~ An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

~~(b)2-~~ The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy

of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

~~(c)3-~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

~~(d)4-~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the licensee with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

~~(e)5-~~ The licensee has completed a form supplying necessary information as required by the department.

~~A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."~~

~~(7)(6)~~ Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action under s. 458.331.

~~(8)(7)~~ Any licensee who relies on any exemption from the financial responsibility requirement shall notify the department, in writing, of any change of circumstance regarding his or her qualifications for such exemption and shall demonstrate that he or she is in compliance with the requirements of this section.

~~(9)(8)~~ The board shall adopt rules to implement the provisions of this section.

Section 42. Effective upon this act becoming a law and applying to claims accruing on or after that date, section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.--

(1) As a condition of licensing and maintaining an active license, and prior to the issuance or renewal of an active license or reactivation of an inactive license for the practice of osteopathic medicine, an applicant shall by one of the following methods demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render, medical care or services:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage for the current year and for each of the prior years that the applicant or licensee has been in the active practice of medicine, up to a maximum of 4 prior years, in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357. The required coverage amount set forth in this paragraph shall not be used for litigation costs and attorney's fees

for the defense of any medical negligence claim.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, for the current year and for each of the prior years that the applicant or licensee has been in the active practice of medicine, up to a maximum of 4 prior years, in an amount not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit shall be payable to the osteopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the osteopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

(2) Osteopathic physicians who perform surgery in an ambulatory surgical center licensed under chapter 395 and, as a continuing condition of hospital staff privileges, osteopathic physicians who have ~~with~~ staff privileges shall also ~~be required to~~ establish financial responsibility by one of the following methods:

(a) Establishing and maintaining an escrow account consisting of cash or assets eligible for deposit in accordance with s. 625.52 in the per-claim amounts specified in paragraph (b).

(b) Obtaining and maintaining professional liability coverage for the current year and for each of the prior years that the applicant or licensee has been in the active practice of medicine, up to a maximum of 4 prior years, in an amount not less than \$250,000 per claim, with a minimum annual aggregate of not less than \$750,000 from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), through a plan of self-insurance as provided in s. 627.357, or through a plan of self-insurance which meets the conditions specified for satisfying financial responsibility in s. 766.110.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, for the current year and for each of the prior years that the applicant or licensee has been in the active practice of medicine, up to a maximum of 4 prior years, established pursuant to chapter 675, in an amount not less than \$250,000 per claim, with a minimum aggregate availability of credit of not less than \$750,000. The letter of credit shall be payable to the osteopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the osteopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. ~~The Such~~ letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or of the United States to receive deposits in this state.

This subsection shall be inclusive of the coverage in subsection (1).

~~(3)(a) The financial responsibility requirements of subsections (1) and (2) shall apply to claims for incidents that occur on or after January 1, 1987, or the initial date of licensure in this state, whichever is later.~~

~~(b) Meeting the financial responsibility requirements of this section or the criteria for an exemption from such requirements shall be established at the time of issuance or renewal of a license on or after January 1, 1987.~~

~~(b)(c) Any person may, at any time, submit to the department a request for an advisory opinion regarding such person's qualifications for exemption.~~

(4)(a) Each insurer, self-insurer, risk retention group, or joint underwriting association shall promptly notify the department of cancellation or nonrenewal of insurance required by this section. Unless the osteopathic physician demonstrates that he or she is otherwise in compliance with the requirements of this section, the department shall suspend the license of the osteopathic physician pursuant to ss. 120.569 and 120.57 and notify all health

care facilities licensed under chapter 395, part IV of chapter 394, or part I of chapter 641 of such action. Any suspension under this subsection shall remain in effect until the osteopathic physician demonstrates compliance with the requirements of this section. If any judgments or settlements are pending at the time of suspension, those judgments or settlements must be paid in accordance with subsection (6) unless otherwise mutually agreed to in writing by the parties. This paragraph does not abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment except that a license suspended under paragraph (5)(g) shall not be reinstated until the osteopathic physician demonstrates compliance with the requirements of that provision.

(b) If financial responsibility requirements are met by maintaining an escrow account or letter of credit as provided in this section, upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the entire amount of the judgment together with all accrued interest or the amount maintained in the escrow account or provided in the letter of credit as required by this section, whichever is less, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. If timely payment is not made by the osteopathic physician, the department shall suspend the license of the osteopathic physician pursuant to procedures set forth in subparagraphs (5)(g)3., 4., and 5. Nothing in this paragraph shall abrogate a judgment debtor's obligation to satisfy the entire amount of any judgment.

(5) The requirements of subsections (1), (2), and (3) ~~do shall~~ not apply to:

(a) Any person licensed under this chapter who practices medicine exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions. For the purposes of this subsection, an agent of the state, its agencies, or its subdivisions is a person who is eligible for coverage under any self-insurance or insurance program authorized by the provisions of s. 768.28(15).

(b) Any person whose license has become inactive under this chapter and who is not practicing medicine in this state. Any person applying for reactivation of a license must show either that such licensee maintained tail insurance coverage which provided liability coverage for incidents that occurred on or after January 1, 1987, or the initial date of licensure in this state, whichever is later, and incidents that occurred before the date on which the license became inactive; or such licensee must submit an affidavit stating that such licensee has no unsatisfied medical malpractice judgments or settlements at the time of application for reactivation.

(c) Any person holding a limited license pursuant to s. 459.0075 and practicing under the scope of such limited license.

(d) Any person licensed or certified under this chapter who practices only in conjunction with his or her teaching duties at a college of osteopathic medicine. Such person may engage in the practice of osteopathic medicine to the extent that such practice is incidental to and a necessary part of duties in connection with the teaching position in the college of osteopathic medicine.

(e) Any person holding an active license under this chapter who is not practicing osteopathic medicine in this state. If such person initiates or resumes any practice of osteopathic medicine in this state, he or she must notify the department of such activity and fulfill the financial responsibility requirements of this section before resuming the practice of osteopathic medicine in this state.

(f) Any person holding an active license under this chapter who meets all of the following criteria:

1. The licensee has held an active license to practice in this state or another state or some combination thereof for more than 15 years.
2. The licensee has either retired from the practice of osteopathic medicine or maintains a part-time practice of osteopathic medicine of no more than 1,000 patient contact hours per year.
3. The licensee has had no more than two claims for medical malpractice resulting in an indemnity exceeding \$25,000 within the previous 5-year period.
4. The licensee has not been convicted of, or pled guilty or nolo contendere to, any criminal violation specified in this chapter or the practice act of any other state.
5. The licensee has not been subject within the last 10 years of practice to license revocation or suspension for any period of time, probation for a period of 3 years or longer, or a fine of \$500 or more for a violation of this chapter or

the medical practice act of another jurisdiction. The regulatory agency's acceptance of an osteopathic physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the osteopathic physician's license, ~~constitutes shall be construed as~~ action against the physician's license for the purposes of this paragraph.

6. The licensee has submitted a form supplying necessary information as required by the department and an affidavit affirming compliance with ~~the provisions of~~ this paragraph.

7. The licensee shall submit biennially to the department a certification stating compliance with ~~the provisions of~~ this paragraph. The licensee shall, upon request, demonstrate to the department information verifying compliance with this paragraph.

A licensee who meets the requirements of this paragraph shall ~~be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. The~~ Such sign or statement shall state that: Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. However, certain part-time osteopathic physicians who meet state requirements are exempt from the financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This notice is provided pursuant to Florida law.

~~(e) Any person holding an active license under this chapter who agrees to meet all of the following criteria:~~

~~(6)(a)±~~ Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either ~~\$250,000~~ ~~\$100,000~~, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or ~~\$500,000~~ ~~\$250,000~~, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, the licensee either:

~~1.a.~~ Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

~~2.b.~~ Furnishes the department with a copy of a timely filed notice of appeal and either:

~~a.(4)~~ A copy of a supersedeas bond properly posted in the amount required by law; or

~~b.(4)~~ An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

~~(b)±~~ The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

~~(c)±~~ Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

~~(d)±~~ If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of

the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

~~(e)±~~ The licensee has completed a form supplying necessary information as required by the department.

~~A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to provide a written statement to any person to whom medical services are being provided. Such sign or statement shall state: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."~~

~~(7)(6)~~ Any deceptive, untrue, or fraudulent representation by the licensee with respect to any provision of this section shall result in permanent disqualification from any exemption to mandated financial responsibility as provided in this section and shall constitute grounds for disciplinary action under s. 459.015.

~~(8)(7)~~ Any licensee who relies on any exemption from the financial responsibility requirement shall notify the department in writing of any change of circumstance regarding his or her qualifications for such exemption and shall demonstrate that he or she is in compliance with the requirements of this section.

~~(9)(8)~~ If a physician is either a resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the board's rules, and is supervised by a physician who is participating in the Florida Birth-Related Neurological Injury Compensation Plan, such resident physician, assistant resident physician, or intern is deemed to be a participating physician without the payment of the assessment set forth in s. 766.314(4).

~~(10)(9)~~ The board shall adopt rules to implement the provisions of this section.

Remove line(s) 103, and insert:

400.4295, F.S.; correcting cross references; amending ss. 458.320 and 459.0085, F.S.; requiring maintenance of financial responsibility as a condition of licensure of physicians and osteopathic physicians; providing for payment of any outstanding judgments or settlements pending at the time a physician or osteopathic physician is suspended by the Department of Business and Professional Regulation; providing for alternative method of providing financial responsibility; providing

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

Representative Smith offered the following:

(Amendment Bar Code: 924789)

Amendment 21 (with title amendment)—Remove line(s) 108-182

Remove line(s) 2 and 3, and insert: An act relating to medical incidents; creating s. 395.1012, F.S.;

Rep. Smith moved the adoption of the amendment.

Representative Smith offered the following:

(Amendment Bar Code: 924247)

Substitute Amendment 21—Between lines 182 and 183, insert:

(19) The Legislature finds, based upon the findings of the Governor's Select Task Force on Healthcare Professional Liability Insurance, that legislative repeal of the prohibition against creating Medical Malpractice Risk Management Trust Funds in section 627.357, Florida Statutes, and legislative creation of self-insured options for health care providers would ensure that physicians continue to practice in Florida and that those physicians would have the opportunity to purchase affordable professional liability insurance.

Rep. Smith moved the adoption of the substitute amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 21**, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and in compliance with Rule 10.11, the waiting period for passage commenced.

THE SPEAKER IN THE CHAIR

Motion to Adjourn

Rep. Bense moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 9:30 a.m., Friday, March 21, or upon call of the Chair. The motion was agreed to.

Cosponsors

HB 3—Cantens

HB 13—Cantens

HB 19—Barreiro, Gelber, Greenstein, Justice, Rich, Roberson

HB 25—Gottlieb

HB 27—Bullard, Cantens, Harper, Richardson

HB 37—Cantens

HB 45—Cantens, Kravitz

HB 51—Cantens

HB 57—Richardson

HB 61—Cantens, Gottlieb

HB 77—Cantens, Domino

HB 83—Bean, Cantens

HB 119—Bullard, Cantens, Harper, Llorente, Reagan, Roberson

HB 121—Bullard, Ritter

HB 133—Bullard, Garcia

HB 145—Brandenburg

HB 153—Sobel

HB 169—Henriquez, Robaina

HB 181—Rivera

HB 193—Arza, Cantens, Gannon

HB 195—Baxley, Cantens, Greenstein, Kendrick, Sansom, Wishner, Zapata

HB 197—Arza, Cantens, Fiorentino, Greenstein, Kilmer, Robaina, Rubio, Sorensen, Zapata

HB 213—Cantens

HB 215—Baxley, Brandenburg, Cusack, Jennings, Peterman, Ritter, Roberson, Sorensen

HB 223—Cantens

HB 225—Allen

HB 227—Cantens

HB 231—Cantens, Reagan

HB 233—Antone, Gannon, Roberson

HB 239—Clarke

HB 243—Adams, Baxley, Brutus, Garcia, Kendrick

HB 253—Richardson

HB 263—Littlefield, Roberson

HB 267—Bullard, Cantens, Llorente, Roberson

HB 289—Clarke

HB 311—Cantens

HB 321—Kottkamp

HB 323—Cantens

HB 397—Richardson

HB 401—Bullard

HB 403—D. Davis

HB 405—Kendrick

HB 413—Evers

HB 415—Cantens, Cretul, Kravitz, Zapata

HB 417—Richardson

HB 419—Brandenburg, A. Gibson, Richardson

HB 439—M. Davis, Gannon, Murman

HB 441—Spratt

HB 453—Cantens, Troutman

HB 455—A. Gibson

HB 479—Brutus, Domino

HB 481—Bilirakis, Cantens, Peterman

HB 483—Allen, Troutman

HB 485—Zapata

HB 493—Cantens

HB 495—Harrell, Holloway, Kendrick, Kilmer, Sansom
HB 501—Rivera
HB 509—Evers
HB 525—Needelman
HB 535—Baxley, Brutus, Kilmer
HB 545—Bullard
HB 547—Brutus, Bullard, Machek, Rivera
HB 569—Kallinger
HB 583—Kilmer, Richardson
HB 595—Brutus, Jennings, Roberson
HCR 615—Rich, Richardson, Sobel
HB 633—Baxley, McInvale
HB 653—Gannon
HJR 659—Gannon, Zapata
HB 669—Bowen
HB 673—M. Davis, Gottlieb
HB 677—Zapata
HB 699—Ausley, Brown, Bullard, Kendrick, Kilmer, Ross, Stargel
HB 703—Arza
HB 707—Bullard, Llorente
HB 709—Llorente, Seiler
HB 715—Bullard, Llorente
HB 741—Machek, Seiler
HB 749—Wiles
HB 761—Berfield
HB 767—Bullard, Llorente
HB 771—Needelman
HM 783—Baxley
HB 803—Ambler, Gelber, Gottlieb, Greenstein, Kravitz, Richardson, Roberson
HB 835—Anderson
HB 855—Farkas, Kendrick, Littlefield, Murman, Stargel
HB 859—Arza, Bullard, Llorente, Ross
HB 873—Bullard, Rubio
HB 893—Littlefield
HB 905—Bullard
HB 921—Arza, Bullard, Llorente
HB 925—Bullard, Llorente
HB 927—Rivera
HB 943—Bullard
HB 947—Bullard, Llorente
HB 953—Brutus, Bullard, Gannon, Holloway, Machek, Murman, Rivera, Robaina, Troutman, Zapata
HB 963—Littlefield
HB 981—Richardson
HB 987—Bullard, Garcia, Llorente
HB 1061—Allen, Kendrick, Rivera
HB 1075—Cretul, Machek, Pickens, Ross, Stansel
HB 1083—Bullard, Gannon, Troutman
HB 1087—Zapata
HB 1095—Bullard, Llorente, Needelman
HB 1101—Ross
HB 1111—Ross
HB 1115—A. Gibson
HB 1117—Rivera
HB 1125—Murman, Rivera, Rubio
HB 1161—Anderson, Baxley, Bilirakis, Bowen, Bullard, Cretul, D. Davis, Domino, A. Gibson, Green, Hogan, Homan, Jennings, Mealor, Needelman, Rivera, Roberson, Zapata
HB 1169—Troutman
HB 1171—Antone, Bendross-Mindingall, Bullard, Cusack, Gannon, Gelber, Gottlieb, Harper, Henriquez, Holloway, Kosmas, Ryan, Smith, Sobel, Wiles
HB 1185—Rivera
HB 1195—A. Gibson, Jennings
HB 1203—Llorente
HB 1207—Llorente
HB 1213—Jennings
HB 1227—Gannon
HB 1241—M. Davis, Seiler
HB 1259—Bean
HB 1267—M. Davis, Seiler
HB 1287—Kottkamp
HB 1313—Richardson

HB 1315—Russell
 HB 1335—Richardson
 HB 1355—Littlefield
 HB 1357—Green, Zapata
 HB 1367—Garcia
 HB 1381—McInvale
 HB 1405—Cantens, Rubio
 HB 1411—Bullard, Llorente
 HB 1435—Rivera
 HB 1443—Pickens
 HB 1455—Murzin
 HB 1469—McInvale
 HB 1483—Rivera
 HB 1501—Brutus, A. Gibson, Roberson, Waters
 HB 1503—Joyner
 HB 1517—Troutman
 HB 1521—Hogan
 HB 1529—Allen, Ambler, Barreiro, Bendross-Mindingall, Bullard, Harper, Henriquez, Holloway, Llorente, Rich, Roberson, Rubio, Zapata
 HB 1627—Llorente, Sobel
 HB 1629—Llorente
 HB 1631—Garcia, Gottlieb, Llorente
 HB 1639—Pickens
 HB 1653—Zapata
 HB 1687—Llorente
 HB 1705—Allen, Llorente
 HR 9005—Arza

Introduction and Reference

By Representative Bilirakis—

HB 599—A bill to be entitled An act relating to the East Lake Tarpon Special Fire Control District, Pinellas County; amending sections 3(2) and 11 of section 1 of chapter 2000-477, Laws of Florida; providing authority of the district with respect to land that is annexed by a municipality or other fire control district; providing for collection and payment of fire services taxes or assessments by such municipality or other district; providing for future repeal of the amendments made by the act; providing effective dates.

Proof of publication of the required notice was attached.

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

Referred to the Subcommittee on Local Affairs; the Committee on Local

Government & Veterans' Affairs; and the Committee on Finance & Tax.

By Representative Waters—

HB 1611—A bill to be entitled An act relating to the Greater Seminole Area Special Recreation District, Pinellas County; providing for codification of special laws relating to the district; providing legislative intent; codifying, reenacting, and amending chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; describing district boundaries; providing for the district commissioners, their appointment and powers; repealing chapters 80-584, 84-515, 84-516, 86-445, 88-445, Laws of Florida; providing for liberal construction; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee on Local Government & Veterans' Affairs and the Committee on Finance & Tax.

By the Committee on State Administration; Representative Mack—

HB 1715—A bill to be entitled An act relating to a public records exemption for reports of injury or illness filed under the Workers' Compensation Law identifying an ill or injured employee; amending s. 440.185, F.S.; eliminating the public records exemption for reports of injury or illness filed under the Workers' Compensation Law that would identify an ill or injured employee; creating s. 440.592, F.S.; providing an exemption from public records requirements for information identifying an ill or injured worker filed pursuant to the Workers' Compensation Law and held by the Department of Financial Services, the Department of Education, or the Division of Administrative Hearings; providing for specified release of such information to a law enforcement agency; providing for retroactive application; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

By the Committee on State Administration; Representative Mack—

HB 1717—A bill to be entitled An act relating to a public records exemption for information identifying an executioner and specified persons involved in an execution; amending s. 922.10, F.S.; removing the public records exemption for an executioner's identifying information; repealing s. 922.106, F.S., which provides an exemption from public records requirements for information that would identify any person prescribing, preparing, compounding, dispensing, or administering a lethal injection pursuant to a death sentence; amending s. 945.10, F.S.; revising language with respect to the public records exemption for the identity of an executioner and persons prescribing, preparing, compounding, dispensing, or administering a lethal injection; providing an effective date.

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

By Representative Dean—

HB 1719—A bill to be entitled An act relating to consumer protection in the construction lien law; creating s. 713.015, F.S.; providing mandatory contract provisions for construction contracts; amending s. 713.06, F.S.; limiting lien amounts of persons not in privity; providing a contractor's affidavit form; amending s. 713.08, F.S.; providing a time limit for recording a claim of lien; amending s. 713.135, F.S.; requiring the lien law summary to contain an explanation of owners' rights; requiring the issuing authority to mail the lien law summary to the owner; amending s. 713.31, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.345, F.S.; providing permissive inferences that a person knowingly and intentionally failed to properly apply construction payments; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; amending s. 713.3471,

F.S.; requiring contracts between lenders and owners to contain clauses providing owners with the option to be endorsers of checks on construction loans; requiring contractors to provide a list of unpaid entities to the lender and owner before seeking disbursements under construction loans; amending s. 713.35, F.S.; requiring a prosecuting entity to provide a copy of the charging document to the Department of Business and Professional Regulation; providing an effective date.

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

By Representative Bilirakis—

HB 1721—A bill to be entitled An act relating to subdivision property; prohibiting the assessment of taxes and special assessments against property constituting the common elements of a subdivision; requiring that the property appraiser prorate the value of taxes and special assessments against recreational facilities, easements, and other common elements of a subdivision and include such prorated value among the lots within the subdivision conveyed or intended to be conveyed into private ownership; defining the term "common element" for purposes of the act; providing an effective date.

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

By Representative Murzin—

HB 1723—A bill to be entitled An act relating to long-term care civil enforcement; amending s. 400.023, F.S.; clarifying liability of nurses employed by nursing homes; requiring a certificate of counsel certifying compliance with the requirement to serve a copy of a complaint alleging a violation of rights under pt. II of ch. 400, F.S., with the Agency for Health Care Administration; amending s. 400.0233, F.S.; providing definitions; authorizing voluntary binding arbitration under ss. 400.02341-400.02348, F.S., following presuit investigation and mediation of claims for resident's rights violation or negligence; creating s. 400.02341, F.S.; providing legislative findings and intent; creating s. 400.02342, F.S.; providing for voluntary binding arbitration for certain claims for resident's rights violation or negligence; exempting rights of action pursuant to s. 768.28, F.S., from voluntary binding arbitration; providing evidentiary standards for voluntary binding arbitration; specifying the composition of the arbitration panel; providing qualifications and compensation of arbitrators; specifying terms and conditions of entering into arbitration; authorizing rules; creating s. 400.02343, F.S.; providing for arbitration to allocate financial responsibility among multiple defendants; specifying the composition of the arbitration panel; providing for joint and several liability; requiring defendants to pay their proportionate share of the economic and noneconomic damages awarded by the arbitration panel; providing a defendant paying damages in action for contribution against any nonarbitrating person whose negligence contributed to the injury; creating s. 400.02344, F.S.; specifying effects of failure to offer or accept voluntary binding arbitration; creating s. 400.02345, F.S.; providing for a court to determine whether a claim is subject to voluntary binding arbitration; providing procedures if a plaintiff amends a complaint to allege facts that render a claim subject to arbitration; creating s. 400.02346, F.S.; providing for dissolution of the arbitration panel if agreement cannot be reached; providing for the appointment of new arbitrators; creating s. 400.02347, F.S.; requiring payment of the arbitration award by the defendant; providing for accrual of interest beginning 90 days after the award; creating s. 400.02348, F.S.; designating arbitration awards and allocation of financial responsibility as final agency action for purposes of s. 120.68, F.S.; providing for appeal to the district court; limiting judicial review; providing for enforcement of arbitration awards by the parties to the arbitration; providing for applicability; providing an effective date.

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

By Representative Justice—

HB 1725—A bill to be entitled An act relating to school districts; requiring the Department of Education to implement a mandate reduction program; providing for school districts that meet certain goals established by the department to be granted an exemption from state-mandated requirements

identified by the department and approved by the Legislature; requiring the department to adopt rules; providing an effective date.

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

By Representative Bullard—

HB 1727—A bill to be entitled An act relating to educational facilities; amending s. 1013.64, F.S.; providing that funds from the Public Education Capital Outlay and Debt Services Trust Fund may be used for the purposes of constructing educational facilities, including new construction; providing for retroactive application; providing an effective date.

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

By Representative Sorensen—

HB 1729—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; increasing the amount of money which may be borrowed from \$150,000 for a period of time not to exceed 2 years to \$1 million for a period of time not to exceed 5 years; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representative Sorensen—

HB 1731—A bill to be entitled An act relating to the Florida Keys Mosquito Control District, Monroe County; amending chapter 2002-346, Laws of Florida; authorizing the district to make purchases up to the limit in s. 287.017(1)(a), F.S., without formal bids; providing an effective date.

Proof of publication of the required notice was attached.

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

By Representatives Harrington and Farkas—

HB 1733—A bill to be entitled An act relating to acute care hospitals; amending s. 408.043, F.S.; providing for certain acute care hospitals in high growth counties to add additional beds without the approval of the Agency for Health Care Administration; providing for notice; providing an effective date.

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

By Representative Brummer—

HJR 1735—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution, relating to education, to allow public school teachers in kindergarten through grade 12 to choose between joining a union for collective bargaining purposes or accepting a state salary established by the Legislature.

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

By Representative Robaina—

HB 1737—A bill to be entitled An act relating to trust funds; creating s. 20.2101, F.S.; creating the State Law Enforcement Officer Recruitment and Retention Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of unused funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

By the Committee on Education K-20; Representative Kilmer—

HB 1739—A bill to be entitled An act relating to access to postsecondary education; creating s. 1007.02, F.S., relating to access to postsecondary education and meaningful careers for students with disabilities; defining the term "student with a disability"; amending s. 1003.43, F.S., relating to high school graduation requirements; deleting requirement that the life management skills course be taken at specific grade levels; requiring the State Board of Education to adopt rules providing for test accommodations and modifications of procedures for students with disabilities; requiring the award of a standard diploma to a student with a disability who meets certain criteria; amending s. 1007.263, F.S., relating to admissions of students to community colleges; requiring admissions counseling for students entering career credit programs; requiring the use of certain tests; providing criteria for certain students to enroll in certificate career education programs; providing eligibility for reasonable substitutions for students with documented disabilities; amending s. 1007.264, F.S.; providing eligibility for reasonable substitutions for admission to postsecondary educational institutions for certain students with disabilities; creating s. 1007.265, F.S.; providing eligibility for reasonable substitutions for requirements for graduation, study program admission, and upper-division entry for certain students with disabilities; requiring the State Board of Education to adopt rules and develop substitute requirements; amending s. 1007.27, F.S.; requiring the State Board of Education to review and report on the use of acceleration mechanisms and grading practices, including the weighting of courses, for credit and admission; amending s. 1008.22, F.S., relating to student assessment for public schools; providing a cross reference; amending s. 1002.21, F.S.; correcting a cross reference; providing an effective date.

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

By the Committee on Public Safety & Crime Prevention; Representative Barreiro—

HB 1741—A bill to be entitled An act relating to juvenile sentencing; amending s. 985.231, F.S.; authorizing a judge to sentence a delinquent child to a specific commitment program or facility of the Department of Juvenile Justice; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(e) and (k), and 985.311(3)(e), F.S., to incorporate by reference the amendment to s. 985.231, F.S.; providing an effective date.

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

By the Committee on Public Safety & Crime Prevention; Representative Barreiro—

HB 1743—A bill to be entitled An act relating to juvenile proceedings; amending s. 985.219, F.S.; providing the time period by which a juvenile shall be brought for an adjudicatory hearing; repealing Florida Rule of Juvenile Procedure 8.090 to the extent it is inconsistent with the act; providing an effective date; providing a contingent effective date.

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

By Representative Patterson—

HR 9039—A resolution designating March 18, 2003, as "Stetson University Day."

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

By Representatives Bendross-Mindingall and Joyner—

HR 9041—A resolution honoring the life and accomplishments of Isabell Queen Williams.

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

By Representatives Joyner and Cusack—

HR 9043—A resolution recognizing the Ninth Annual Delta Days at the Florida Capitol.

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

By Representative Kravitz—

HR 9045—A resolution honoring the Mandarin Athletic Association Wildcats.

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

HR 9047—Read the first time earlier today.

By Representatives Mack and Robaina—

HR 9049—A resolution honoring Miguel A. Estrada.

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

Reference

HB 805—Referred to the Committee on Appropriations.

HB 1271—Referred to the Committee on Insurance and the Committee on Judiciary.

HB 1273—Referred to the Subcommittee on Corrections; the Committee on Public Safety & Crime Prevention; the Subcommittee on Public Safety Appropriations; and the Committee on Appropriations.

HB 1401—Referred to the Subcommittee on Health Standards and the Committee on Health Care.

HB 1403—Referred to the Committee on State Administration and the Committee on Education K-20.

HB 1405—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; the Committee on State Administration; and the Committee on Appropriations.

HB 1407—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; the Subcommittee on Agriculture & Environment Appropriations; and the Committee on Appropriations.

HB 1409—Referred to the Subcommittee on Insurance Regulation; the Committee on Insurance; the Committee on Commerce; and the Committee on Appropriations.

HB 1411—Referred to the Committee on Education K-20 and the Committee on Appropriations.

HB 1413—Referred to the Committee on Public Safety & Crime Prevention; the Subcommittee on Ethics & Elections; and the Committee on Procedures.

HB 1415—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; the Committee on Finance & Tax; and the Committee on Appropriations.

HJR 1417—Referred to the Committee on Judiciary and the Committee on Appropriations.

HB 1419—Referred to the Subcommittee on Health Services; the Committee on Health Care; the Subcommittee on Health Appropriations; and the Committee on Appropriations.

HB 1421—Referred to the Committee on State Administration and the Committee on Appropriations.

HB 1423—Referred to the Subcommittee on Pre-K through 12; the Committee on Education K-20; the Subcommittee on Education

Appropriations; and the Committee on Appropriations.

HB 1425—Referred to the Committee on Transportation; the Committee on State Administration; and the Committee on Appropriations.

HB 1427—Referred to the Committee on Transportation.

HB 1429—Referred to the Committee on Public Safety & Crime Prevention and the Committee on Agriculture.

HB 1431—Referred to the Committee on Finance & Tax.

HB 1433—Referred to the Committee on Health Care and the Committee on Insurance.

HB 1435—Referred to the Subcommittee on Health Access & Financing; the Committee on Insurance; the Committee on Judiciary; and the Committee on Appropriations.

HB 1437—Referred to the Committee on State Administration; the Committee on Education K-20; and the Committee on Appropriations.

HB 1439—Referred to the Committee on Judiciary.

HB 1441—Referred to the Committee on Judiciary and the Committee on Appropriations.

HB 1443—Referred to the Subcommittee on Higher Education; the Committee on Education K-20; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1445—Referred to the Subcommittee on Criminal Justice; the Committee on Public Safety & Crime Prevention; the Committee on Finance & Tax; the Subcommittee on Public Safety Appropriations; and the Committee on Appropriations.

HB 1447—Referred to the Subcommittee on Health Standards; the Committee on Health Care; and the Committee on Local Government & Veterans' Affairs.

HB 1449—Referred to the Committee on Local Government & Veterans' Affairs; the Committee on Judiciary; and the Committee on Finance & Tax.

HB 1451—Referred to the Committee on Business Regulation; the Committee on Insurance; the Committee on Judiciary; and the Committee on Appropriations.

HB 1453—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; and the Committee on Judiciary.

HB 1455—Referred to the Subcommittee on Transportation Systems; the Committee on Transportation; and the Committee on Finance & Tax.

HB 1457—Referred to the Committee on Local Government & Veterans' Affairs and the Committee on Finance & Tax.

HB 1459—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; and the Committee on Appropriations.

HB 1461—Referred to the Committee on State Administration; the Subcommittee on Veterans' & Military Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Agriculture.

HB 1463—Referred to the Committee on Agriculture; the Committee on Natural Resources; the Subcommittee on Agriculture & Environment Appropriations; and the Committee on Appropriations.

HB 1465—Referred to the Committee on Business Regulation; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1467—Referred to the Committee on Local Government & Veterans' Affairs and the Committee on Finance & Tax.

HB 1469—Referred to the Subcommittee on Criminal Justice; the Committee on Public Safety & Crime Prevention; the Subcommittee on Tourism; and the Committee on Commerce.

HB 1471—Referred to the Committee on Agriculture; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1473—Referred to the Subcommittee on Transportation Systems; the Committee on Transportation; the Subcommittee on Transportation & Economic Development Appropriations; and the Committee on Appropriations.

HB 1475—Referred to the Subcommittee on Veterans' & Military Affairs and the Committee on Local Government & Veterans' Affairs.

HB 1477—Referred to the Subcommittee on Health Standards; the Committee on Health Care; and the Committee on Appropriations.

HB 1479—Referred to the Subcommittee on Health Services; the Committee on Health Care; the Committee on Insurance; and the Committee on Appropriations.

HB 1481—Referred to the Subcommittee on Health Standards; the Committee on Health Care; and the Committee on Appropriations.

HB 1483—Referred to the Committee on Public Safety & Crime Prevention; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1485—Referred to the Committee on Local Government & Veterans' Affairs.

HB 1487—Referred to the Subcommittee on Workforce & Economic Development; the Committee on Commerce; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1489—Referred to the Committee on Local Government & Veterans' Affairs.

HB 1491—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Judiciary.

HB 1493—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Appropriations.

HB 1495—Referred to the Subcommittee on Environmental Regulation; the Committee on Natural Resources; the Committee on Education K-20; and the Committee on Appropriations.

HB 1497—Referred to the Subcommittee on Transportation Systems; the Committee on Transportation; and the Committee on Appropriations.

HB 1499—Referred to the Committee on Judiciary; the Committee on State Administration; and the Committee on Appropriations.

HB 1501—Referred to the Committee on Transportation and the Committee on Finance & Tax.

HB 1503—Referred to the Subcommittee on Environmental Regulation; the Committee on Natural Resources; and the Committee on Appropriations.

HB 1505—Referred to the Subcommittee on Workforce & Economic Development; the Committee on Commerce; and the Committee on Finance & Tax.

HB 1507—Referred to the Subcommittee on Education Innovation; the

Committee on Education K-20; and the Committee on Appropriations.

HB 1509—Referred to the Committee on Judiciary; the Committee on Commerce; and the Committee on Appropriations.

HB 1511—Referred to the Subcommittee on Higher Education and the Committee on Education K-20.

HB 1513—Referred to the Committee on Transportation and the Committee on Appropriations.

HB 1515—Referred to the Subcommittee on Children's Services; the Committee on Future of Florida's Families; and the Committee on Appropriations.

HB 1517—Referred to the Subcommittee on Health Standards and the Committee on Health Care.

HB 1519—Referred to the Subcommittee on Health Standards; the Committee on Health Care; and the Committee on Appropriations.

HB 1521—Referred to the Subcommittee on Ethics & Elections; the Committee on Procedures; the Committee on Finance & Tax; and the Committee on Appropriations.

HCR 1523—Referred to the Subcommittee on Ethics & Elections; the Committee on Procedures; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1525—Referred to the Committee on Natural Resources and the Committee on Appropriations.

HB 1527—Referred to the Subcommittee on Elder Affairs & Long-Term Care; the Committee on Future of Florida's Families; and the Committee on Appropriations.

HB 1529—Referred to the Subcommittee on Elder Affairs & Long-Term Care; the Committee on Future of Florida's Families; the Committee on Health Care; and the Committee on Appropriations.

HB 1531—Referred to the Subcommittee on Environmental Regulation; the Committee on Natural Resources; and the Committee on Appropriations.

HB 1533—Referred to the Committee on Judiciary; the Committee on Finance & Tax; the Subcommittee on Judicial Appropriations; and the Committee on Appropriations.

HB 1535—Referred to the Committee on Judiciary; the Committee on Finance & Tax; the Subcommittee on Judicial Appropriations; and the Committee on Appropriations.

HB 1537—Referred to the Subcommittee on General Education; the Committee on Education K-20; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

HB 1539—Referred to the Subcommittee on Health Access & Financing; the Committee on Insurance; the Committee on Commerce; and the Committee on Appropriations.

HB 1541—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; the Committee on Judiciary; and the Committee on Finance & Tax.

HB 1543—Referred to the Subcommittee on Local Affairs and the Committee on Local Government & Veterans' Affairs.

HB 1545—Referred to the Subcommittee on Local Affairs and the Committee on Local Government & Veterans' Affairs.

HB 1547—Referred to the Subcommittee on Local Affairs and the

Committee on Local Government & Veterans' Affairs.

HB 1549—Referred to the Subcommittee on Local Affairs and the Committee on Local Government & Veterans' Affairs.

HB 1551—Referred to the Committee on Judiciary and the Committee on Business Regulation.

HB 1553—Referred to the Subcommittee on Corrections; the Committee on Public Safety & Crime Prevention; the Subcommittee on Public Safety Appropriations; and the Committee on Appropriations.

HB 1555—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; the Committee on Judiciary; and the Committee on Finance & Tax.

HB 1557—Referred to the Committee on State Administration; the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Appropriations.

HB 1559—Referred to the Committee on Local Government & Veterans' Affairs.

HB 1561—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Judiciary.

HB 1563—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Finance & Tax.

HB 1565—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Finance & Tax.

HB 1567—Referred to the Committee on Local Government & Veterans' Affairs and the Committee on Finance & Tax.

HB 1569—Referred to the Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Finance & Tax.

HJR 1571—Referred to the Committee on Education K-20; the Subcommittee on Ethics & Elections; the Committee on Procedures; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

HB 1573—Referred to the Committee on Insurance and the Committee on Health Care.

HB 1575—Referred to the Committee on State Administration; the Subcommittee on Commerce & Local Affairs Appropriations; and the Committee on Appropriations.

HB 1577—Referred to the Subcommittee on Insurance Regulation; the Committee on Insurance; and the Committee on Appropriations.

HB 1579—Referred to the Committee on State Administration.

HB 1581—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; the Committee on Finance & Tax; the Subcommittee on Transportation & Economic Development Appropriations; and the Committee on Appropriations.

HB 1583—Referred to the Subcommittee on Health Standards; the Committee on Health Care; the Subcommittee on Commerce & Local Affairs Appropriations; and the Committee on Appropriations.

HB 1585—Referred to the Committee on Public Safety & Crime Prevention.

HB 1587—Referred to the Committee on Local Government & Veterans' Affairs.

HB 1589—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; the Committee on Health Care; and the Committee on Appropriations.

HB 1591—Referred to the Calendar of the House.

HB 1593—Referred to the Calendar of the House.

HB 1595—Referred to the Subcommittee on Trades, Professions & Regulated Business; the Committee on Business Regulation; and the Committee on Appropriations.

HB 1597—Referred to the Subcommittee on Energy; the Committee on Business Regulation; and the Committee on Natural Resources.

HB 1599—Referred to the Subcommittee on Health Standards; the Committee on Health Care; the Committee on Insurance; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1601—Referred to the Committee on Local Government & Veterans' Affairs; the Committee on Judiciary; and the Committee on Finance & Tax.

HB 1603—Referred to the Committee on Local Government & Veterans' Affairs; the Committee on State Administration; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1605—Referred to the Committee on Transportation; the Subcommittee on Transportation & Economic Development Appropriations; and the Committee on Appropriations.

HB 1607—Referred to the Subcommittee on Environmental Regulation; the Committee on Natural Resources; and the Committee on Appropriations.

HB 1609—Referred to the Committee on Finance & Tax and the Committee on Appropriations.

HB 1613—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; and the Committee on Appropriations.

HB 1615—Referred to the Committee on Health Care and the Committee on Finance & Tax.

HB 1617—Referred to the Committee on Commerce; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1619—Referred to the Committee on State Administration; the Committee on Health Care; and the Committee on Appropriations.

HB 1621—Referred to the Subcommittee on Elder Affairs & Long-Term Care; the Committee on Future of Florida's Families; the Subcommittee on Human Services Appropriations; and the Committee on Appropriations.

HB 1623—Referred to the Committee on Judiciary and the Committee on Appropriations.

HB 1625—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; and the Committee on Public Safety & Crime Prevention.

HB 1629—Referred to the Subcommittee on Workforce & Economic Development; the Committee on Commerce; the Committee on Local Government & Veterans' Affairs; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1631—Referred to the Subcommittee on Transportation Systems; the Committee on Transportation; the Committee on Finance & Tax; and the

Committee on Appropriations.

HB 1633—Referred to the Committee on Local Government & Veterans' Affairs; the Committee on Transportation; the Committee on Commerce; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1635—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; and the Committee on Public Safety & Crime Prevention.

HB 1637—Referred to the Committee on State Administration and the Committee on Commerce.

HB 1639—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; the Committee on Finance & Tax; the Subcommittee on Agriculture & Environment Appropriations; and the Committee on Appropriations.

HB 1641—Referred to the Subcommittee on Trades, Professions & Regulated Business; the Committee on Business Regulation; and the Committee on Commerce.

HB 1643—Referred to the Subcommittee on Banking & Securities; the Committee on Commerce; the Committee on Judiciary; the Committee on Finance & Tax; the Subcommittee on Public Safety Appropriations; and the Committee on Appropriations.

HB 1645—Referred to the Subcommittee on Public Lands & Water Resources; the Committee on Natural Resources; and the Committee on Judiciary.

HB 1647—Referred to the Subcommittee on Health Standards; the Committee on Health Care; the Committee on State Administration; and the Committee on Appropriations.

HB 1649—Referred to the Committee on Judiciary and the Committee on Business Regulation.

HB 1651—Referred to the Committee on Judiciary; the Committee on Finance & Tax; the Subcommittee on Public Safety Appropriations; and the Committee on Appropriations.

HB 1653—Referred to the Committee on Judiciary and the Committee on Commerce.

HB 1655—Referred to the Subcommittee on Health Access & Financing and the Committee on Insurance.

HB 1659—Referred to the Committee on Health Care; the Committee on Business Regulation; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1661—Referred to the Committee on Education K-20; the Subcommittee on Transportation & Economic Development Appropriations; and the Committee on Appropriations.

HB 1663—Referred to the Committee on Agriculture.

HB 1665—Referred to the Subcommittee on Transportation Systems; the Committee on Transportation; and the Committee on Finance & Tax.

HB 1667—Referred to the Subcommittee on Pre-K through 12; the Committee on Education K-20; the Subcommittee on Ethics & Elections; and the Committee on Procedures.

HM 1669—Referred to the Committee on Natural Resources.

HB 1671—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; the Committee on Business Regulation; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1673—Referred to the Committee on Judiciary.

HB 1675—Referred to the Subcommittee on Criminal Justice and the Committee on Public Safety & Crime Prevention.

HB 1677—Referred to the Committee on State Administration; the Committee on Education K-20; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

HB 1679—Referred to the Committee on State Administration; the Committee on Local Government & Veterans' Affairs; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1681—Referred to the Committee on Education K-20; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

HB 1683—Referred to the Committee on Public Safety & Crime Prevention.

HB 1685—Referred to the Committee on Local Government & Veterans' Affairs.

HB 1687—Referred to the Committee on Commerce; the Committee on Local Government & Veterans' Affairs; the Committee on State Administration; the Committee on Finance & Tax; and the Committee on Appropriations.

HB 1689—Referred to the Subcommittee on Claims and the Committee on Judiciary.

HB 1691—Referred to the Subcommittee on Claims and the Committee on Judiciary.

HB 1693—Referred to the Subcommittee on Claims and the Committee on Judiciary.

HB 1695—Referred to the Subcommittee on Workforce & Economic Development; the Committee on Commerce; the Subcommittee on Commerce & Local Affairs Appropriations; and the Committee on Appropriations.

HB 1697—Referred to the Subcommittee on Ethics & Elections; the Committee on Procedures; the Subcommittee on Transportation & Economic Development Appropriations; and the Committee on Appropriations.

HB 1699—Referred to the Subcommittee on Criminal Justice; the Committee on Public Safety & Crime Prevention; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

HB 1701—Referred to the Subcommittee on Claims; the Committee on Judiciary; and the Committee on Appropriations.

HB 1703—Referred to the Calendar of the House.

HB 1713—Referred to the Calendar of the House.

Additional Reference of Bills

HB 835 was further referred to the Committee on Judiciary.

Resolutions Adopted by Publication

At the request of Rep. Patterson —

HR 9039—A resolution designating March 18, 2003, as "Stetson University Day."

WHEREAS, established in 1883 as Florida's first private university, Stetson University is a comprehensive university comprised of four strong

colleges and schools in three Florida locations, with a fourth campus slated for completion in the fall of 2003, and offers study-abroad programs at eight foreign centers, and

WHEREAS, Stetson offers 60 majors and minors through its Colleges of Arts and Sciences, Business Administration, and Music located on its historic campus in DeLand, and its College of Law, the state's first law school, has educated attorneys for more than a century and now offers continuing legal education programs to regional, national, and international audiences, and

WHEREAS, Stetson's duPont-Ball Library houses the state's first federal document depository, established in 1887, and its college-level Model Senate program is the first such program established in the country and is a prototype for the nation, and

WHEREAS, currently, 74 percent of Stetson University undergraduates are Florida residents, nine of its alumni are serving as members of the Legislature, and students from 43 nations are enrolled in its Center for International Education, and

WHEREAS, the university's more than 200 professors are committed to blending superior teaching with scholarly research, and its University Values Council was created in 1998 to integrate values into the learning process, focusing on areas such as religious and spiritual life, ethical decision-making, diversity, and community service, NOW, THEREFORE,

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

That the House of Representatives warmly welcomes members of this prestigious university to the Capitol and hereby designates March 18, 2003, as "Stetson University Day."

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Stetson University's President, Dr. Doug Lee as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.18.

At the request of Rep. Bendross-Mindingall —

HR 9041—A resolution honoring the life and accomplishments of Isabell Queen Williams.

WHEREAS, Isabell Queen Williams was born and raised in Dade County, Florida, educated in Dade County public schools, and graduated from Miami Northwestern High School in 1961, and

WHEREAS, Isabell Queen Williams graduated in 1966 from Bethune-Cookman College with a Bachelor of Arts degree in English and later obtained a Master of Science degree and an Educational Specialist degree from Nova University, and

WHEREAS, Isabell Queen Williams worked in the Broward County School System from 1966 to 1997, a period of 31 years, during which time she served as classroom teacher, guidance counselor, adult education instructor, and assistant principal, and

WHEREAS, Isabell Queen Williams also worked as a counselor and supervisor in the Metropolitan Dade County Summer Youth Program from 1975 to 1984, was a co-owner of Royal Funeral Services in Miami, and operated RSVP Consultant Services, and

WHEREAS, Isabell Queen Williams was actively engaged in public service through involvement with Democratic politics, working as a legislative assistant to State Representative Dorothy Bendross-Mindingall and in a similar capacity for former State Senator Kendrick Meek, and

WHEREAS, throughout her adult life until her untimely death on July 27, 2001, Isabell Queen Williams was a faithful servant of God, working tirelessly and selflessly in her church, her sorority, and her community to help others acquire the education, training, skills, and resources needed to succeed in life, and

WHEREAS, Isabell Queen Williams was an obedient daughter, a faithful sister, a dedicated wife, a caring mother, a steadfast friend, and a remarkably accomplished person in every part of her life who exemplified the ideals on which Delta Sigma Theta Sorority, Inc., was founded, modeling sisterhood in her personal and professional relationships with other sorority members, achieving high scholastic standards, and involving herself actively and responsibly in public affairs, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to remember and honor the life, work, and outstanding accomplishments of Isabell Queen Williams in the education profession, in service to Delta Sigma Theta Sorority, Inc., in support of her church, and in social action and public service to her community, the State of Florida, and the Bahamas.

—was read and adopted by publication pursuant to Rule 10.18.

At the request of Rep. Joyner —

HR 9043—A resolution recognizing the Ninth Annual Delta Days at the Florida Capitol.

WHEREAS, since its inception in January 1913 by 22 outstanding women at Howard University in Washington, D. C., Delta Sigma Theta Sorority has been a vehicle for advocacy, effecting social change and public policy through its Social Action Commission, and

WHEREAS, nearly six weeks after its founding, the first public act of Delta Sigma Theta Sorority was its participation in the Women's Suffrage Movement demanding rights for women, and

WHEREAS, the Sorority is a sisterhood of college-educated women committed to implementing the sorority's mission through its Five Point Program Thrust: Economic Development, Educational Development, Physical and Mental Health, Political Awareness, and International Awareness and Involvement, and

WHEREAS, this organization recently celebrated 90 years of exemplary service and support to local communities, leading dialogue on public policy issues, supporting quality education, and producing new projects to stimulate current and future economic growth, and

WHEREAS, with over 200,000 college-educated women in more than 950 chapters worldwide, 47 of which are located in Florida and the Bahamas, members of Delta Sigma Theta Sorority are clearly visible as corporate and civic leaders, productive public officials, acclaimed academicians, and activists, and

WHEREAS, Delta Sorors of the Florida Legislature include Senator Larcenia Bullard and Representatives Joyce Cusack, Dorothy Bendross-Mindingall, and Arthenia Joyner, NOW, THEREFORE,

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

That the House of Representatives join the members of Delta Sigma Theta Sorority in observing the Ninth Annual Delta Days at the Florida Capitol.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Florida Leadership Team, Paulette C. Walker, Southern Regional Director; Shamen Sharelle Dailey; Martha Scott Lue; and Stacie Alderman, as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.18.

At the request of Rep. Kravitz —

HR 9045—A resolution honoring the Mandarin Athletic Association Wildcats.

WHEREAS, the Mandarin Athletic Association Wildcats finished their 2002 season with a 15-0 record, to become the top Pop Warner Junior Midget Division football team in the nation, and

WHEREAS, at Disney's Wide World of Sports in Orlando on December 14, the Mandarin Wildcats won the national championship in a convincing 30-16 victory over the Palo Alto, California, Knights, and

WHEREAS, after completing an 8-0 regular season in the Greater Jacksonville Pop Warner Conference, the 23-member hard-fighting team of 12 and 13 year olds marched steadily on to the Southeast Regional championship game and from there to the national tournament that proved them the nation's championship team, and

WHEREAS, Wildcats head coach Scott Hughes credits the winning season to the team spirit of the players, noting that in every game a different person seemed to step up and take advantage of a particular opportunity as it was

presented, NOW, THEREFORE,

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

That it is with great pride that the Members of the House of Representatives congratulate the Mandarin Athletic Association Wildcats National Champions and recognize their drive and hard work, the leadership of their coaches, and the backing of their supporting members.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to head coach Scott Hughes, to each assistant coach, and to each member of the Mandarin Athletic Association Wildcats as a tangible token of the sentiments expressed herein.

—was read and adopted by publication pursuant to Rule 10.18.

Reports of Standing Committees

Committee Reports

March 14

The Committee on Appropriations reported the following favorably: HB 805 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

March 17

The Committee on State Administration reported the following favorably: HB 143

The above bill was transmitted to the next committee of reference, the Committee on Local Government & Veterans' Affairs.

The Committee on State Administration reported the following favorably: HB 185

The above bill was transmitted to the next committee of reference, the Committee on Local Government & Veterans' Affairs.

The Committee on Commerce reported the following favorably: HB 239 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Local Government & Veterans' Affairs, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably: HB 251 with committee substitute.

The above bill was transmitted to the next committee of reference, the Subcommittee on Local Affairs, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably: HB 283 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Judiciary, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably: HB 321

The above bill was placed on the Calendar of the House.

The Committee on Commerce reported the following favorably: HB 333

The above bill was transmitted to the next committee of reference, the

Committee on Finance & Tax.

The Committee on Commerce reported the following favorably:
HB 349 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 365 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 453 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Public Safety & Crime Prevention, subject to review under Rule 6.3.

The Committee on Commerce reported the following favorably:
HB 525 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on State Administration reported the following favorably:
HB 1627

The above bill was placed on the Calendar of the House.

March 18

The Committee on Finance & Tax reported the following favorably:
HB 61 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Finance & Tax reported the following favorably:
HB 273

The above bill was placed on the Calendar of the House.

The Committee on Finance & Tax reported the following favorably:
HM 889

The above bill was transmitted to the next committee of reference, the Committee on Appropriations.

The Committee on Judiciary reported the following favorably:
HB 203

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on Judiciary reported the following favorably:
HB 439 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Future of Florida's Families, subject to review under Rule 6.3.

The Committee on Judiciary reported the following favorably:
HB 861 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Business Regulation, subject to review under Rule 6.3.

The Committee on Judiciary reported the following favorably:
HB 1241 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.

The Committee on Judiciary reported the following favorably:
HB 1243 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Business Regulation, subject to review under Rule 6.3.

The Committee on Judiciary reported the following favorably:
HB 1267 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Health Care, subject to review under Rule 6.3.

The Committee on Transportation reported the following favorably:
HB 111 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on Transportation reported the following favorably:
HB 151

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on Transportation reported the following favorably:
HB 237 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on Transportation reported the following favorably:
HB 249

The above bill was transmitted to the next committee of reference, the Subcommittee on Transportation & Economic Development Appropriations.

The Committee on Transportation reported the following favorably:
HB 679 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on Transportation reported the following favorably:
HB 875 with committee substitute.

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Committee on Transportation reported the following favorably:
HB 1155

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on Transportation reported the following favorably:
HB 1501

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax.

The Committee on Future of Florida's Families reported the following favorably:
HB 137 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

The Committee on Future of Florida's Families reported the following favorably:

HB 837 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.

The Committee on Business Regulation reported the following favorably:
HB 79 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Judiciary, subject to review under Rule 6.3.

The Committee on Business Regulation reported the following favorably:
HB 329 with committee substitute.

The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.

Excused

Reps. Baker, Bendross-Mindingall, Holloway, Mahon

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 2:36 p.m., to reconvene at 9:30 a.m., Friday, March 21, or upon call of the Chair.

Pages and Messengers for the week of March 17-21

Pages—August Brooks, Jacksonville; Shelly Bucher, Orlando; Kelly Crews, Tallahassee; Justin Stephen Franklin, Dover; Jonathan Futch, Bentonville, Arkansas; Sean Gibbins, Oviedo; Shane Gibbins, Oviedo; Keaton R. Heller, Oviedo; Gregory Kallinger, Winter Park; Frank Maguire, Orlando; Allison Nielsen, West Palm Beach; Sabina Oboukhova, Boca Raton; Robert Sadaka, Palm Beach Gardens; Rachel D. Scoles, Geneva; Zachary D. Singer, Tampa; Sarah Sokolin, Boca Raton; Lionel A. Williams, St. Petersburg.

Messengers—Latoya Atkins, Shalimar; Bonnie Baxley, Jacksonville; Joshua Cooner, North Fort Myers; Elisa Epstein, Weston; John Paul Fields, Jacksonville; Deanna Kay Franklin, Dover; Samuel C. Friedman, St. Augustine; Christopher Kallinger, Winter Park; David H. Korn, Jacksonville; Christopher C. LaBerge, Winter Park; Aaron C. Layden, Longwood; Ashley E. Leland, Lantana; Allison Meharg, Cantonment; Tyler McClintock, Dunedin; Christine D. Simone, Lake Worth; Matthew Sokoloff, Longwood; Alexander Wang, Jacksonville; Elizabeth L. Wehnes, Lutz; Allison Wells, Tampa.