



The Journal OF THE House of Representatives

Number 30

Wednesday, April 30, 2003

The House was called to order by the Speaker at 10:53 a.m.

Prayer

The following prayer was offered by the Reverend Stephen S. Linck of Grace Lutheran Church of Pensacola, upon invitation of Rep. Murzin:

Dear Heavenly Father and Gracious Lord, I wondered if any in this room would understand how hard I have struggled with the words to speak today: what to say, what to emphasize, how not to offend, how to best accomplish the opportunity You have given to proclaim Your love and truth.

And then I wondered if I have ever really appreciated how hard all our Representatives have struggled with the same issues: what to say, how to best accomplish their purpose, the advancement of justice, prosperity, and freedom.

So today we lift up a prayer of thanksgiving that we have a free government where laws rule and not violence. We pray a prayer of thanksgiving that You have raised up leaders in our communities and placed at their disposal knowledge, structure, and the means to make a real difference in people's lives.

We ask, O Lord, that You would fill each heart with an appreciation for the other person: the efforts, the hard work, the earnest, sincere motive of others.

Words seem to fail at the seriousness of the day's business. There are hungry, homeless, and helpless. There are those in need of loving care, healing hands, and patient hearts. There are children, elderly, and families crying out for help. There are communities hurting under economic stress, hurting under the deployments of war, under the loss to crime and violence—so many needs, so many voices, so few solutions.

In the midst of all this, we give thanks to You, that You have raised these opportunities to be Your servants to bring justice, health, and healing to individuals and communities.

And so today we lift up before Your throne of mercy this body of lawmakers. May all truly work together for the greater good. May Your will be accomplished through their service. We lift up the citizens of this great state of Florida to Your mercy and care. We lift up our Governor, Mr. Bush, our courts, legislative bodies, our public workers: Grant wisdom to serve with distinction and honor. We lift up our country, the United States of America, her legislative, judicial, and executive branches: that they may grant us peace, prosperity, and freedom. Keep us from calamity, pestilence, and storm. We lift up the family of Representative Ralph Poppell on the death of his father. May he be comforted with Your grace and mercy.

Grant us the wisdom and courage to face each new day as an opportunity

to see Your will accomplished through the gifts You have given us as Your servants, serving Your people. In Your mercy, Heavenly Father, hear our prayers. Amen.

The following Members were recorded present:

Session Vote Sequence: 258

Speaker Byrd in the Chair.

Adams	Cusack	Johnson	Prieguez
Allen	Davis, D.	Jordan	Quinones
Altman	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
Bendross-Mindingall	Garcia	Llorente	Ryan
Bense	Gardiner	Machek	Sansom
Benson	Gelber	Mack	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bowen	Goodlette	McInvale	Smith
Brandenburg	Gottlieb	Meadows	Sobel
Brown	Green	Mealor	Sorensen
Brummer	Greenstein	Murman	Spratt
Brutus	Harper	Murzin	Stansel
Bucher	Harrell	Needelman	Stargel
Bullard	Harrington	Negron	Troutman
Byrd	Hasner	Patterson	Vana
Cantens	Henriquez	Paul	Waters
Carassas	Hogan	Peterman	Wiles
Clarke	Holloway	Pickens	Wishner
Cretul	Homan	Planas	Zapata
Culp	Jennings	Poppell	

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

A quorum was present.

Moment of Silence

At the request of Rep. Richardson, the House observed a moment of silence in memory of Florida Civil Rights Activist, Marvin Davies.

Pledge

The Members, led by Lauren B. Goodin of Navarre, Devon Michelle Green of Stuart, and Sydney Kozlowski of Sorrento pledged allegiance to the Flag. Lauren B. Goodin served at the invitation of Rep. Sansom. Devon Michelle Green served at the invitation of Rep. Harrell. Sydney Kozlowski served at the invitation of Rep. Baker.

House Physician

The Speaker introduced Dr. Leon "Skip" Beeler of the Kennedy Space Center, who served in the Clinic today upon invitation of Rep. Allen.

Correction of the Journal

The *Journal* of April 29 was corrected and approved as corrected.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1582, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

CS for SB 1582—A bill to be entitled An act relating to blood establishments; defining the term "blood establishment"; providing standards for the operation of a blood establishment; declaring a blood establishment that does not meet those standards to be nuisance; authorizing the Agency for Health Care Administration or any state attorney to bring an action for injunction to cease operations or enjoin future operations of any blood establishment that does not meet the standards and that endangers donors or recipients; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2624 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce, Economic Opportunities, and Consumer Services and Senator Miller—

CS for SB 2624—A bill to be entitled An act relating to the Florida Black Business Investment Board, Inc.; amending s. 288.706, F.S.; authorizing the Florida Black Business Investment Board, Inc., and black business investment corporations to participate in the Florida Minority Business Loan Mobilization Program; amending s. 288.709, F.S.; deleting a requirement relating to approval of board by-laws; amending s. 288.7091, F.S.; requiring the board to certify black business investment corporations; amending s. 288.71, F.S.; providing for the adoption of policies rather than rules; amending s. 288.714, F.S.; revising a reporting date; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2162 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senator Sebesta—

CS for SB 2162—A bill to be entitled An act relating to a road designation; designating a portion of I-275 in Pinellas County as the "St. Petersburg Parkway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of State Road 100 in Flagler County as Veterans Memorial Highway; designating the "All-American Parkway" in Miami-Dade County; designating "Borinquen Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1762, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Transportation and Senators Alexander and Cowin—

CS for SB 1762—A bill to be entitled An act relating to road and bridge designations; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating J.C. Penney Memorial Boulevard in the town of Penney Farms; designating C. Fred and Marvin Arrington Bridge; designating a portion of State Road 121 as the "Deputy Renee Danell Azure Memorial Highway"; designating Rodolfo Garcia Memorial Avenue; designating Monsignor Bryan O. Walsh Boulevard; designating Joe Celestin Boulevard; designating Monsignor Emilio Vallina Boulevard; designating "Bill Seidle Boulevard"; designating "Robert 'Bullet Bob' Hayes Avenue"; designating a portion of U.S. 192 as the "Howard E. Futch Memorial Highway"; directing the Department of Transportation to erect suitable signs; designating the Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; directing the Department of Transportation to erect suitable markers; designating a portion of Interstate 95 as the Trooper Charles W. Parks Memorial Highway; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 16 as the "John S. 'Steve' Dennard Bridge"; directing the Department of Transportation to erect suitable markers; designating the Ed Fraser Memorial Highway; directing the Department of Transportation to erect suitable markers; designating the "Clyde Hart Highway" in Volusia County; directing the Department of Transportation to erect suitable markers; designating "T. Stewart Greer Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Reports of Standing Committees

Report of the Subcommittee on Rules

*The Honorable Johnnie Byrd
Speaker, House of Representatives*

April 28, 2003

Dear Mr. Speaker:

Your Subcommittee on Rules herewith submits Special Orders for Wednesday, April 30, 2003. Consideration of the House Bills on Special

Orders shall include their Senate companion measures.

I. Consideration of the following bill(s):

- HB 23 CS – Spratt & others
 - Administrative Procedures
- HB 1607 CS - Littlefield
 - Environmental Protection
- SB 2338 - Communication and Public Utilities, Peaden
 - Environmental Protection
- HB 49 – Garcia & others
 - Public Libraries
- HB 77 CS – Green & others
 - Dangerous Sexual Felony Offenders
- HB 43 – Spratt & others
 - Bridge Designations
- HB 193 CS – Barreiro & others
 - School Readiness
- CS/CS/SB 1334 - Education, Commerce, Economic Opportunities, and Consumer Services, Garcia, Constantine, Carlton, Lynn
 - Universal Prekindergarten Education
- HB 1319 CS – Harrington & others
 - Fish and Wildlife Conservation Commission
- HB 315 CS – Benson & others
 - Florida Institute for Human and Machine Cognition
- HB 329 CS – Littlefield & others
 - Tax On Gross Receipts for Utility and Communications Services
- SB 1430 - Alexander
 - Gross Receipts Tax/Manufactured Gas
- HB 113 CS – Kottkamp & others
 - Property Rights
- SB 1164 - Comprehensive Planning, Pruitt & others
 - Private Property Rights Protection
- HB 137 CS – Kilmer & others
 - Tax On Sales, Use, and Other Transactions
- HB 173 CS – Murman & others
 - Services for Victims of Sexual Battery
- SB 144 - Appropriations, Criminal Justice, Cowin & others
 - Sexual Battery Victims/Services
- HB 175 CS – Murman & others
 - Trust Funds
- SB 146 – Cowin & others
 - Rape Crisis Program Trust Fund
- HB 251 CS – Patterson & others
 - Library Records
- SB 192 - Governmental Oversight and Productivity, Lynn
 - Library Records/Confidentiality
- HB 269 CS - Arza
 - Civil and Criminal Jurisdiction Over Indian Reservations
- SB 424 - Smith
 - Indian Reservations
- HB 1825 - Future of Florida's Families, Fiorentino
 - Child Protective Investigations
- SB 1442 - Children and Families, Children and Families
 - Child Protective Investigations
- HB 1353 - Waters, Bullard
 - Florida Hurricane Catastrophe Fund
- HB 1831 - Education K-20, Kilmer
 - Corrections to the School Code Rewrite
- SB 1772 - Education, Education
 - Education
- HB 1205 CS - Gardiner
 - Truck Safety
- HB 1819 CS - Insurance, Ambler & others
 - Motor Vehicle Insurance Affordability Reform
- HB 401 CS – Brummer & others
 - Law Enforcement and Correctional Officers
- SB 1856 - Judiciary, Criminal Justice, Diaz de la Portilla & others
 - Law Enforcement/Correctional Officer **IF RECEIVED**
- HB 1157 CS - Murzin
 - Administrative Procedures
- HB 963 – Russell & others
 - Florida Interlocal Cooperation Act of 1969
- SB 140 - Communication and Public Utilities, Comprehensive Planning, Argenziano & others
 - Utilities
- HB 405 CS – Spratt & others
 - Practice of Pest Control
- CS/SB 1232 - Agriculture, Argenziano & others
 - Pest Control
- HB 433 CS - Murman
 - Behavioral Health Services
- SB 2404 - Children and Families, Lynn
 - Substance Abuse & Mental Health
- HB 441 CS – Brown & others
 - Hospitals
- SB 250 - Appropriations, Health, Aging, and Long-Term Care, Peaden & others
 - Rural Hospitals
- HB 1861 - Procedures, Hogan & others
 - Elections
- SB 1500 - Ethics and Elections, Cowin
 - Elections
- HB 463 CS – Arza & others
 - Florida High School Activities Association
- SB 2156 - Education, Diaz de la Portilla
 - Fla. High School Activities Assoc.
- HB 491 CS – Benson & others
 - Exemption from Public Records Requirements of Certain Information held by the Florida Institute for Human and Machine Cognition, Inc.
- HB 509 CS – Bowen & others
 - Agricultural Fertilizers
- SB 1644 - Natural Resources, Argenziano & others
 - Nitrate & Phosphorus Fertilizers
- HB 537 CS - Bowen
 - Environmental Health
- HB 545 CS – Llorente & others
 - Medical Practice
- CS/SB 2078 - Health, Aging, and Long-Term Care, Villalobos
 - Medical Practice
- HB 127 CS - Attkisson
 - Non-ad Valorem Assessments
- SB 1024 - Comprehensive Planning, Atwater
 - Non-Ad Valorem Assessments
- HB 1903 - Business Regulation, Mayfield & others
 - Regulation of Telecommunications Companies
- CS/SB 654 - Communication and Public Utilities, Haridopolos
 - Telecommunications Companies **IF RECEIVED**
- HB 1749 CS - Judiciary, Kottkamp
 - Probate and Trusts
- SB 2700 - Campbell
 - Probate & Trusts/Limitations
- HB 627 CS – Bilirakis & others
 - Insurance Fraud
- HB 657 CS – Kravitz & others
 - Dental Licensure Examinations
- HB 715 CS – Rivera & others
 - Child Custody Evaluations
- SB 2050 - Health, Aging, and Long-Term Care, Judiciary, Aronberg
 - Child Custody Evaluations
- HB 769 CS – Troutman & others
 - Motor Vehicle Service Agreements

- CS/SB 2278 - Commerce, Economic Opportunities, and Consumer Services, Atwater
 Motor Vehicle Service Agreements
 HB 873 - Planas & others
 Miami River Commission
 SB 732 - Villalobos
 Miami River Commission
 HB 917 CS - Baxley & others
 Student Tuition Assistance
 SB 638 - Appropriations, Clary & others
 Student Tuition Assistance
 HB 931 CS - Berfield & others
 Dentistry
 HB 939 CS - Russell & others
 County Governments
 SB 1632 - Fasano
 County Governments
 HB 967 - Adams
 Motor Vehicle Title Certificates
 HB 999 CS - Negron
 Health Insurance
 HB 1045 CS - Patterson
 Involuntary Commitment Under the Baker Act
 SB 340 - Health, Aging, and Long-Term Care, Judiciary, Lynn
 Involuntary Commitment/Baker Act
 HB 1049 CS - Stargel
 Professions
 HB 1133 CS - Davis, D. & others
 Governmental Efficiency and Productivity
 HB 1279 CS - Baxley
 Charter Schools
 CS/CS/SB 2242 - Appropriations, Education, Webster
 Charter Schools
 HB 1401 CS - Adams & others
 Blood Establishments
 SB 1582 - Health, Aging, and Long-Term Care, Saunders
 Blood Establishments
 HB 37 CS - Kravitz & others
 Sexual Offenders
 HB 1639 CS - Davis, M., & others
 State Waters and Marine Resources
 SB 1050 - Appropriations, Smith
 Fish & Wildlife Conservation Comm.
 HB 1759 - Local Government & Veterans' Affairs, Jordan & others
 Military Affairs
 CS/SB 684 - Military and Veterans' Affairs, Base Protection, and Spaceports, Military and Veterans' Affairs, Base Protection, and Spaceports, Lynn & others
 Military Affairs
 HB 1775 - Transportation, Russell
 Trust Funds
 HB 935 CS - Stargel
 Parent-child Privilege
 CS/SB 90 - Children and Families, Geller
 Parent-child Privilege
 HB 673 CS - Barreiro & others
 Mining Activities
 SB 472 - Banking and Insurance, Smith & others
 Mining Activities
 HB 695 CS - Culp & others
 Corporate Affairs
 SB 592 - Judiciary, Regulated Industries, Commerce, Economic Opportunities, and Consumer Services, Geller & others
 Corporate Affairs
 HB 1197 CS - Simmons & others
 Baker Act
 HB 1787 - State Administration, Mack
 Public Records
 HB 285 - Kallinger & others
 Human Cloning
 HM 1863 - Agriculture, Bowen & others
 Orange Juice/International Trade
 HB 1891 CS - Future of Florida's Families, Fiorentino & others
 Protection and Delivery of Services to Persons who are Disabled, Vulnerable, or Elderly
 HB 1687 CS - Zapata & others
 Governmental Reorganization
 HB 1689 - Prieguez & others
 City of Hialeah
 HB 1515 CS - Reagan & others
 Children and Families
 CS/SB 480 - Governmental Oversight and Productivity, Lynn
 Commission on Marriage & Family
 HB 1913 - State Administration, Mack
 Distribution of General Reports and Newsletters
 SB 1768 - Haridopolos
 Publication Information
 SB 1184 - Appropriations, Judiciary, Villalobos
 Judicial Branch of Government
 HJR 659 - Reagan & others
 Florida Hurricane Catastrophe Fund Assets
 HB 593 CS - Carassas & others
 Beach Improvement
 CS/SB 1566 - Finance and Taxation, Jones
 Tourist Development Taxes
 HB 117 CS - Kosmas
 Road And Bridge Designations
 HB 167 - Jennings & others
 Trust Funds
 HB 249 - Mealor & others
 License Plates
 SB 310 - Finance and Taxation, Children and Families, Transportation, Smith & others
 License Plate/Child Abuse Prevention
 HB 381 CS - Brandenburg & others
 Public Funds
 SB 258 - Geller
 Local Govt/Expenses/Electronic Pymt.
 HB 399 CS - Ryan & others
 Marine Turtles
 SB 174 - Geller
 Protection of Marine Turtles
 HB 497 CS - Slosberg & others
 Motor Vehicles
 HB 555 CS - Brutus
 Road Designations
 HB 577 CS - Kendrick & others
 Financial Services
 HB 579 CS - Kendrick & others
 Road and Bridges Designations
 SB 1994 - Transportation, Argenziano
 Road & Bridge Designations
 HB 711 CS - Machek
 Soil and Water Conservation
 HB 1395 CS - McInvale
 Real Estate Appraisers
 HB 1575 CS - Peterman & others
 Agency Reorganization
 HB 633 CS - Slosberg & others
 Driver Licenses
 CS/CS/SB 52 - Health, Aging, and Long-Term Care, Transportation, Wise & others
 Driver's Licenses/Vision Tests
 HB 1405 CS - Machek & others
 Water Management Districts
 HB 1511 CS - Fields & others
 Colleges
 HB 1695 CS - Smith & others
 Florida Black Business Investment Board, Inc.

CS/SB 2624 - Commerce, Economic Opportunities, and
Consumer Services, Miller
Fla. Black Business Investment Board

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,
Sandra L. Murman
Co-Chair
Subcommittee on Rules

Dennis A. Ross
Co-Chair
Subcommittee on Rules

On motion by Rep. Wiles, the rules were waived and **SB 2142**, **HB 1895**, **HB 987**, **HB 1933**, **HB 215**, **CS for SB 1214**, and **HB 1935**, were added to the Special Order Calendar after CS for SB 684.

On motion by Rep. Wiles, the above report was adopted, as amended.

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

Special Orders

Special Order Calendar

HB 23 was taken up. On motion by Rep. Spratt, CS for CS for SB 1584 was substituted for HB 23. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 1584—A bill to be entitled An act relating to administrative procedures; amending s. 120.52, F.S.; revising definition of invalid exercise of delegated legislative authority; providing conditions under which changes to certain rules adopted by the Department of Environmental Protection or a water management district that are incorporated by reference in rules of the other agency rule will take effect as to the incorporating rule; providing for notice; providing an objection process; amending s. 120.54, F.S.; revising provisions with respect to uniform rules; providing requirements with respect to the application of alleged facts to specific rules or statutes; amending s. 120.56, F.S.; revising rule challenges; providing hearings of such challenges to be held de novo; providing for the standard of proof to be used; revising procedures for agency response in unadopted rule proceedings; amending s. 120.569, F.S.; revising provisions with respect to decisions that affect substantial interest; providing for initial scheduling orders by the administrative law judge; providing for a discovery period; amending s. 120.57, F.S.; revising provisions with respect to additional procedures applicable to hearings involving disputed issues of material fact; revising procedures in unadopted rule proceedings; providing that an order relinquishing jurisdiction shall be rendered under certain circumstances; providing when an agency must rule on exceptions; amending s. 120.595, F.S.; redefining the term "improper purpose" and conforming a cross-reference; declaring that other provisions relating to attorney's fees and costs are unaffected by s. 120.595, F.S.; amending s. 120.60, F.S.; revising provisions with respect to licensing; providing for license issuance by default in specified circumstances; amending s. 120.68, F.S.; revising provisions with respect to judicial review; providing additional grounds for certain petitions challenging an agency rule as an invalid exercise of delegated legislative authority; amending s. 57.105, F.S.; providing administrative law judge authority to award attorney's fees and damages; amending s. 57.111, F.S.; revising attorney's fees on civil actions and administrative proceedings initiated by state agencies; providing an effective date.

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

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 259].

On motion by Rep. Littlefield, consideration of **HB 1607** was temporarily postponed under Rule 11.10.

HB 49—A bill to be entitled An act relating to public libraries; amending

s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.191, F.S.; revising provisions relating to construction grants; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing an effective date.

—was read the second time by title.

Representative Garcia offered the following:

(Amendment Bar Code: 239663)

Amendment 1 (with directory and title amendments)—Remove line(s) 82-86, and insert:

(c) Provide reciprocal borrowing and other library services pursuant to interlocal agreement. Give free library service to ~~all~~ residents of all political subdivisions within the county that receive operating grants from the state ~~of the county or residents of the special district or special tax district~~.

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

Representative Garcia offered the following:

(Amendment Bar Code: 599133)

Amendment 2 (with directory and title amendments)—Remove line(s) 112-127, and insert:

Section 2. Section 257.191, Florida Statutes, is amended to read:

257.191 Public library construction grants.--

(1) The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of public library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount 50 percent. ~~The division shall waive the matching requirement if a county or municipality requests a waiver of the matching requirement and has been designated a rural community in accordance with ss. 288.0656(2)(b) and 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a public library construction grant.~~

(2)(a) The Division of Library and Information Services may accept and administer moneys appropriated to it for small county public library construction grants. The purpose of the grants is to assist counties and municipalities that have been designated rural communities in accordance with ss. 288.0656(2)(b) and 288.06561 to construct, expand, or renovate public library facilities to meet the requirement of 0.6 square feet per capita of total library floor space.

(b) To be eligible to compete for funds under this section, a county or municipality shall:

1. Comply with the definition of rural community as provided in s. 288.0656(2)(b).

2. Have less than 0.6 square feet per capita of total library floor space.

3. Certify that the county or municipality will appropriate and expend sufficient funds to operate the completed library facility.

4. Not apply for a grant under the public library construction grant program provided in subsection (1) during the same fiscal year.

(c) The implementation of the provisions of the small county public library construction grants under this subsection shall be contingent upon specific appropriations provided to the Department of State for funding of these grants.

(3) The division shall adopt rules for the administration of library

construction grants. For the purposes of this section, s. 257.21 does not apply.

Remove line(s) 7 & 8, and insert:
s. 257.191, F.S.; revising provisions relating to public library construction grants; providing for waiver of local matching requirement under certain circumstances; authorizing the Division of Library and Information Services to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; amending s. 257.22, F.S.; permitting

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

Representative Bean offered the following:

(Amendment Bar Code: 075783)

Amendment 3 (with directory and title amendments)—Remove line(s) 112-127, and insert:

Section 2. Section 257.191, Florida Statutes, is amended to read:

257.191 Public library construction grants.--

(1) The Division of Library and Information Services may accept and administer library construction moneys appropriated to it and shall allocate such appropriation to municipal, county, and regional libraries in the form of public library construction grants on a matching basis. The local matching portion shall be no less than the grant amount, on a dollar-for-dollar basis, up to the maximum grant amount 50 percent. The division shall waive the matching requirement if a county or municipality requests a waiver of the matching requirement and has been designated a rural community in accordance with ss. 288.0656(2)(b) and 288.06561. Initiation of a library construction project 12 months or less prior to the grant award under this section shall not affect the eligibility of an applicant to receive a public library construction grant.

(2)(a) The Division of Library and Information Services may accept and administer moneys appropriated to it for small county public library construction grants. The purpose of the grants is to assist counties and municipalities that have been designated rural communities in accordance with ss. 288.0656(2)(b) and 288.06561 to construct, expand, or renovate public library facilities to meet the requirement of 0.6 square feet per capita of total library floor space.

(b) To be eligible to compete for funds under this section, a county or municipality shall:

1. Comply with the definition of rural community as provided in s. 288.0656(2)(b).

2. Have less than 0.6 square feet per capita of total library floor space.

3. Certify that the county or municipality will appropriate and expend sufficient funds to operate the completed library facility.

4. Not apply for a grant under the public library construction grant program provided in subsection (1) during the same fiscal year.

(c) The implementation of the provisions of the small county public library construction grants under this subsection shall be contingent upon specific appropriations provided to the Department of State for funding of these grants.

(3) The division shall adopt rules for the administration of library construction grants. For the purposes of this section, s. 257.21 does not apply.

Remove line(s) 7 and 8, and insert:
s. 257.191, F.S.; revising provisions relating to public library construction grants; providing for waiver of local matching requirement under certain circumstances; authorizing the Division of Library and Information Services to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; amending s. 257.22, F.S.; permitting

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

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.

HB 77—A bill to be entitled An act relating to repeat sexual offenders; amending s. 794.0115, F.S.; providing for additional offenses to be included

as permissible criteria for qualification for enhanced penalties; increasing the penalties for repeated sexual offenses; providing an effective date.

The Committee on Appropriations recommended the following:

HB 77 CS—A bill to be entitled An act relating to dangerous sexual felony offenders; amending s. 794.0115, F.S.; deleting provisions relating to repeat sexual offenders; providing criteria for the qualification of enhanced penalties; requiring sentencing to a mandatory minimum prison term; providing definitions; providing statutory construction; providing an effective date.

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

Consideration of **HB 43** was temporarily postponed under Rule 11.10.

HB 193 was taken up. On motion by Rep. Barreiro, the rules were waived and CS for CS for SB 1334, SB 534 & SB 360 was substituted for HB 193. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 1334, SB 534 & SB 360—A bill to be entitled An act relating to school readiness programs; implementing s. 1(b) and (c), Art. IX of the State Constitution; creating the voluntary universal prekindergarten education program within the Agency for Workforce Innovation; limiting the application of provisions relating to school readiness programs; requiring the State Board of Education to submit a report with recommendations on the curriculum, design, and standards of the voluntary universal prekindergarten education program; directing the Office of Program Policy Analysis and Government Accountability and the Auditor General to conduct audits and submit reports to the Governor and Legislature; providing an effective date.

—was read the second time by title.

Representative Barreiro offered the following:

(Amendment Bar Code: 611813)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Voluntary universal prekindergarten education program.--

(1) The voluntary universal prekindergarten education program shall provide a high-quality prekindergarten learning opportunity in the form of early childhood development and education which is voluntary and free for every child in this state who is 4 years of age. The program must be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution. Except as otherwise expressly provided by law, ss. 411.01-411.011, Florida Statutes, do not apply to the voluntary universal prekindergarten education program.

(2) The State Board of Education shall conduct a study on the curriculum, design, and standards for the voluntary universal prekindergarten education program. By October 1, 2003, the State Board of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Agency for Workforce Innovation and the Florida Partnership for School Readiness shall provide any necessary information and coordinate with the state board. The report must include the recommendations or options of the state board on each of the following program elements:

(a) Curriculum and standards.--Developmentally appropriate curriculum and standards that provide children a high-quality prekindergarten learning opportunity. These curriculum and standards must be designed to:

1. Address and enhance each child's ability to make age-appropriate progress;

2. Provide early childhood development of language and cognitive capabilities;

3. Provide education in basic skills and other appropriate skills; and

4. Deliver early childhood development and education according to professionally accepted standards.

(b) High-quality learning opportunity.--Quality standards that provide children a high-quality prekindergarten learning opportunity. These quality

standards must include specific recommendations or options for the expected outcomes of the voluntary universal prekindergarten education program.

(c) Quantity of instruction.--Standards for the quantity of instruction to be provided as voluntary and free for every child in the state who is 4 years of age. These standards must include specific recommendations or options for each of the following elements:

1. Hours per day; and
2. Days per year.

(d) Delivery system.--Standards for providers in order to deliver children a high-quality prekindergarten learning opportunity. These standards must include specific recommendations or options for each of the following elements:

1. Appropriate range of settings, including both public and private providers, with consideration of the capacity in each available setting;
2. Licensing or regulatory requirements for providers;
3. Health and safety requirements for providers; and
4. Parental choice.

(e) Assessment and evaluation.--Methods for measuring the performance of the voluntary universal prekindergarten education program. These methods must include specific recommendations or options for each of the following elements:

1. Assessment of age-appropriate progress for each child;
2. Evaluation of outcome measures for each provider in each setting; and
3. Evaluation of school readiness coalitions.

(f) Funding.--Estimated cost per full-time-equivalent child of the recommended curriculum, design, and standards. This cost estimate must consider funding for each of the state board's recommendations or options for each of the program elements described in this subsection.

(3) The report must also include the state board's recommendations or options for best practices to improve the outcomes of school readiness coalitions and providers.

Section 2. Audits.--

(1) Performance Audit.--The Office of Program Policy Analysis and Government Accountability shall conduct a performance audit of the school readiness programs administered by the Florida Partnership for School Readiness, the Agency for Workforce Innovation, and the school readiness coalitions for fiscal years 2000-2001, 2001-2002, and 2002-2003. The audit shall reassess the implementation, efficiency, and outcomes of the school readiness programs and shall examine the progress achieved by the Florida Partnership for School Readiness and the school readiness coalitions in response to the office's findings and recommendations reported under s. 411.01(11), Florida Statutes. The office shall also:

(a) Monitor the study conducted by the State Board of Education on the voluntary universal prekindergarten education program;

(b) Evaluate the ability of the school readiness system to effectively implement the voluntary universal prekindergarten education program based upon the state board's recommendations or options for curriculum, design, and standards for the program; and

(c) Identify modifications or options for the school readiness system necessary to effectively implement the voluntary universal prekindergarten education program.

A report of the audit's findings and recommendations or options shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004.

(2) Financial and Operational Audit.--The Auditor General shall conduct a financial and operational audit of the school readiness programs administered by the Florida Partnership for School Readiness, the Agency for Workforce Innovation, and the school readiness coalitions for fiscal years 2000-2001, 2001-2002, and 2002-2003. The Auditor General shall also examine compliance with state and federal law and with rules adopted by the Florida Partnership for School Readiness and shall review implementation of the school readiness plans for compliance with the approved plans. A report of the audit's findings and recommendations or options shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2004.

While the audits are being conducted pursuant to this section, local school readiness coalitions shall refrain from initiating new long-term fiscal commitments.

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

Remove the entire title, and insert:

A bill to be entitled

An act relating to school readiness programs; implementing s. 1(b) and (c), Art. IX of the State Constitution; creating the voluntary universal prekindergarten education program; limiting the application of provisions relating to school readiness programs; requiring the State Board of Education to submit a report with recommendations or options for the curriculum, design, and standards of the voluntary universal prekindergarten education program; directing the Office of Program Policy Analysis and Government Accountability and the Auditor General to conduct audits and submit reports to the Governor and Legislature; providing an effective date.

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

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.

HB 43 was taken up. On motion by Rep. Spratt, the rules were waived and—

CS for SB 1762—A bill to be entitled An act relating to road and bridge designations; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating J.C. Penney Memorial Boulevard in the town of Penney Farms; designating C. Fred and Marvin Arrington Bridge; designating a portion of State Road 121 as the "Deputy Renee Danell Azure Memorial Highway"; designating Rodolfo Garcia Memorial Avenue; designating Monsignor Bryan O. Walsh Boulevard; designating Joe Celestin Boulevard; designating Monsignor Emilio Vallina Boulevard; designating "Bill Seidle Boulevard"; designating "Robert 'Bullet Bob' Hayes Avenue"; designating a portion of U.S. 192 as the "Howard E. Futch Memorial Highway"; directing the Department of Transportation to erect suitable signs; designating the Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; directing the Department of Transportation to erect suitable markers; designating a portion of Interstate 95 as the Trooper Charles W. Parks Memorial Highway; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 16 as the "John S. 'Steve' Dennard Bridge"; directing the Department of Transportation to erect suitable markers; designating the Ed Fraser Memorial Highway; directing the Department of Transportation to erect suitable markers; designating the "Clyde Hart Highway" in Volusia County; directing the Department of Transportation to erect suitable markers; designating "T. Stewart Greer Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was taken up, and substituted for HB 43. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Spratt, the rules were waived and CS for SB 1762 was read the second time by title.

Representative Zapata offered the following:

(Amendment Bar Code: 416507)

Amendment 1 (with title amendment)—On page 7, between line(s) 9 and 10, insert:

Section 20. Cesar Calas Way designated; department to erect suitable markers.--

(1) That portion of 8th Street between S.W. 58th Avenue and S.W. 60th Avenue in Miami-Dade County is hereby designated as "Cesar Calas Way."

(2) The Department of Transportation is directed to erect suitable markers designating Cesar Calas Way as described in subsection (1).

Section 21. Firpo Garcia Way designated; department to erect suitable markers.--

(1) That portion of Kendall Drive between 127th Avenue and 130th

Avenue in unincorporated Miami-Dade County is designated as "Firpo Garcia Way."

(2) The Department of Transportation is directed to erect suitable markers designating Firpo Garcia Way as described in subsection (2).

On page 2, line(s) 8,
remove: all of said line

and insert:
Boulevard," Cesar Calas Way, and Firpo Garcia Way in Miami-Dade County;
directing the

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

Representative Brutus offered the following:

(Amendment Bar Code: 467653)

Amendment 2 (with title amendment)—On page 4, line(s) 17-23,
remove: All of said lines

and insert:

Section 9. Toussaint L'Ouverture Boulevard designated; markers.--
(1) That portion of N.W. 125th Street between S.W. 17th Avenue and
Biscayne Boulevard in Miami-Dade County is designated as "Toussaint
L'Ouverture Boulevard."

(2) The Department of Transportation is directed to erect suitable markers
designating Toussaint L'Ouverture Boulevard as described in subsection (1).

On page 1, line(s) 15,
remove: All of said line

and insert:
Toussaint L'Ouverture Boulevard; designating Monsignor

Rep. Brutus moved the adoption of the amendment.

Further consideration of **CS for SB 1762**, with pending amendment, was
temporarily postponed under Rule 11.10.

HB 1319—A bill to be entitled An act relating to protection of manatees;
amending s. 370.12, F.S.; providing that a portion of the proceeds of the Save
the Manatee Trust Fund shall be used for funding law enforcement positions
within the Fish and Wildlife Conservation Commission for enforcement of
laws designed to protect manatee populations in certain counties; requiring
additional information to be included in an annual report regarding
expenditure of the funds in the trust fund; providing an effective date.

The Committee on Natural Resources recommended the following:

HB 1319 CS—A bill to be entitled An act relating to the Fish and Wildlife
Conservation Commission; amending s. 370.12, F.S.; providing that a portion
of the proceeds of the Save the Manatee Trust Fund shall be used for funding
additional marine field law enforcement positions within the commission for
enforcement of laws designed to protect manatee populations in certain
counties; deleting requirement that the commission solicit advisory
recommendations from the Save the Manatee Committee; requiring additional
information to be included in an annual report regarding expenditure of the
funds in the trust fund; amending s. 20.331, F.S.; creating an Office of
Boating and Waterways within the commission; authorizing the commission
to assign duties to such office; amending s. 206.606, F.S.; providing for
transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine
Resources Conservation Trust Fund; amending s. 370.0603, F.S.; including
boating and boating-related activities, programs, and law enforcement under
purposes of the Marine Resources Conservation Trust Fund; providing for the
uses of the funds transferred from the Fuel Tax Collection Trust Fund;
creating s. 327.47, F.S.; providing for competitive grant programs developed
and administered by the commission; authorizing the commission to adopt
rules; providing an effective date.

—was read the second time by title.

Representative Harrington offered the following:

(Amendment Bar Code: 210785)

Amendment 1 (with title amendment)—Remove everything after the
enacting clause, and insert:

Section 1. Paragraph (a) of subsection (4) of section 370.12, Florida
Statutes, is amended to read:

370.12 Marine animals; regulation.--

(4) ANNUAL FUNDING OF PROGRAMS FOR MARINE ANIMALS.--

(a) Each fiscal year the Save the Manatee Trust Fund shall be available to
fund an impartial scientific benchmark census of the manatee population in
the state. Weather permitting, the study shall be conducted annually by the
Fish and Wildlife Conservation Commission and the results shall be made
available to the President of the Senate, the Speaker of the House of
Representatives, and the Governor and Cabinet for use in the evaluation and
development of manatee protection measures. In addition, the Save the
Manatee Trust Fund shall be available for annual funding of activities of
public and private organizations and those of the commission intended to
provide manatee and marine mammal protection and recovery effort;
manufacture and erection of informational and regulatory signs; production,
publication, and distribution of educational materials; participation in manatee
and marine mammal research programs, including carcass salvage and other
programs; programs intended to assist the recovery of the manatee as an
endangered species, assist the recovery of the endangered or threatened
marine mammals, and prevent the endangerment of other species of marine
mammals; and other similar programs intended to protect and enhance the
recovery of the manatee and other species of marine mammals. ~~The
commission shall annually solicit advisory recommendations from the Save
the Manatee Committee affiliated with the Save the Manatee Club, as
identified and recognized in Executive Order 85-19, on the use of funds from
the Save the Manatee Trust Fund.~~

Section 2. Subsection (3) of section 20.331, Florida Statutes, is amended,
and paragraph (e) is added to subsection (5) of said section, to read:

20.331 Fish and Wildlife Conservation Commission.--

(3) The following administrative units are established within the
commission:

- (a) Division of Administrative Services.
- (b) Division of Law Enforcement.
- (c) Division of Freshwater Fisheries.
- (d) Division of Marine Fisheries.
- (e) Division of Wildlife.
- (f) Florida Marine Research Institute.

The bureaus and offices of the Game and Fresh Water Fish Commission
existing on February 1, 1999, are established within the Fish and Wildlife
Conservation Commission. Effective July 1, 2003, there is created within the
commission an Office of Boating and Waterways with duties and
responsibilities as provided in subsection (5).

(5) In further exercise of its duties, the Fish and
Wildlife Conservation Commission:

(e) Shall assign to the Office of Boating and Waterways such powers,
duties, responsibilities, and functions as are necessary to manage and promote
the use of state waterways for safe and enjoyable boating. Duties and
responsibilities include, but are not limited to, oversight and coordination of
waterway markers on state waters, providing boating education and boating
safety programs, improving boating access, coordinating the removal of
derelict vessels from state waters, economic development initiatives to
promote boating in the state, and coordinating the submission of state
comments on marine events.

Section 3. Paragraph (d) is added to subsection (1) of section 206.606,
Florida Statutes, to read:

206.606 Distribution of certain proceeds.--

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall
be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after
deducting the service charges imposed by s. 215.20, the refunds granted
pursuant to s. 206.41, and the administrative costs incurred by the department
in collecting, administering, enforcing, and distributing the tax, which

administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(d) A portion of the moneys attributable to the sale of motor diesel fuel at marinas shall be transferred from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission as follows:

1. \$2.5 million in fiscal year 2003-2004.
2. \$5.0 million in fiscal year 2004-2005.
3. \$8.5 million in fiscal year 2005-2006.
4. \$10.9 million in fiscal year 2006-2007.
5. \$13.4 million in fiscal year 2007-2008 and each fiscal year thereafter.

Section 4. Subsection (1) of section 370.0603, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

370.0603 Marine Resources Conservation Trust Fund; purposes.--

(1) The Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission shall serve as a broad-based depository for funds from various marine-related and boating-related activities and shall be administered by the commission for the purposes of:

- (a) Funding for marine research.
- (b) Funding for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.
- (c) Funding for marine law enforcement.
- (d) Funding for administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities.
- (e) Funding for the operations of the Fish and Wildlife Conservation Commission.
- (f) Funding for titling and registration of vessels.
- (g) Funding for marine turtle protection, research, and recovery activities from revenues that are specifically credited to the trust fund for these purposes.
- (h) Funding activities for rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected, including relaying and transplanting live oysters.
- (i) Funding for boating research, boating-related programs and activities, and law enforcement on state waters.

(4) Funds transferred to the Marine Resources Conservation Trust Fund from the Fuel Tax Collection Trust Fund pursuant to s. 206.606 shall be used for the following purposes:

- (a) To provide additional water-related law enforcement, including enforcement of laws and regulations related to the protection of manatees.
- (b) For the placement of uniform waterway markers on state waters.
- (c) To provide funding for construction and maintenance of publicly owned boat ramps, piers, and docks, directly and through grants to counties and municipalities.
- (d) To implement and administer programs related to boating safety and education, manatee technical avoidance technology, and economic development initiatives to promote boating in the state, including competitive grant programs as provided in s. 327.47.
- (e) For other activities of the Office of Boating and Waterways such as coordinating the submission of state comments on boating-related events.

Funds not used in one fiscal year must be carried over for use in subsequent fiscal years.

Section 5. Section 327.47, Florida Statutes, is created to read:

327.47 Competitive grant program.--The commission shall develop and administer competitive grant programs funded with moneys transferred pursuant to s. 206.606(1)(d). Grants may be awarded for the construction and maintenance of publicly owned boat ramps, piers, and docks, boater education, deployment of manatee technical avoidance technology, and economic development initiatives that promote boating in the state. The commission may adopt rules pursuant to chapter 120 to administer this section.

Section 6. From the \$2.5 million in marina fuel tax revenue transferred to the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission under the provisions of this act, 10 additional sworn law enforcement FTEs are authorized and \$1.8 million is appropriated to fund equipment, training, expenses, and 5 months of salaries and benefits beginning in fiscal year 2003-2004, and \$700,000 is appropriated to fund the activities specified in s. 370.0603(4), Florida Statutes.

Section 7. This act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.12, F.S.; deleting a requirement that the commission solicit advisory recommendations from the Save the Manatee Committee; amending s. 20.331, F.S.; creating the Office of Boating and Waterways within the commission; providing powers and duties of the office; amending s. 206.606, F.S.; providing for the transfer of moneys from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund; amending s. 370.0603, F.S.; adding additional purposes and providing for the use of funds transferred from the Fuel Tax Collection Trust Fund; creating s. 327.47, F.S.; providing for competitive grant programs developed and administered by the commission; authorizing the commission to adopt rules; authorizing additional positions and providing appropriations; providing an effective date.

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

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.

HB 315—A bill to be entitled An act relating to the Florida Institute of Human and Machine Cognition; creating s. 1004.447, F.S.; establishing the Florida Institute of Human and Machine Cognition at the University of West Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors; providing for an annual postaudit and report; authorizing the board of directors to secure liability protection; providing for assumption of responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; authorizing contracts without competitive bidding; providing that the institute shall be a corporation acting as an instrumentality of the state for purposes of sovereign immunity; providing an effective date.

The Committee on Appropriations recommended the following:

HB 315 CS—A bill to be entitled An act relating to the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.447, F.S.; establishing the Florida Institute for Human and Machine Cognition, Inc., at the University of West Florida as a not-for-profit corporation; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing for articles of incorporation; providing powers of the corporation; authorizing contracts without competitive bidding; providing for a board of directors; providing for an affiliation agreement; providing for an annual postaudit report; authorizing the corporation to secure liability protection; providing for assumption of responsibilities of the corporation by the University of West Florida under certain circumstances; providing for administration of the institute by a chief executive officer and providing duties; requiring appointment of a council of scientific advisers and providing duties; providing that the corporation and its subsidiaries are not agencies for certain purposes; authorizing additional affiliation agreements; providing an effective date.

—was read the second time by title.

Representative Benson offered the following:

(Amendment Bar Code: 677889)

Amendment 1—Remove line(s) 82 and 83, and insert: any authorized and approved subsidiary must be approved in a written agreement by the Board of Governors. The agreement and the articles of

incorporation shall:

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

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.

HB 329 was taken up. On motion by Rep. Littlefield, the rules were waived and SB 1430 was substituted for HB 329. Under Rule 5.13, the House bill was laid on the table and—

SB 1430—A bill to be entitled An act relating to the tax on gross receipts for utility and communications services; amending s. 203.01, F.S.; excluding gross receipts from sales of manufactured gas to certain utilities from the term "gross receipts" for certain purposes; amending s. 166.231, F.S.; exempting the purchase of manufactured gas for resale or for use as fuel in the generation of electricity from the public service tax; providing an effective date.

—was read the second time by title. On motion by Rep. Littlefield, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 260

Speaker Byrd in the Chair.

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Peterman, Poppell, Roberson

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

HB 113 was taken up. On motion by Rep. Kottkamp, the rules were waived and CS for SB 1164 was substituted for HB 113. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1164—A bill to be entitled An act relating to property rights;

amending s. 70.001, F.S., the "Bert J. Harris, Jr., Private Property Rights Protection Act"; providing for the state land planning agency to receive notice of claims; amending procedures for determining a governmental entity's final decision identifying the allowable uses for a property; providing that enactment of a law or adoption of a regulation does not constitute applying the law or regulation; providing for a waiver of sovereign immunity for liability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing severability; providing an effective date.

—was read the second time by title.

Representative Sorensen offered the following:

(Amendment Bar Code: 228877)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Paragraph (d) of subsection (3), paragraph (b) of subsection (4), paragraph (a) of subsection (5), and subsections (11) and (13) of section 70.001, Florida Statutes, are amended to read:

70.001 Private property rights protection.--

(3) For purposes of this section:

(d) The term "action of a governmental entity" means a specific action of a governmental entity which affects real property, including action on an application or permit. The term does not include action to enforce compliance with uniform laws enacted or regulations adopted to protect public safety, such as building codes and fire codes. In addition, the term does not include action involving the construction, expansion, or maintenance of capital facilities.

(4)

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim ~~is being~~ presented, the governmental entity shall report the claim in writing to the state land planning agency, Department of Legal Affairs, and shall provide the agency department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(5)(a) During the 180-day-notice period, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to paragraph (4)(a) shall issue a written ~~ripeness~~ decision identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue such a written ~~ripeness~~ decision during the 180-day-notice period shall ~~cause be deemed to ripen~~ the prior action of the governmental entity to become its final decision identifying the uses for the subject property. Whether rendered by submission of a written decision during the 180-day-notice period or by failure to submit such a written decision, the final decision of a governmental entity produced under this paragraph operates as a final decision that has been rejected by the property owner. This final decision, and shall operate as a ripeness decision that has been rejected by the property owner. The ripeness decision, as a matter of law, constitutes the last prerequisite to judicial review of the merits, and the matter shall be deemed ripe or final for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue. Enacting a law or adopting a regulation does not constitute applying the law or regulation to a property. If an owner seeks relief from the governmental action through lawfully available administrative or judicial proceedings, the time for bringing an action under

this section is tolled until the conclusion of such proceedings.

(13) In accordance with s. 13, Art. X of the State Constitution, the state, for itself and for its agencies or subdivisions, prospectively waives sovereign immunity for liability for actions subject to this section, but only to the extent specified in this section. This section does not affect the sovereign immunity of government.

Section 2. Private property rights and regional reservoirs.--

(1) The Legislature finds that construction of a regional reservoir designed to store more than 10 billion gallons of water may inordinately burden nearby real property because of the proximity of the reservoir and may result in a loss of value for the property owner. Therefore, a regional water supply authority, serving three or fewer counties, that is authorized to construct, operate, and maintain such a regional reservoir shall be deemed a governmental entity under s. 70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act, for purposes of this section.

(2) This section provides a cause of action for the actions of a regional water supply authority, in siting and constructing a reservoir as described in subsection (1), that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the action of a regional water supply authority does not rise to the level of a taking. The provisions of this section are cumulative and do not abrogate any other remedy lawfully available, including any remedy lawfully available for the actions of a regional water supply authority that rise to the level of a taking. However, a regional water supply authority may not be liable more than once for compensation due to an action of the regional water supply authority that results in a loss of value for a subject real property.

(3) Each owner of real property located within 10,000 feet of the center of the footprint of a regional reservoir, as described in subsection (1), or 5,500 feet from the exterior of the berm of such reservoir, may present a claim for compensation in writing to the head of the regional water supply authority on or before December 31, 2004, for a loss in property value resulting from the proximity of the reservoir. For each claim presented under this section, s. 70.001, Florida Statutes, applies, except that when there is conflict with this section, the provisions of this section shall govern.

(a) The property owner must submit along with the claim a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property.

(b) A claim under this section shall be presented only to the regional water supply authority that is authorized to construct, operate, and maintain the reservoir.

(4) The Legislature recognizes that construction and maintenance of a regional reservoir may not necessarily interfere with allowable uses of real property near the reservoir. However, the siting and construction of the reservoir may result in an actual loss to the fair market value of real property located within 10,000 feet of the center of the footprint of the reservoir, or 5,500 feet from the exterior of the berm, because of the proximity of the reservoir. Therefore, any offer of compensation by the regional water supply authority shall be based solely on the loss of value for the property owner as a result of the proximity of the reservoir and not on the effects the reservoir has on existing uses or on a vested right to a specific use of real property.

(a) Notwithstanding s. 70.001, Florida Statutes, the regional water supply authority to whom a claim is presented shall, not later than 180 days after receiving such claim:

1. Make a written offer to purchase the real property if there is more than a 50-percent loss in value to the real property as a result of the proximity of the reservoir and if the property owner is a willing seller;

2. Make a written offer to purchase an interest in rights of use which may become transferable development rights to be held, sold, or otherwise disposed of by the regional water supply authority; or

3. Terminate negotiations.

(b) An offer by the regional water supply authority to purchase the property in fee or purchase an interest in rights of use under this section shall cover the cost of the appraisal required in subsection (3).

(5) During the 180-day period, unless the property owner accepts a written offer for purchase pursuant to subparagraph (4)(a)1. or subparagraph (4)(a)2., the regional water supply authority shall issue a final decision stating that:

(a) The real property has a loss in value due to an inordinate burden on the property resulting from the proximity of the reservoir and the regional water supply authority and property owner cannot reach an agreement on the

amount of compensation; or

(b) The property owner has failed to establish a basis for relief under the provisions of this section and s. 70.001, Florida Statutes.

Failure of the regional water supply authority to issue a final decision as required by this subsection shall cause the written offer or termination of negotiations required in subsection (4) to operate as a final decision. As a matter of law, this final decision constitutes the last prerequisite to judicial review of the merits for the purposes of the judicial proceeding provided for in s. 70.001, Florida Statutes.

(6) The circuit court, for purposes of this section, shall determine whether, considering the written offer and final decision, the regional water supply authority has inordinately burdened the subject real property. Following a determination that the regional water supply authority has inordinately burdened the real property, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the subject real property.

(7) Pursuant to s. 70.001, Florida Statutes, the court may award reasonable costs and attorney's fees and the court shall determine the amount. If the court awards the property owner reasonable costs and attorney's fees, the costs shall include the cost of the appraisal required in subsection (3).

(8) This section is repealed effective January 1, 2005. However, the repeal of this section shall not affect a claim filed on or before December 31, 2004.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 4. This act shall take effect January 1, 2004.

On page 1, lines 2-28,
Remove all of said lines

and insert:

An act relating to private property rights; amending s. 70.001, F.S., the "Bert J. Harris, Jr., Private Property Rights Protection Act"; limiting the definition of the term "action of a governmental entity"; providing that the state land planning agency rather than the Department of Legal Affairs shall receive notice of claims; amending procedures for determining a governmental entity's final decision identifying the allowable uses for a property; providing that enactment of a law or adoption of a regulation does not constitute application of the law or regulation; providing for a prospective limited waiver of sovereign immunity for liability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing an effective date.

Rep. Sorensen moved the adoption of the amendment.

Representative Sorensen offered the following:

(Amendment Bar Code: 918607)

Amendment 1 to Amendment 1 (with title amendment)—Remove line(s) 78-186

Remove line(s) 212-224, and insert:
sovereign immunity for liability; providing for severability; providing an effective date.

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

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

which was adopted.

Representative Kottkamp offered the following:

(Amendment Bar Code: 853977)

Amendment 2 (with title amendment)—On page 4, line 3, through page 7, line 15,

remove: all of said lines,

On page 1, line(s) 13-26,
remove: all of said lines

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

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.

HB 137—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; specifying a period each year during which sales of clothing, certain other items, and school supplies are exempt from such tax; making the exemption contingent upon funding in the General Appropriations Act; providing definitions; providing exceptions; providing for rules; providing an effective date.

—was taken up, having been read the second time on April 23; now pending on motion by Rep. Joyner to adopt Amendment 2 (shown in the *Journal* on page 471, April 23).

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

On motion by Rep. Arza, the amendment was laid on the table.

Representative Gottlieb offered the following:

(Amendment Bar Code: 156007)

Amendment 3 (with title amendment)—Between lines 19 and 20, insert:

Section 1. (1) The Task Force to Fix Our Economy is established. The task force shall consist of economists who have been invited to participate, one from each major public university that has an economics program or department, and one from each private university meeting the same qualifications with fall or spring semester enrollments of at least 10,000 students for the entire university, selected by the respective university, and three certified public accountants appointed by the Florida Institute of Certified Public Accountants.

(2) The task force shall examine tax and budget systems of this state and political subdivisions of this state for purposes of determining the fairest mechanisms for providing the people of this state with a fair and equitable tax system to raise sufficient revenues in this state for state and local government purposes and making recommendations on revisions to existing state and local tax and budget systems to establish those mechanisms.

(3) The task force shall select a chair and shall meet at the call of the chair but at least each month. Members of the task force shall serve without compensation but shall be entitled to reimbursement for travel and per diem expenses as provided in s. 112.061, Florida Statutes.

(4) The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, no later than 1 year after the effective date of this act, containing the results of its investigations and recommended revisions to state and local tax and budget systems.

Remove lines 11 and 12, and insert:

An act relating to the Task Force to Fix Our Economy and the tax on sales, use, and other transactions; creating the Task Force to Fix Our Economy; providing for membership, purposes, and duties of the task force; requiring a report; providing a popular name; specifying a

Rep. Gottlieb moved the adoption of the amendment.

On motion by Rep. Arza, the amendment was laid on the table.

The Speaker directed the Clerk to return to the consideration of **Amendment 2** and nullified the vote by which the amendment was laid on the table.

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

On the renewed motion by Rep. Arza, the amendment was laid on the table.

The Speaker directed the Clerk to return to the consideration of **Amendment 3** and nullified the vote by which the amendment was laid on the table.

The question recurred on the adoption of **Amendment 3**.

On the renewed motion by Rep. Arza, the amendment was laid on the table.

Representative Smith offered the following:

(Amendment Bar Code: 747823)

Amendment 4 (with title amendment)—Remove line 23, and insert: chapter 212, Florida Statutes, shall be collected on the sale to a resident of this state

Remove line 13, and insert:
period during which the sale to a resident of this state of clothing, school supplies,

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

The question recurred on the adoption of **Amendment 1** [attached to original bill and shown in the *Journal* on page 470, April 23].

Representative Wiles offered the following:

(Amendment Bar Code: 847733)

Substitute Amendment 1 (with directory and title amendments)—Remove everything after the enacting clause, and insert:

Section 1. (1) This is the "Florida Residents' Tax Relief Act of 2003."
(2) Any tax levied under the provisions of chapter 212, Florida Statutes, shall not be collected on sales of:

(a)1. Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m. through midnight, August 3, 2003.

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

3. Taxes administered on the sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$50 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, August 2, 2003, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to fund the provisions of the First Sergeant Carey Baker Military Relief Act.

(b)1. School supplies having a sales price of \$10 or less per item during the period from 12:01 a.m. through midnight, August 3, 2003.

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

3. Taxes administered on the sales of school supplies having a sales price

of \$10 or less per item during the period from 12:01 a.m., July 26, 2003, through midnight, August 2, 2003, shall be collected as stated in chapter 212, Florida Statutes, except that such revenues shall be designated to fund the provisions of the First Sergeant Carey Baker Military Relief Act.

(c)1. Books during the period from 12:01 a.m., May 1, 2004, through midnight, May 31, 2004.

2. As used in this paragraph, the term "book" means a set of printed sheets bound together and published in a volume. For purposes of this paragraph, the term "book" does not include any newspaper, magazine, or other periodical.

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

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

Section 2. The sum of \$400,000 is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of administering this act.

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

Remove the entire title, and insert:

A bill to be entitled

An act relating to the tax on sales, use, and other transactions; providing a popular name; specifying a period during which the sale of clothing, school supplies, and books are exempt from such tax; providing for allocation of the tax on clothing and school supplies during a specific period to fund certain military relief provisions; providing definitions; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

Rep. Wiles moved the adoption of the substitute amendment.

On motion by Rep. Arza, **Substitute Amendment 1** was laid on the table. The vote was:

Session Vote Sequence: 261

Speaker Byrd in the Chair.

Yeas—76

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

Nays—41

Allen	Bullard	Harper	Machek
Ambler	Cusack	Henriquez	McInvale
Antone	Fields	Holloway	Meadows
Ausley	Gannon	Jennings	Peterman
Bendross-Mindingall	Gelber	Joyner	Rich
Brandenburg	Gibson, A.	Justice	Richardson
Brutus	Gottlieb	Kendrick	Ritter
Bucher	Greenstein	Kosmas	Roberson

Ryan	Smith	Vana
Seiler	Sobel	Wiles
Slosberg	Stansel	Wishner

Votes after roll call:

Yeas—Evers

The question recurred on the adoption of **Amendment 1**, which was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 173 was taken up. On motion by Rep. Murman, CS for CS for SB 144 was substituted for HB 173. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 144—A bill to be entitled An act relating to services for victims of sexual battery; providing legislative intent with respect to enhancing the availability of services to victims of sexual battery; creating the "Sexual Battery Victims" Access to Services Act; providing definitions; authorizing the Department of Health to contract with a statewide nonprofit association for the purpose of allocating funds to rape crisis centers; requiring that funds be used to provide sexual battery recovery services to victims of sexual battery and their families; providing requirements and limitations with respect to distribution and use of funds; requiring an annual report to the Legislature on the use of funds; creating s. 938.085, F.S.; providing for an assessment of an additional court cost against any person who pleads guilty or nolo contendere to, or who is found guilty of, an act of sexual battery or other specified crimes; providing for deposit of the court cost into the Rape Crisis Program Trust Fund; providing for the trust fund to be used to support rape crisis centers; providing an appropriation; providing an effective date.

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

HB 175 was taken up. On motion by Rep. Murman, SB 146 was substituted for HB 175. Under Rule 5.13, the House bill was laid on the table and—

SB 146—A bill to be entitled An act relating to trust funds; creating the Rape Crisis Program Trust Fund within the Department of Health; providing for the use of funds and the source of funds; requiring the Department of Health to adopt rules for distributing moneys in the trust fund; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

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

HB 251 was taken up. On motion by Rep. Patterson, CS for SB 192 was substituted for HB 251. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 192—A bill to be entitled An act relating to library records; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing an effective date.

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

HB 269 was taken up. On motion by Rep. Arza, SB 424 was substituted for HB 269. Under Rule 5.13, the House bill was laid on the table and—

SB 424—A bill to be entitled An act relating to Indian reservations; amending s. 285.16, F.S.; specifying that the state's jurisdiction over criminal offenses committed within Indian reservations does not apply to Indian reservations of the Miccosukee Tribe of Indians of Florida; providing an

exception for such reservations with respect to the applicability of civil and criminal laws of the state; providing an effective date.

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

HB 1825 was taken up. On motion by Rep. Fiorentino, CS for SB 1442 was substituted for HB 1825. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1442—A bill to be entitled An act relating to child protective investigations; amending s. 39.201, F.S.; clarifying persons responsible for a child's welfare; requiring personnel from the abuse hotline of the Department of Children and Family Services to determine if a report meets the criteria for child abuse, neglect, or abandonment; modifying the consideration given to specified reporters; requiring the Department of Children and Family Services to conduct an assessment in response to certain reports involving juvenile sexual offenders; deleting the reference to the professionals mandated to report child abuse, neglect, or abandonment; providing in a different subsection for the professionals' provision of their name; providing in a different subsection the stipulation that the contracted providers and employees of the judicial branch do not need to report incidents already known by the Department of Children and Family Services; providing in a different subsection the clear duty of community-based providers to report abuse, abandonment and neglect; providing that reports of out-of-state abuse not be accepted by the hotline; amending s. 39.301, F.S.; providing for an onsite investigation process for reports meeting specified criteria; requiring approval and documentation that a report meets the criteria; requiring that certain reports are subject to an enhanced onsite child protective investigation; providing criteria; providing requirements for such investigations; requiring the department to monitor the findings of the reports in its quality assurance program; amending s. 39.302, F.S.; revising the timeframe for responding to a report of institutional child abuse; amending s. 39.307, F.S.; revising a cross-reference; amending s. 39.823, F.S., relating to guardian advocates; conforming a cross-reference to changes made by the act; amending s. 414.065, F.S.; eliminating the requirement for a referral for protection intervention; requiring the Department of Children and Family Services to establish a Protective Investigator Retention Workgroup; specifying the issues to be examined and plans to be developed; requiring a report to the Legislature on the results of the examinations and plans developed; requiring a study by the Office of Program Policy Analysis and Government Accountability concerning the availability of services and a report; requiring the Department of Children and Family Services to conduct a quality assurance review of child abuse reports that are subject to an onsite child protective investigation; requiring the quality assurance review of sheriffs' offices conducting child protective investigations to be incorporated into their program performance evaluation; requiring a report to the Legislature; prohibiting the amendment of the approved operating budget to reduce protective investigative positions; requiring the Department of Children and Family Services to develop guidelines for conducting onsite and enhanced child protection investigations in collaboration with the sheriffs' offices; providing an effective date.

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

HB 1353—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; revising definitions; including certain accounts, formerly certain associations, within the Citizens Property Insurance Corporation; including the Citizens Property Insurance Corporation within the operation of certain definitions; authorizing the State Board of Administration to charge interest on delinquent remittances to the Florida Hurricane Catastrophe Fund; expanding the insurers eligible for exemptions from certain reimbursement contract and premium provisions authorized by the board under certain circumstances; revising a reimbursement contract requirement; revising emergency assessment authority of the board relating to service of certain debt obligations; revising requirements, procedures, and limitations; providing responsibilities of surplus lines agents and the Florida Surplus Lines Service Office; revising powers and duties of the board; providing an effective date.

—was read the second time by title.

Representative Waters offered the following:

(Amendment Bar Code: 206559)

Amendment 1—Remove line(s) 63-67, and insert:
issued by a surplus lines insurer or a reinsurer. All commercial residential excess policies and all deductible buy-back policies that, based on sound actuarial principles, require individual ratemaking shall be excluded by rule if the actuarial soundness of the fund is not jeopardized. For this purpose, the term "excess policy" means a policy that provides insurance protection for large commercial property risks and that provides a layer of coverage above a primary layer insured by another insurer.

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

Representative Waters offered the following:

(Amendment Bar Code: 235055)

Amendment 2—Remove line(s) 95 and 96, and insert:
implement this section and shall specify interest due on any delinquent remittances which may not exceed the fund's rate of return, plus 5 percent. Such rules must conform to the

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

Representative Patterson offered the following:

(Amendment Bar Code: 095399)

Amendment 3—Remove line(s) 240-244, and insert:
writing property and casualty business in this state.

Rep. Patterson moved the adoption of the amendment, 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.

HB 1831 was taken up. On motion by Rep. Meador, CS for SB 1772 was substituted for HB 1831. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1772—A bill to be entitled An act relating to education; amending s. 24.121, F.S.; correcting a cross-reference; amending s. 212.055, F.S.; eliminating references to the Florida Frugal Schools Program; amending s. 216.136, F.S.; eliminating reference to an obsolete board; providing that the executive director of the Commission for Independent Education is a member of the Workforce Estimating Conference; amending s. 316.615, F.S.; revising provisions relating to rulemaking with respect to school bus operation; amending s. 402.305, F.S.; revising provisions relating to rules with respect to child care facilities; amending s. 409.1451, F.S.; correcting a cross-reference; amending s. 445.0123, F.S.; eliminating a reference to State Board of Independent Colleges and Universities; prescribing duties of the Commission for Independent Education with respect to determining eligibility for certain students; amending s. 455.2125, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 456.028, F.S.; eliminating a reference to the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education; requiring certain entities to consult with the Commission for Independent Education; amending s. 467.009, F.S.; transferring certain duties from the authority of the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 488.01, F.S.; transferring certain duties from the State Board of Nonpublic Career Education to the Commission for Independent Education; amending s. 489.125, F.S.; eliminating a reference to the Commissioner of Education; providing rulemaking authority of the State

Board of Education; amending s. 817.566, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 817.567, F.S.; correcting a cross-reference; transferring certain duties from the State Board of Independent Colleges and Universities to the Commission for Independent Education; amending s. 943.22, F.S.; replacing a reference to the Accrediting Commission for Independent Colleges to one for the Accrediting Council for Independent Colleges and Schools; amending s. 1000.04, F.S.; correcting terminology; amending s. 1001.26, F.S.; correcting a cross-reference; amending s. 1001.372, F.S.; correcting an internal reference; amending s. 1001.42, F.S.; correcting a cross-reference; amending s. 1001.50, F.S.; eliminating age as a criterion of compensation for district school superintendents; amending s. 1001.74, F.S.; correcting a cross-reference; amending s. 1002.01, F.S.; correcting a cross-reference; amending s. 1002.32, F.S.; redesignating a developmental research school as a "lab" school; deleting a cross-reference; amending s. 1002.33, F.S.; requiring compliance with s. 1012.45, F.S., for transportation of charter school students; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1002.43, F.S.; correcting a cross-reference; amending s. 1003.63, F.S.; eliminating the authority of the State Board of Education to waive law; amending s. 1004.24, F.S.; eliminating an obsolete reference to postaudits of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; revising provisions relating to university oversight of student government; amending s. 1004.445, F.S.; eliminating an obsolete reference to postaudit of financial accounts; requiring a financial audit pursuant to s. 11.45, F.S.; amending s. 1005.04, F.S.; correcting an error in punctuation; amending s. 1006.14, F.S.; correcting an error in punctuation; amending s. 1006.21, F.S.; deleting references to "regulations" and conforming references to State Board of Education; amending s. 1007.21, F.S.; deleting references to guardians; amending s. 1008.37, F.S.; correcting a date; amending s. 1009.29, F.S.; correcting reference to State Board of Education; correcting reference to the number of state universities; amending s. 1009.531, F.S.; correcting an error in grammar; amending s. 1009.534, F.S.; revising provisions relating to rules concerning the Florida Academic Scholars award; amending s. 1009.535, F.S.; revising provisions relating to rules concerning the Florida Medallion Scholars award; amending s. 1009.539, F.S.; redesignating the Florida Merit Scholars award as the Florida Medallion Scholars award; transferring certain duties of the Articulation Coordinating Committee to the State Board of Education; correcting a cross-reference; amending s. 1009.765, F.S.; revising provisions relating to rules concerning the Ethics in Business scholarships; amending s. 1009.77, F.S.; revising provisions relating to rules concerning the Florida Work Experience Program; amending s. 1010.75, F.S.; providing that fees be remitted for disbursement from the Teacher Certification Examination Trust Fund; amending s. 1011.60, F.S.; deleting a cross-reference; amending s. 1011.62, F.S.; providing that small, isolated high schools may multiply the number of full-time equivalent students if the school has attained a state accountability grade of C or better; redesignating the Accrediting Commission of the Association of Independent Colleges and Schools as the Accrediting Council for Independent Colleges and Schools; amending s. 1012.21, F.S.; correcting a reference to the Department of Education; amending s. 1012.585, F.S.; correcting the name of a trust fund; correcting a cross-reference; amending s. 1012.62, F.S.; correcting a cross-reference; amending s. 1012.74, F.S.; correcting cross-references; amending s. 1012.79, F.S.; correcting a cross-reference; amending s. 1012.795, F.S.; designating the appointed representative of a district school superintendent to receive certain records concerning certain offenses; amending s. 1012.796, F.S.; correcting cross-references; amending s. 1012.98, F.S.; requiring consultation with state university faculty; amending 1013.73, F.S.; correcting a cross-reference; amending s. 1013.74, F.S.; eliminating an obsolete cross-reference; amending s. 1001.74, F.S.; requiring the Department of Management Services to continue to administer the pre-tax benefit program for state university employees; amending s. 110.161, F.S.; including employees of state universities in definition for purposes of pretax benefits program; providing an effective date.

—was read the second time by title.

Representative Mealor offered the following:

(Amendment Bar Code: 547129)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Subsection (5) of section 17.076, Florida Statutes, is amended to read:

17.076 Direct deposit of funds.--

(5) All direct deposit records made prior to October 1, 1986, are exempt from the provisions of s. 119.07(1). With respect to direct deposit records made on or after October 1, 1986, the names of the authorized financial institutions and the account numbers of the beneficiaries are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art.I of the State Constitution. Notwithstanding this exemption and the provisions of s. 119.07(3)(dd), the department may provide a state university, upon request, with that university's employee or vendor direct deposit authorization information on file with the department in order to accommodate the transition to the university accounting system. The state university shall maintain the confidentiality of all such information provided by the department.

Section 2. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.--

(1) For the purposes of this section:

(a) "State agency" means each department created pursuant to this chapter, and also includes the Executive Office of the Governor, the Department of Military Affairs, ~~the Board of Regents~~, the Fish and Wildlife Conservation Commission, the Public Service Commission, and the state courts system.

Section 3. Paragraph (d) of subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.--

(5)

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 1001.42(16) or do not comply with school advisory council membership composition requirements pursuant to s. 1001.452(1) ~~229.58(4)~~. Effective July 1, 2002, the Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1).

Section 4. Subsection (2) of section 110.161, Florida Statutes, is amended to read:

110.161 State employees; pretax benefits program.--

(2) As used in this section, "employee" means any individual filling an authorized and established position in the executive, legislative, or judicial branch of the state, including the employees of the State Board of Administration and state universities.

Section 5. Subsection (2) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.--

(2) For the purposes of this section, the term "employee" means any person, whether appointed, elected, or under contract, providing services for the state; any state agency or county or other political subdivision of the state; any municipality; any state university board of trustees; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution for which compensation or statutory fees are paid.

Section 6. Subsection (2) of section 145.19, Florida Statutes, is amended to read:

145.19 Annual percentage increases based on increase for state career service employees; limitation.--

(2) Each fiscal year, the salaries of all officials listed in this chapter and s. 1001.47 shall be adjusted by the annual factor. The Department of Management Services shall certify the annual factor and the cumulative annual factors. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter or s. 1001.47 multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. Any special qualification salary received under this chapter or annual performance salary incentive available to elected superintendents under s. 1001.47 shall be added to such adjusted salary rate, which special qualification salary shall be \$2,000, but shall not exceed \$2,000.

Section 7. Paragraph (b) of subsection (22) of section 159.27, Florida

Statutes, is amended to read:

159.27 Definitions.--The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) "Educational facility" means:

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state's system of public education, including, but not limited to, a charter school or a ~~lab developmental research~~ school operated under chapter 1002. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision, but shall be payable solely from the revenues provided therefor.

Section 8. Paragraphs (b) and (c) of subsection (6) of section 212.055, Florida Statutes, are amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.--It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.--

(b) The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. ~~If applicable, the resolution must state that the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program.~~ The statement shall conform to the requirements of s. 101.161 and shall be placed on the ballot by the governing body of the county. The following question shall be placed on the ballot:

____ FOR THE _____ CENTS TAX

____ AGAINST THE _____ CENTS TAX

(c) The resolution providing for the imposition of the surtax shall set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. ~~If the district school board has been recognized by the State Board of Education as having a Florida Frugal Schools Program, the district's plan for use of the surtax proceeds must be consistent with this subsection and with uses assured under the Florida Frugal Schools Program.~~ Section 9. Paragraph (b) of subsection (9) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(9) WORKFORCE ESTIMATING CONFERENCE.--

(b) *Principals*.--The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the Executive Director of the State Board of Community Colleges, the chair of the State Board of Nonpublic

~~Career Education~~, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.

Section 10. Subsection (7) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.--

(7) The Adjutant General and representatives of the Board of Governors Regents, the State Board of Community Colleges, and the State Board of Education shall design and develop a tuition assistance program for members in good standing of the active Florida National Guard who enroll in a public institution of higher learning in the state in accordance with the provisions of subsection (8).

(a) The program shall set forth application requirements which include, but are not limited to, requirements that the applicant shall:

1. Be 17 years of age or older.

2. Be presently domiciled in the state.

3. Be a member in good standing in the active Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the active Florida National Guard for any school term for which exemption benefits are received.

5. Agree in writing to serve in the active Florida National Guard for 3 years after completion of the studies for which an exemption is granted.

(b) The program shall include, but not be limited to, the following penalties:

1. When a member of the active Florida National Guard receives an exemption from tuition and fees for any academic term and fails to maintain satisfactory participation in the Florida National Guard during such academic term, the exemption shall immediately be forfeited and the member shall be required to pay to the institution all tuition charges and student fees for the current academic term for which the exemption has been granted.

2. When a member of the active Florida National Guard leaves the Florida National Guard during the 3-year period such member had agreed to serve after completing the courses for which exemptions were granted, the member shall be required to reimburse the state for all tuition charges and student fees for which such member received exemptions, unless the Adjutant General determines there are justifiable extenuating circumstances.

3. If the service of a member of the active Florida National Guard is terminated or the member is placed on scholastic probation while receiving exemption benefits, the exemption shall be immediately forfeited and the member shall pay to the institution all tuition charges and student fees for the current academic term for which the member has received an exemption.

(c) The program shall define those members of the active Florida National Guard ineligible to participate in the program and those courses of study not authorized for the program.

1. Such members shall include, but not be limited to:

a. Any member, commissioned officer or warrant officer or enlisted person, who has a baccalaureate degree.

b. Any member who has 15 years or more of total military service creditable toward retirement.

c. Any member who has not completed basic military training.

2. Courses not authorized include noncredit courses, courses which do not meet degree requirements, or courses which do not meet requirements for completion of vocational-technical training.

(d) The Adjutant General, together with the Board of Governors Regents, the State Board of Community Colleges, and the State Board of Education, shall promulgate rules for the overall policy, guidance, administration, implementation, and proper utilization of the program. Such rules shall include, but not be limited to, guidelines for certification by the Adjutant General of a guard member's eligibility, procedures for notification to an institution of a guard member's termination of eligibility, and procedures for restitution when a guard member fails to comply with the penalties described in paragraph (b).

Section 11. Subsections (1) through (6) of section 287.064, Florida Statutes, are amended to read:

287.064 Consolidated financing of deferred-payment purchases.--

(1) The Division of Bond Finance of the State Board of Administration and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state universities or state community colleges participating under this section pursuant to s. 1001.74(5) or s. 1001.64(26), respectively. The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term "deferred-payment" includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph (a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency, state university, or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

(2) Unless specifically exempted by the Comptroller, all deferred-payment purchases, including those made by a state university or community college that is participating under this section, shall be acquired by funding through master equipment financing agreements. The Comptroller is authorized to exempt any purchases from consolidated financing when, in his or her judgment, alternative financing would be cost-effective or otherwise beneficial to the state.

(3) The Comptroller may require agencies to enter into interagency agreements and may require participating state universities or community colleges to enter into systemwide agreements for the purpose of carrying out the provisions of this act.

(a) The term of any interagency or systemwide agreement shall expire on June 30 of each fiscal year but shall automatically be renewed annually subject to appropriations and deferred-payment schedules. The period of any interagency or systemwide agreement shall not exceed the useful life of the equipment for which the agreement was made as determined by the Comptroller.

(b) The interagency or systemwide agreements may include, but are not limited to, equipment costs, terms, and a pro rata share of program and issuance expenses.

(4) Each state university or community college may choose to have its purchasing agreements involving administrative and instructional materials consolidated under this section.

(5) The Comptroller is authorized to automatically debit each agency's or state university's funds and each community college's portion of the Community College Program Fund consistently with the deferred-payment schedules.

(6) There is created the Consolidated Payment Trust Fund in the Comptroller's office for the purpose of implementing the provisions of this act. All funds debited from each agency, state university, and each community college may be deposited in the trust fund and shall be used to meet the financial obligations incurred pursuant to this act. Any income from the investment of funds may be used to fund administrative costs associated with this program.

Section 12. Subsection (7) of section 288.7091, Florida Statutes, is amended to read:

288.7091 Duties of the Florida Black Business Investment Board, Inc.--The Florida Black Business Investment Board, Inc., shall:

(7) Develop memoranda of understanding with the Departments of Education, Transportation, Community Affairs, and Management Services, as

well as with Workforce Florida, Inc., and the State Florida Board of Education, detailing efforts of common interest and collaborations to expand black business development;

Section 13. Subsection (3) of section 316.615, Florida Statutes, is amended to read:

316.615 School buses; physical requirements of drivers.--

(3) A person may not operate or cause to be operated a motor vehicle covered by subsection (1) or subsection (2) when transporting school children unless the operator has met the physical examination requirements established by law and by rule of adopted by the State Board Commissioner of Education. The operator of such a motor vehicle shall pass an annual physical examination and have posted in the vehicle a certificate to drive the vehicle.

Section 14. Paragraph (b) of subsection (1) and paragraph (b) of subsection (7) of section 402.305, Florida Statutes, are amended to read:

402.305 Licensing standards; child care facilities.--

(1) LICENSING STANDARDS.--The department shall establish licensing standards that each licensed child care facility must meet regardless of the origin or source of the fees used to operate the facility or the type of children served by the facility.

(b) All standards established under ss. 402.301-402.319 must be consistent with the rules adopted by the State Fire Marshal for child care facilities. However, if the facility is operated in a public school, the department shall use the public school fire code, as provided in the rules of the State Board Department of Education, as the minimum standard for firesafety.

(7) SANITATION AND SAFETY.--

(b) In the case of a child care program for school-age children attending before and after school programs on the public school site, the department shall use the public school fire code, as adopted promulgated in the rules of the State Board Department of Education, as the minimum standard for fire safety. In the case of a child care program for school-age children attending before-school and after-school programs on a site operated by a municipality, the department shall adopt rules for such site and intended use.

Section 15. Paragraph (b) of subsection (5) of section 409.1451, Florida Statutes, is amended to read:

409.1451 Independent living transition services.--

(5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.--Based on the availability of funds, the department shall provide or arrange for the following services to young adults formerly in foster care who meet the prescribed conditions and are determined eligible by the department. The categories of services available to assist a young adult formerly in foster care to achieve independence are:

(b) *Road-to-Independence Scholarship Program.*--

1. The Road-to-Independence Scholarship Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall equal the earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job, after considering other grants and scholarships that are in excess of the educational institutions' fees and costs, and contingent upon available funds. Students eligible for the Road-to-Independence Scholarship Program may also be eligible for educational fee waivers for workforce development postsecondary programs, community colleges, and universities, pursuant to s. 1009.25(2)(c).

2. A young adult 18 to 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

a. Is a dependent child, pursuant to chapter 39, and is living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday;

b. Has spent at least 6 months living in foster care before reaching his or her 18th birthday;

c. Is a resident of this state as defined in s. 1009.40; and

d. Meets one of the following qualifications:

(I) Has earned a standard high school diploma or its equivalent as described in ~~s. 1003.425~~ or s. 1003.43 or s. 1003.435, and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in s. 1009.533;

(II) Is enrolled full time in an accredited high school, is within 2 years of graduation, and has maintained a grade point average of at least 2.0 on a scale of 4.0 for the two semesters preceding the date of his or her 18th birthday; or

(III) Is enrolled full time in an accredited adult education program

designed to provide the student with a high school diploma or its equivalent, is making satisfactory progress in that program as certified by the program, and is within 2 years of graduation.

3.a. The department must advertise the availability of the program and must ensure that the children and young adults leaving foster care, foster parents, or family services counselors are informed of the availability of the program and the application procedures.

b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if such application is made before the young adult's 21st birthday.

c. If funding for the program is available, the department shall issue awards from the scholarship program for each young adult who meets all the requirements of the program.

d. An award shall be issued at the time the eligible student reaches 18 years of age.

e. If the award recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the recipient.

f. Scholarship funds awarded to any eligible young adult under this program are in addition to any other services provided to the young adult by the department through its independent living transition services.

g. The department shall provide information concerning young adults receiving the Road-to-Independence Scholarship to the Department of Education for inclusion in the student financial assistance database, as provided in s. 1009.94.

h. Scholarship funds shall be terminated when the young adult has attained a bachelor of arts or bachelor of science degree, or equivalent undergraduate degree, or reaches 23 years of age, whichever occurs earlier.

i. The department shall evaluate and renew each award annually during the 90-day period before the young adult's birthday. In order to be eligible for a renewal award for the subsequent year, the young adult must:

(I) Complete at least 12 semester hours or the equivalent in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of s. 1009.41.

(II) Maintain the cumulative grade point average required by the scholarship program, except that, if the young adult's grades are insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving the grade point average to the required level.

j. Scholarship funds may be terminated during the interim between an award and the evaluation for a renewal award if the department determines that the award recipient is no longer enrolled in an educational institution as defined in sub-subparagraph 2.d., or is no longer a state resident. The department shall notify a student who is terminated and inform the student of his or her right to appeal.

k. An award recipient who does not qualify for a renewal award or who chooses not to renew the award may subsequently apply for reinstatement. An application for reinstatement must be made before the young adult reaches 23 years of age, and a student may not apply for reinstatement more than once. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the scholarship program.

l. A young adult receiving continued services of the foster care program under former s. 409.145(3) must transfer to the scholarship program by July 1, 2003.

Section 16. Subsection (6) of section 440.38, Florida Statutes, is amended to read:

440.38 Security for compensation; insurance carriers and self-insurers.--

(6) The state and its boards, bureaus, departments, and agencies and all of its political subdivisions which employ labor, and the state universities, shall be deemed self-insurers under the terms of this chapter, unless they elect to procure and maintain insurance to secure the benefits of this chapter to their employees; and they are hereby authorized to pay the premiums for such insurance.

Section 17. Subsection (5) of section 445.012, Florida Statutes, is amended to read:

445.012 Careers for Florida's Future Incentive Grant Program.--

(5) A recipient who is pursuing a baccalaureate degree shall receive \$100 for each lower-division credit hour in which the student is enrolled at an

eligible college or university, up to a maximum of \$1,500 per semester, and \$200 for each upper-division credit hour in which the student is enrolled at an eligible college or university, up to a maximum of \$3,000 per semester. For purposes of this section, a student is pursuing a baccalaureate degree if he or she is in a program that articulates into a baccalaureate degree program by agreement of the ~~State Board of Education Articulation Coordinating Committee~~. A student in an applied technology diploma program, a certificate career education program, or a degree career education program that does not articulate into a baccalaureate degree program shall receive \$2 for each vocational contact hour, or the equivalent, for certificate programs, or \$60 for each credit hour, or the equivalent, for degree career education programs and applied technology programs for which the student is enrolled at an eligible college, technical center, or nonpublic career education school.

Section 18. Subsection (5) of section 445.0122, Florida Statutes, is amended to read:

445.0122 Student eligibility requirements for renewal awards.--

(5) A student maintains eligibility for an award for 4 years following receipt of the initial award for courses in the lower division and 4 years following receipt of the initial award for courses in the upper division. For purposes of this subsection, lower-division courses include courses in an eligible applied technology diploma program or a certificate or degree career education program that does not articulate into a baccalaureate degree program by agreement of the ~~State Board of Education Articulation Coordinating Committee~~, as well as courses in associate in arts and associate in science degree programs that articulate into a baccalaureate degree program.

Section 19. Subsections (4) and (5) of section 445.0123, Florida Statutes, are amended to read:

445.0123 Eligible postsecondary education institutions.--A student is eligible for an award or the renewal of an award from the Careers for Florida's Future Incentive Grant Program if the student meets the requirements for the program as described in ss. 445.012-445.0125 and is enrolled in a postsecondary education institution that meets the description of any one of the following:

(4) An independent postsecondary education institution in this state which is licensed by the ~~Commission for Independent Education State Board of Independent Colleges and Universities~~ and which:

(a) Shows evidence of sound financial condition; and
(b) Has operated in this state for at least 3 years without having its approval, accreditation, or license placed on probation.

(5) An independent postsecondary education institution in this state which is licensed by the ~~Commission for Independent Education State Board of Nonpublic Career Education~~ and which:

(a) Has a program-completion and placement rate of at least the rate required by current state law, the Florida Administrative Code, or the Department of Education for an institution at its level;

(b) Shows evidence of sound financial condition; and
(c)1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in this state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in this state for 5 years during which there has been no complaint for which probable cause has been found.

Section 20. Subsections (2) and (4) of section 445.0124, Florida Statutes, are amended to read:

445.0124 Eligible programs.--

(2) Eligible lower-division programs are those programs that prepare a student for admission to a degree program that prepares students for employment in targeted career occupations listed in subsection (3). These programs include any associate in science degree program that articulates into a baccalaureate degree program by agreement of the ~~State Board of Education Articulation Coordinating Committee~~.

(4) Eligible career education programs are those programs in the following business sectors: information technology/telecommunications, biomedical technology, manufacturing-electronics, aviation/transportation, and skilled building trades. Workforce Florida, Inc., must determine eligible programs within these sectors annually in cooperation with the State Board of ~~Community Colleges and the Department of Education~~.

Section 21. Section 455.2125, Florida Statutes, is amended to read:

455.2125 Consultation with postsecondary education boards prior to

adoption of changes to training requirements.--Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Governors Regents, and the State Board of Education Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 22. Section 456.028, Florida Statutes, is amended to read:

456.028 Consultation with postsecondary education boards prior to adoption of changes to training requirements.--Any state agency or board that has jurisdiction over the regulation of a profession or occupation shall consult with the Commission for Independent Education State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Governors Regents, and the State Board of Education Community Colleges prior to adopting any changes to training requirements relating to entry into the profession or occupation. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.

Section 23. Paragraph (c) of subsection (6) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.--

(6) PROGRAM APPROVAL.--

(c) Any community college with the approval of the State Board of Education Community Colleges may conduct a physician assistant program which shall apply for national accreditation through the American Medical Association's Committee on Allied Health, Education, and Accreditation, or its successor organization, and which may admit unlicensed physicians, as authorized in subsection (7), who are graduates of foreign medical schools listed with the World Health Organization. The unlicensed physician must have been a resident of this state for a minimum of 12 months immediately prior to admission to the program. An evaluation of knowledge base by examination shall be required to grant advanced academic credit and to fulfill the necessary requirements to graduate. A minimum of one 16-week semester of supervised clinical and didactic education, which may be completed simultaneously, shall be required before graduation from the program. All other provisions of this section shall remain in effect.

Section 24. Subsection (8) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.--

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education State Board of Nonpublic Career Education.

Section 25. Section 488.01, Florida Statutes, is amended to read:

488.01 License to engage in business of operating a driver's school required.--The Department of Highway Safety and Motor Vehicles shall oversee and license all commercial driver's schools except truck driving schools. All commercial truck driving schools shall be required to be licensed pursuant to chapter 1005, and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license therefor from the Department of Highway Safety and Motor Vehicles pursuant to this chapter or from the Commission for Independent Education State Board of Nonpublic Career Education pursuant to chapter 1005.

Section 26. Section 489.125, Florida Statutes, is amended to read:

489.125 Prequalification of certificateholders.--Any person holding a certificate shall be prequalified to bid by a district school board pursuant to uniform prequalification of contractors criteria adopted by rule of the State Board Commissioner of Education. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a district school board. A district school board may not modify or

supplement the uniform prequalification criteria adopted by rule. A person holding a certificate must apply to each board for prequalification consideration.

Section 27. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.--Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university lab developmental research school; a state university or any other entity of the state system of public education, as defined in s. 1000.04; an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 28. Section 817.566, Florida Statutes, is amended to read:

817.566 Misrepresentation of association with, or academic standing at, postsecondary educational institution.--Any person who, with intent to defraud, misrepresents his or her association with, or academic standing or other progress at, any postsecondary educational institution by falsely making, altering, simulating, or forging a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper; or any person who causes or procures such a misrepresentation; or any person who utters and publishes or otherwise represents such a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper as true, knowing it to be false, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Individuals who present a religious academic degree from any college, university, seminary, or institution which is not licensed by the Commission for Independent Education State Board of Independent Colleges and Universities or which is not exempt pursuant to the provisions of s. 1005.06(1)(e) 246.085 shall disclose the religious nature of the degree upon presentation.

Section 29. Paragraph (d) of subsection (1) of section 817.567, Florida Statutes, is amended to read:

817.567 Making false claims of academic degree or title.--

(1) No person in the state may claim, either orally or in writing, to possess an academic degree, as defined in s. 1005.02, or the title associated with said degree, unless the person has, in fact, been awarded said degree from an institution that is:

(d) Licensed by the Commission for Independent Education State Board of Independent Colleges and Universities pursuant to ss. 1005.01-1005.38 or exempt from licensure pursuant to chapter 1005 s. 246.085; or

Section 30. Subsection (4) of section 943.17, Florida Statutes, is amended to read:

943.17 Basic recruit, advanced, and career development training programs; participation; cost; evaluation.--The commission shall, by rule, design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for basic recruit, advanced, and career development training programs and courses. The rules shall include, but are not limited to, a methodology to assess relevance of the subject matter to the job, student performance, and instructor competency.

(4) The commission may, by rule, establish a sponsorship program for prospective officers. The rule shall specify the provisions of s. 943.13 that must be satisfied prior to the prospective officer's enrollment in a basic recruit training course. However, the rule shall not conflict with any laws or rules of the State Board Department of Education relating to student enrollment.

Section 31. Paragraph (a) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.--

(1) For the purpose of this section, the term:

(a) "Accredited college, university, or community college" means a

college, university, or community college which has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, or the Accrediting Council Commission for Independent Colleges and Schools.

Section 32. Subsection (1) of section 1000.04, Florida Statutes, is amended to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.--Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; workforce development education; ~~area~~ technical centers; adult, part-time, career and technical, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

Section 33. Paragraph (a) of subsection (2) of section 1001.26, Florida Statutes, is amended to read:

1001.26 Public broadcasting program system.--

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to ~~s. 282.102 part III of chapter 287~~ and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying out the purposes and objectives of this section.

Section 34. Subsection (1) of section 1001.32, Florida Statutes, is amended to read:

1001.32 Management, control, operation, administration, and supervision.--The district school system must be managed, controlled, operated, administered, and supervised as follows:

(1) DISTRICT SYSTEM.--The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board ~~and the commissioner~~. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

Section 35. Subsection (3) of section 1001.372, Florida Statutes, is amended to read:

1001.372 District school board meetings.--

(3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The presiding officer of any district school board may order the removal, from a public meeting held by the district school board, of any person interfering with the expeditious or orderly process of such meeting, provided such officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the officer shall remove any person ordered removed pursuant to this ~~subsection~~ ~~section~~.

Section 36. Section 1001.395, Florida Statutes, is amended to read:

1001.395 District school board members; compensation.--

(1) Each district school board shall annually determine the salary of its members at ~~any the first~~ regular meeting following the organizational meeting held pursuant to s. 1001.371 ~~and prior to July 1 of the following year~~. The proposed salary to be adopted shall be noticed at the time of the meeting notice and shall not be increased during ~~that same the meeting or any subsequent meeting held prior to the beginning of the district's next fiscal year~~. The salary adopted by the district school board shall be in effect during the ~~next fiscal year succeeding 12 months~~.

(2) ~~The salary adopted by the district school board shall apply to each district school board member. This section shall apply to any district school board member elected or reelected at the November 2002 general election or any subsequent general election and to any person appointed to fill a vacancy in the office of any such member.~~

Section 37. Paragraph (m) of subsection (4) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.--The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF

SCHOOLS.--Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(m) ~~Alternative education programs for students in residential care facilities.--Provide, in accordance with the provisions of s. 1003.58 chapter 1006,~~ educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

Section 38. Subsection (2) of section 1001.47, Florida Statutes, is amended, subsections (3), (4), and (5) are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section, to read:

1001.47 District school superintendent; salary.--

(2) Each elected district school superintendent shall receive a base salary, the amounts indicated below, based on the population of the county the elected superintendent serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$21,250	\$0.07875
II	50,000	99,999	24,400	0.06300
III	100,000	199,999	27,550	0.02625
IV	200,000	399,999	30,175	0.01575
V	400,000	999,999	33,325	0.00525
VI	1,000,000		36,475	0.00400

~~Notwithstanding the provisions of chapter 145 to the contrary, the annual salaries of elected district school superintendents for 1993 and each year thereafter shall be established at the same amounts as the district school superintendents were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145.~~

(3) The adjusted base salaries of elected district school superintendents shall be increased annually as provided for in s. 145.19. Any salary previously paid to elected superintendents, including the salary calculated for fiscal year 2002-2003, which was consistent with chapter 145 and s. 230.303, Florida Statutes 2001, is hereby ratified and validated.

Section 39. Paragraph (f) of subsection (3) of section 1001.50, Florida Statutes, is amended to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.--

(3) The district school board of each such district shall pay to the district school superintendent a reasonable annual salary. In determining the amount of compensation to be paid, the board shall take into account such factors as:

(f) The educational qualifications; ~~and~~ professional experience; ~~and age~~ of the candidate for the position of district school superintendent.

Section 40. Subsection (16) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.--The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(16) VISITATION OF SCHOOLS.--Visit the schools; observe the management and instruction; give suggestions for improvement; and advise supervisors, principals, teachers, patrons, and other citizens with the view of promoting interest in education and improving the school conditions of the district.

Section 41. Subsection (19) of section 1001.74, Florida Statutes, is amended to read:

1001.74 Powers and duties of university boards of trustees.--

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, ~~and 110.1238~~, and 110.161 and in chapters 121, 122, and 238.

Section 42. Subsection (2) of section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.--

(2) A "private school" is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. ~~1003.01(13)~~ ~~1003.01(14)~~ or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career and technical training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

Section 43. Paragraph (b) of subsection (2) of section 1002.20, Florida Statutes, is amended to read:

1002.20 K-12 student and parent rights.--K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.--

(b) *Regular school attendance.*--Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. ~~1003.01(13)~~ ~~1003.01(14)~~.

Section 44. Paragraph (a) of subsection (3) and paragraph (a) of subsection (11) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.--

(3) MISSION.--The mission of a lab school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a lab school shall embody the goals and standards established pursuant to ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate education for its students.

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each lab school shall provide sequential elementary and secondary instruction where appropriate. A lab school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each ~~lab developmental research~~ school shall develop and implement a school improvement plan pursuant to s. 1003.02(3).

(11) EXCEPTIONS TO LAW.--To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 316.75; 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; ~~and 1011.74; and 1013.77.~~

Section 45. Paragraph (c) of subsection (18), paragraphs (c), (d), and (e) of subsection (19), paragraph (c) of subsection (21), and subsections (25) and (26) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(18) FUNDING.--Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of ~~20 U.S.C. ss. 8061-8066~~ ~~20 U.S.C. 8061 s. 40306~~, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(19) FACILITIES.--

~~(c) Charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.~~

~~(c)(4)~~ Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80, and from assessments of impact fees or service availability fees.

~~(d)(e)~~ If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(21) SERVICES.--

(c) Transportation of charter school students shall be provided by the

charter school consistent with the requirements of subpart I.e. of chapter 1006 and s. 1012.45. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

~~(25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--~~

~~(a) The conversion charter school pilot program is hereby established with the intent to provide incentives for local school districts to approve conversion charter schools.~~

~~(b) The conversion charter school pilot program shall be a statewide pilot program in which 10 schools shall be selected based on a competitive application process in accordance with this section.~~

~~(c) The purpose of the pilot program is to produce significant improvements in student achievement and school management, to encourage and measure the use of innovative learning methods, and to make the school the unit for improvement.~~

~~(d) Each school principal or a majority of the parents of students attending the school, a majority of the school's teachers, or a majority of the members of the school advisory council may apply to the school district to participate in this pilot program on forms which shall be provided by the Department of Education. The forms shall include acknowledgment by the school principal of applicable provisions of this section and s. 1013.62. For purposes of this paragraph, "a majority of the parents of students attending the school" means more than 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process; and "a majority of the school's teachers" means more than 50 percent of the teachers employed at the school, according to procedures established by rule of the State Board of Education pursuant to subsections (3) and (4).~~

~~(e) A person or group who has applied to participate in the pilot program created by this section, pursuant to paragraph (d), shall not be subject to an unlawful reprisal, as defined by paragraph (4)(a), as a consequence of such application. The procedures established by subsections (3) and (4) shall apply to any alleged unlawful reprisal which occurs as a consequence of such application.~~

~~(f) A district school board shall receive and review all applications by school principals, parents, teachers, or school advisory council members to participate in the pilot project; shall select the best applications; and shall submit these applications, together with the district school board's letter of endorsement and commitment of support and cooperation toward the success of program implementation, for review by the statewide selection panel established pursuant to paragraph (g).~~

~~(g) A conversion charter school pilot program statewide selection panel is established. The panel shall be comprised of the following nine members who are not elected public officials:~~

- ~~1. Three members shall be appointed by the Governor.~~
- ~~2. Two members shall be appointed by the Commissioner of Education.~~
- ~~3. Two members shall be appointed by the President of the Senate.~~
- ~~4. Two members shall be appointed by the Speaker of the House of Representatives.~~

~~The panel shall review the conversion charter school pilot program applications submitted by the district school boards and shall select the 10 applications which the panel deems best comply with the purpose of the program pursuant to paragraph (e).~~

~~(h) Each district school board in which there is a school selected by the statewide panel for participation in the pilot program shall receive a grant as provided in the General Appropriations Act:~~

- ~~1. One hundred thousand dollars for planning and development for each conversion charter school selected; and~~
- ~~2.a. Eighty thousand dollars for each conversion charter school selected with 500 or fewer students;~~
- ~~b. One hundred thousand dollars for each conversion charter school selected with more than 500 but fewer than 1,001 students; or~~
- ~~c. One hundred twenty thousand dollars for each conversion charter school selected with more than 1,000 students.~~

~~The Commissioner of Education may reduce the district's FEFP funding~~

~~entitlement by the amount of the grant awarded under this subsection if he or she determines that the district has failed to comply with its letter of endorsement and commitment of support and cooperation submitted under paragraph (f).~~

~~(i) Each conversion charter school selected for participation in the pilot program shall make annual progress reports to the district school board and the Commissioner of Education detailing the school's progress in achieving the purpose of the program as described in paragraph (e).~~

~~(25)(26) RULEMAKING.--~~The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

Section 46. Subsections (7) and (14) of section 1002.42, Florida Statutes, are amended to read:

1002.42 Private schools.--

(7) ATTENDANCE REQUIREMENTS.--Attendance of a student at a private, parochial, religious, or denominational school satisfies the attendance requirements of ss. 1003.01(13) 1003.01(14) and 1003.21(1).

(14) BUS DRIVER TRAINING.--Private school bus drivers may participate in a district school board's bus driver training program, if the district school board makes the program available pursuant to s. 1012.45(4) 1006.26.

Section 47. Subsection (1) of section 1002.43, Florida Statutes, is amended to read:

1002.43 Private tutoring programs.--

(1) Regular school attendance as defined in s. 1003.01(13) 1003.01(14) may be achieved by attendance in a private tutoring program if the person tutoring the student meets the following requirements:

(a) Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.

(b) Keeps all records and makes all reports required by the state and district school board and makes regular reports on the attendance of students in accordance with the provisions of s. 1003.23(2).

(c) Requires students to be in actual attendance for the minimum length of time prescribed by s. 1011.60(2).

Section 48. Subsection (4) of section 1003.22, Florida Statutes, is amended to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.--

(4) Each district school board and the governing authority of each private school shall establish and enforce as policy that, prior to admittance to or attendance in a public or private school, grades prekindergarten ~~kindergarten~~ through 12, each child present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health and further shall provide for appropriate screening of its students for scoliosis at the proper age. Such certification shall be made on forms approved and provided by the Department of Health and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted, or changes schools. The transfer of such immunization certification by Florida public schools shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to meet the requirements of this section.

Section 49. Paragraph (c) of subsection (1) and subsection (12) of section 1003.43, Florida Statutes, are amended to read:

1003.43 General requirements for high school graduation.--

(1) Graduation requires successful completion of either a minimum of 24 academic credits in grades 9 through 12 or an International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(c) Three credits in science, two of which must have a laboratory component. ~~The State Board of Education may grant an annual waiver of the laboratory requirement to a district school board that certifies that its laboratory facilities are inadequate, provided the district school board submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the district school board.~~ Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

District school boards may award a maximum of one-half credit in social

studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(6), taken through dual enrollment.

(12) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1946 and 1955 and were scheduled to graduate between 1950 and 1954, but were inducted into the United States Armed Forces between June 27, 1950 and January 31, 1954, and served during the Korean Conflict War prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

Section 50. Subsection (4) of section 1003.52, Florida Statutes, is amended to read:

1003.52 Educational services in Department of Juvenile Justice programs.--

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, commitment, and rehabilitation programs shall be made available by the local school district during the juvenile justice school year, as defined in s. 1003.01(11) 1003.01(12).

Section 51. Paragraph (a) of subsection (7) of section 1003.63, Florida Statutes, is amended to read:

1003.63 Deregulated public schools pilot program.--

(7) EXEMPTION FROM STATUTES.--

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida K-20 Education Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties, and chapters 1010 and 1011 if exemption. ~~The school district, upon request of a deregulated public school, may apply to the State Board of Education for a waiver of provisions of law applicable to deregulated public schools under this section, except that the provisions of chapter 1010 or chapter 1011 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The State Board of Education may grant the waiver if necessary to implement the school program.~~

Section 52. Subsection (5) of section 1004.24, Florida Statutes, is amended to read:

1004.24 State Board of Education authorized to secure liability insurance.--

(5) Each self-insurance program council shall make provision for an annual financial audit pursuant to s. 11.45 postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the State Board of Education for review. The State Board of Education shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

Section 53. Subsections (1) and (5) of section 1004.26, Florida Statutes, are amended to read:

1004.26 University student governments.--

(1) A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. Each student government is a part of the university at which it is established.

~~(5) Each student government is a part of the university at which it is~~

~~established. If an internal procedure of the university student government is disapproved by the university president under s. 229.0082(15), a member of the university board of trustees may request a review of the disapproved procedure at the next meeting of the board of trustees.~~

Section 54. Paragraph (d) of subsection (3) of section 1004.445, Florida Statutes, is amended to read:

1004.445 Florida Alzheimer's Center and Research Institute.--

(3) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(d) Preparation of an annual financial audit pursuant to s. 11.45 postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries, or from their independent auditor, any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

Section 55. Paragraph (a) of subsection (1) of section 1005.04, Florida Statutes, is amended to read:

1005.04 Fair consumer practices.--

(1) Every institution that is under the jurisdiction of the commission or is exempt from the jurisdiction or purview of the commission pursuant to s. 1005.06(1)(c) or (f) and that either directly or indirectly solicits for enrollment any student shall:

(a) Disclose to each prospective student a statement of the purpose of such institution, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, its fee schedule and policies regarding retaining student fees if a student withdraws, and a statement regarding the transferability of credits to and from other institutions. The institution shall make the required disclosures in writing at least 1 week prior to enrollment or collection of any tuition from the prospective student. The required disclosures may be made in the institution's current catalog.-

Section 56. Subsection (1) of section 1006.06, Florida Statutes, is amended to read:

1006.06 School food service programs.--

(1) In recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, it is the policy of the state to provide standards for school food service and to require district school boards to establish and maintain an appropriate nonprofit private school food service program consistent with the nutritional needs of students.

Section 57. Subsection (5) of section 1006.14, Florida Statutes, is amended to read:

1006.14 Secret societies prohibited in public K-12 schools.--

(5) It is unlawful for any student enrolled in any public K-12 school to be a member of, to join or to become a member of or to pledge himself or herself to become a member of any secret fraternity, sorority, or group wholly or partly formed from the membership of students attending public K-12 schools or to take part in the organization or formation of any such fraternity, sorority, or secret society; provided that this does not prevent any student from belonging to any organization fostered and promoted by the school authorities; or approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability, and achievement.

Section 58. Section 1006.18, Florida Statutes, is amended to read:

1006.18 Cheerleader safety standards.--The Florida High School Athletic Activities Association or successor organization shall adopt statewide uniform safety standards for student cheerleaders and spirit groups that participate in any school activity or extracurricular student activity. The Florida High School Athletic Activities Association or successor organization shall adopt the "Official High School Spirit Rules," published by the National Federation of State High School Associations, as the statewide uniform safety standards.

Section 59. Subsection (1), paragraph (c) of subsection (2), and subsection (10) of section 1006.20, Florida Statutes, are amended to read:

1006.20 Athletics in public K-12 schools.--

(1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High School Athletic Activities Association is designated as the governing nonprofit organization of athletics in Florida public schools. If the Florida High School Athletic Activities Association fails to meet the provisions of this

section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52. The organization shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the organization. The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, "high school" includes grades 6 through 12.

(2) ADOPTION OF BYLAWS.--

(c) The organization shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year prior to participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation can only be administered by a practitioner licensed under the provisions of chapter 458, chapter 459, chapter 460, or s. 464.012, and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's ~~minimum standards for the physical capabilities to participate necessary for participation~~ in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation form. The evaluation form shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Practitioners administering medical evaluations pursuant to this subsection must, at a minimum, solicit all information required by, and perform a physical assessment according to, the uniform preparticipation form referred to in this paragraph. Based on the information provided and the physical assessment, the practitioner shall determine if the student is physically capable of participating in interscholastic athletic competition ~~know the minimum standards established by the organization and certify that the student meets the standards.~~ If the practitioner determines that there are any abnormal findings in the cardiovascular system, the student may not participate until a further cardiovascular assessment, which may include an EKG, is performed that indicates the student is physically capable of participating in athletic competition unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation clearing verifying that the student for participation has satisfactorily passed the evaluation have been received and approved by the school.

~~(10) EXAMINATION; CRITERIA; REPORT. The board of directors of the Florida High School Activities Association shall undertake an examination of the following:~~

- ~~(a) Alternative criteria for establishing administrative regions to include, but not be limited to, population.~~
- ~~(b) Procedures to ensure appropriate diversity in the membership of the board of directors.~~
- ~~(c) Opportunities to secure corporate financial support for high school athletic programs.~~

~~The board of directors shall submit to the commissioner, the President of the Senate, and the Speaker of the House of Representatives not later than March 1, 2003, a report on the actions taken in the examination of each of the three topics listed in this subsection, the findings, and the actions to be taken to~~

~~implement the findings and the target date for implementation.~~

Section 60. Subsections (1) and (2) of section 1006.21, Florida Statutes, are amended to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.--

(1) The district school superintendent shall ascertain which students should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules and regulations as may be necessary and see that all rules and regulations relating to the transportation of students approved by the district school board, as well as rules, regulations of the State Board of Education ~~state board~~, are properly carried into effect, as prescribed in this chapter.

(2) After considering recommendations of the district school superintendent, the district school board shall make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules and regulations to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in this chapter.

Section 61. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 1007.21, Florida Statutes, are amended to read:

1007.21 Readiness for postsecondary education and the workplace.--

(1) It is the intent of the Legislature that students and parents set early achievement and career goals for the student's post-high school experience. This section sets forth a model which schools, through their school advisory councils, may choose to implement to ensure that students are ready for postsecondary education and the workplace. If such a program is adopted, students and their parents shall have the option of participating in this model to plan the student's secondary level course of study. Parents and students are to become partners with school personnel in educational choice. Clear academic course expectations shall be made available to all students by allowing both student and parent or guardian choice.

(2)(a) Students entering the 9th grade and their parents shall be active participants in choosing an end-of-high-school student destination based upon both student and parent or guardian goals. Four or more destinations should be available with bridges between destinations to enable students to shift destinations should they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. Participating students and their parents shall choose among destinations, which must include:

1. Four-year college or university, community college plus university, or military academy.
2. Two-year postsecondary degree.
3. Postsecondary career and technical certificate.
4. Immediate employment or entry-level military.

(b) The student progression model toward a chosen destination shall include:

1. A "path" of core courses leading to each of the destinations provided in paragraph (a).
2. A recommended group of electives which shall help define each path.
3. Provisions for a teacher, school administrator, other school staff member, or community volunteer to be assigned to a student as an "academic advocate" if parental or guardian involvement is lacking.

Section 62. Section 1007.264, Florida Statutes, is amended, to read:

1007.264 Impaired and learning disabled persons; admission to postsecondary educational institutions; and graduation; substitute requirements; rules.--Any person who is hearing impaired, visually impaired, or dyslexic, or who has a specific learning disability, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution, admission into a program of study, or graduation; where documentation can be provided that the person's failure to meet the admission requirement is related to the disability and where the failure to meet the graduation requirement or program admission requirement

does not constitute a fundamental alteration in the nature of the program. The State Board of Education shall adopt rules to implement this section and shall develop substitute admission requirements where appropriate.

Section 63. Section 1007.265, Florida Statutes, is created to read:

1007.265 Impaired and learning disabled persons; graduation, study program admission, and upper-division entry; substitute requirements; rules.--Any student in a public postsecondary educational institution who is hearing impaired, visually impaired, or dyslexic, or who has a specific learning disability, shall be eligible for reasonable substitution for any requirement for graduation, for admission into a program of study, or for entry into the upper division where documentation can be provided that the person's failure to meet the requirement is related to the disability and where the failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program. The State Board of Education shall adopt rules to implement this section and shall develop substitute requirements where appropriate.

Section 64. Paragraph (c) of subsection (3) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.--

(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary educational institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

3. Each testing program, whether at the elementary, middle, or high school level, includes a test of writing in which students are required to produce writings that are then scored by appropriate methods.

4. A score is designated for each subject area tested, below which score a student's performance is deemed inadequate. The school districts shall provide appropriate remedial instruction to students who score below these levels.

5. Students must earn a passing score on the grade 10 assessment test described in this paragraph in reading, writing, and mathematics to qualify for a regular high school diploma. The State Board of Education shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. All students who took the grade 10 FCAT during the 2000-2001 school year shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2001 test administration. Such students who did not earn the established passing scores and must repeat the grade 10 FCAT are required to earn the passing scores established for the March 2001 test administration. ~~All students who take the grade 10 FCAT for the first time in March 2002 and thereafter shall be required to earn the passing scores in reading and mathematics established by the State Board of Education for the March 2002 test administration.~~ The State Board of Education shall adopt rules which specify the passing scores for the grade 10 FCAT. Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT for the first time after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. If a student is provided with accommodations or modifications that are not allowable in the statewide assessment program, as described in the test manuals, the district must inform the parent in writing and must provide the parent with information regarding the impact on the student's ability to meet expected proficiency levels in reading, writing, and math. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

9. The Department of Education must develop, or select, and implement a common battery of assessment tools that will be used in all juvenile justice programs in the state. These tools must accurately measure the skills and competencies established in the Florida Sunshine State Standards.

The commissioner may design and implement student testing programs, for any grade level and subject area, necessary to effectively monitor educational achievement in the state.

Section 65. Paragraph (b) of subsection (6) and paragraph (b) subsection (7) of section 1008.25, Florida Statutes, are amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.--

(6) ELIMINATION OF SOCIAL PROMOTION.--

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

5. Students with disabilities who participate in the FCAT and who have an individual education plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, as required by paragraph (4)(b), for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, ~~or~~ grade 2, or grade 3.

6. Students who have received the intensive remediation in reading as required by paragraph (4)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, or grade 2 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall

assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low performing readers.

(7) ANNUAL REPORT.--

(b) Beginning with the 2001-2002 school year, each district school board must annually publish in the local newspaper, and report in writing to the State Board of Education by ~~October 1~~ ~~September 1~~ of each year, the following information on the prior school year:

1. The provisions of this section relating to public school student progression and the district school board's policies and procedures on student retention and promotion.

2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.

3. By grade, the number and percentage of all students retained in grades 3 through 10.

4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (6)(b).

5. Any revisions to the district school board's policy on student retention and promotion from the prior year.

Section 66. Subsection (1) of section 1008.29, Florida Statutes, is amended to read:

1008.29 College-level communication and mathematics skills examination (CLAST).--

(1) It is the intent of the Legislature that the examination of college-level communication and mathematics skills ~~provided in s. 1008.345(3)~~ serve as a mechanism for students to demonstrate that they have mastered the academic competencies prerequisite to upper-division undergraduate instruction. It is further intended that the examination serve as both a summative evaluation instrument prior to student enrollment in upper-division programs and as a source of information for student advisers. It is not intended that student passage of the examination supplant the need for a student to complete the general education curriculum prescribed by an institution.

Section 67. Subsection (2) of section 1008.32, Florida Statutes, is amended to read:

1008.32 State Board of Education oversight enforcement authority.--The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause. The commissioner shall report determinations of probable cause to the State Board of Education which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.

Section 68. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.--

(2) The Commissioner of Education shall report, by high school, to the State Board of Education and the Legislature, no later than November ~~30~~ ~~31~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory or vocational-preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

Section 69. Subsection (3) of section 1009.24, Florida Statutes, is amended to read:

1009.24 State university student fees.--

(3) Within proviso in the General Appropriations Act and law, each board of trustees shall set university tuition and fees. The sum of the activity and service, health, and athletic fees a student is required to pay to register for a course shall not exceed 40 percent of the tuition established in law or in the General Appropriations Act. No university shall be required to lower any fee in effect on the effective date of this act in order to comply with this subsection. Within the 40 percent cap, universities may not increase the aggregate sum of activity and service, health, and athletic fees more than 5 percent per year unless specifically authorized in law or in the General Appropriations Act. This subsection does not prohibit a university from increasing or assessing optional fees related to specific activities if payment of

such fees is not required as a part of registration for courses. Except as otherwise provided by law, the sum of nonresident tuition and out-of-state fees charged to undergraduates shall be sufficient to defray the full cost of undergraduate education.

Section 70. Paragraph (b) of subsection (2) of section 1009.25, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

1009.25 Fee exemptions.--

(2) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides postsecondary career and technical programs, community college, or state university:

(b) A student enrolled in an approved apprenticeship program, as defined in s. 446.021, but only with respect to such apprenticeship program.

(4) For purposes of this section, the term "fees" includes the following fees, unless otherwise specified: financial aid fee; technology fee; capital improvement fee; building fee; Capital Improvement Trust Fund Fee; activity and service fee; health fee; athletic fee; and lab fees.

Section 71. Subsection (1) of section 1009.29, Florida Statutes, is amended to read:

1009.29 Increased fees for funding financial aid program.--

(1) Student tuition and registration fees at each state university and community college shall include up to \$4.68 per quarter, or \$7.02 per semester, per full-time student, or the per-student credit hour equivalents of such amounts. The fees provided for by this section shall be adjusted from time to time, as necessary, to comply with the debt service coverage requirements of the student loan revenue bonds issued pursuant to s. 1009.79. If the Division of Bond Finance of the State Board of Education and the Commissioner of Education determine that such fees are no longer required as security for revenue bonds issued pursuant to ss. 1009.78-1009.88, moneys previously collected pursuant to this section which are held in escrow, after administrative expenses have been met and up to \$150,000 has been used to establish a financial aid data processing system for the state universities incorporating the necessary features to meet the needs of all ~~11~~ ~~nine~~ universities for application through disbursement processing, shall be reallocated to the generating institutions to be used for student financial aid programs, including, but not limited to, scholarships and grants for educational purposes. Upon such determination, such fees shall no longer be assessed and collected.

Section 72. Paragraph (e) of subsection (1) and paragraph (a) of subsection (3) of section 1009.531, Florida Statutes, are amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.--

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(e) Not have been found guilty of, or ~~pled~~ ~~plead~~ nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures Scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, ~~or~~ International Baccalaureate, International General Certificate of Secondary Education, or Advanced International Certificate of Education.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Department of Education as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

Section 73. Paragraph (b) of subsection (1) of section 1009.532, Florida Statutes, is amended to read:

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.--

(1) To be eligible to renew a scholarship from any of the three types of

scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a ~~restoration one time reinstatement only once~~. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next opportunity for renewal is the fall semester of the following academic year.

Section 74. Paragraphs (b), (c), and (e) of subsection (1) of section 1009.534, Florida Statutes, are amended, paragraph (f) is added to said subsection, and subsection (3) of said section is amended, to read:

1009.534 Florida Academic Scholars award.--

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score identified by rules of the ~~State Board Department~~ of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(c) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate ~~Organization~~ Office; or

(e) Has been recognized by the National Hispanic Recognition Program as a scholar recipient; or

(f) Has been awarded an Advanced International Certificate of Education Diploma from the University of Cambridge International Examinations Office.

A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(3) To be eligible for a renewal award as a Florida Academic Scholar, a student must maintain the equivalent of a cumulative grade point average of 3.0 on a 4.0 scale with an opportunity for ~~restoration one time one reinstatement~~ as provided in this chapter.

Section 75. Paragraph (b) of subsection (1) and subsection (3) of section 1009.535, Florida Statutes, are amended to read:

1009.535 Florida Medallion Scholars award.--

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma or has completed the Advanced International Certificate of Education curriculum but failed to earn the Advanced International Certificate of Education Diploma, and has attained at least the score identified by rules of the ~~State Board Department~~ of Education on the combined verbal and quantitative parts of the

Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(3) To be eligible for a renewal award as a Florida Medallion Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for ~~restoration reinstatement~~ one time as provided in this chapter.

Section 76. Subsection (3) of section 1009.536, Florida Statutes, is amended to read:

1009.536 Florida Gold Seal Vocational Scholars award.--The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career and technical preparation by high school students who wish to continue their education.

(3) To be eligible for a renewal award as a Florida Gold Seal Vocational Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for ~~restoration reinstatement~~ one time as provided in this chapter.

Section 77. Subsection (2) of section 1009.58, Florida Statutes, is amended to read:

1009.58 Critical teacher shortage tuition reimbursement program.--

(2) The State Board of Education shall adopt rules to implement the critical teacher shortage tuition reimbursement program. Any full-time public school employee or ~~lab developmental research~~ school employee certified to teach in this state is eligible for the program. For the purposes of this program, tuition reimbursement shall be limited to courses in critical teacher shortage areas as determined by the State Board of Education. Such courses shall be:

(a) Graduate-level courses leading to a master's, specialist, or doctoral degree;

(b) Graduate-level courses leading to a new certification area; or

(c) State-approved undergraduate courses leading to an advanced degree or new certification area.

Section 78. Section 1009.61, Florida Statutes, is amended to read:

1009.61 Teacher/Quest Scholarship Program.--The Teacher/Quest Scholarship Program is created for the purpose of providing teachers with the opportunity to enhance their knowledge of science, mathematics, and computer applications in business, industry, and government. A school district or ~~lab developmental research~~ school may propose that one or more teachers be granted a Teacher/Quest Scholarship by submitting to the Department of Education:

(1) A project proposal specifying activities a teacher will carry out to improve his or her:

(a) Understanding of mathematical, scientific, or computing concepts;

(b) Ability to apply and demonstrate such concepts through instruction;

(c) Knowledge of career and technical requirements for competency in mathematics, science, and computing; and

(d) Ability to integrate and apply technological concepts from all three fields; and

(2) A contractual agreement with a private corporation or governmental agency that implements the project proposal and guarantees employment to the teacher during a summer or other period when schools are out of session. The agreement must stipulate a salary rate that does not exceed regular rates of pay and a gross salary amount consistent with applicable statutory and contractual provisions for the teacher's employment. The teacher's compensation shall be provided for on an equally matched basis by funds from the employing corporation or agency.

Section 79. Section 1009.765, Florida Statutes, is amended to read:

1009.765 Ethics in Business scholarships for community colleges and independent postsecondary educational institutions.--When the Department of Insurance receives a \$6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the \$6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary educational institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and

one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section. The ~~State Board Department~~ of Education may adopt rules for administration of the program.

Section 80. Subsection (7) of section 1009.77, Florida Statutes, is amended to read:

1009.77 Florida Work Experience Program.--

(7) The ~~State Board Department~~ of Education shall prescribe such rules for the program as are necessary for its administration, for the determination of eligibility and selection of institutions to receive funds for students, to ensure the proper expenditure of funds, and to provide an equitable distribution of funds between students at public and independent colleges and universities.

Section 81. Subsection (5) of section 1010.215, Florida Statutes, is amended to read:

1010.215 Educational funding accountability.--

(5) The annual school public accountability report required by ss. 1001.42(16) and 1008.345 must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how ~~funds revenues~~ were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

(b) Expenditures must be reported as the total expenditures per unweighted full-time equivalent student at the school level and the average expenditures per full-time equivalent student at the district and state levels in each of the following categories and subcategories:

1. Teachers, excluding substitute teachers, and education paraprofessionals who provide direct classroom instruction to students enrolled in programs classified by s. 1011.62 as:

- a. Basic programs;
- b. Students-at-risk programs;
- c. Special programs for exceptional students;
- d. Career education programs; and
- e. Adult programs.

2. Substitute teachers.

3. Other instructional personnel, including school-based instructional specialists and their assistants.

4. Contracted instructional services, including training for instructional staff and other contracted instructional services.

5. School administration, including school-based administrative personnel and school-based education support personnel.

6. The following materials, supplies, and operating capital outlay:

- a. Textbooks;
- b. Computer hardware and software;
- c. Other instructional materials;
- d. Other materials and supplies; and
- e. Library media materials.

7. Food services.

8. Other support services.

9. Operation and maintenance of the school plant.

(c) The school financial report must also identify the types of district-level expenditures that support the school's operations. The total amount of these district-level expenditures must be reported and expressed as total expenditures per full-time equivalent student.

Section 82. Section 1010.75, Florida Statutes, is amended to read:

1010.75 Teacher Certification Examination Trust Fund.--The proceeds for the certification examination fee levied pursuant to s. 1012.59 shall be remitted by the Department of Education to the Treasurer for deposit into and disbursed ~~from~~ for the "Teacher Certification Examination Trust Fund" as re-created by chapter 99-28, Laws of Florida.

Section 83. Section 1011.24, Florida Statutes, is amended to read:

1011.24 Special district units.--For the purposes of funding through this chapter and chapter 1013, ~~lab developmental research~~ schools shall be designated as special school districts. Such districts shall be accountable to the Department of Education for budget requests and reports on expenditures.

Section 84. Subsection (2) of section 1011.47, Florida Statutes, is amended to read:

1011.47 Auxiliary enterprises; contracts, grants, and donations.--As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(2) "Contracts, grants, and donations" includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and Department of Education funding for ~~lab developmental research~~ schools and other activities for which the funds are deposited outside the State Treasury.

Section 85. Subsection (2) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.--Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.--Operate all schools for a term of at least 180 actual teaching days ~~as prescribed in s. 1003.01(14)~~ or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency. The State Board of Education may authorize a decrease in the minimum number of days of instruction by up to 4 days for grade 12 students for purposes of graduation without proportionate reduction in funding.

Section 86. Paragraphs (f) and (h) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.--If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

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

(f) *Supplemental academic instruction; categorical fund.--*

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for

schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a ~~lab developmental research~~ school, is authorized to expend from its FEP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.

(h) *Small, isolated high schools.*--Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a performance grade category "C" or better, pursuant to s. 1008.34, for the previous year ~~percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater.~~ For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

Section 87. Subsections (2) and (5) of section 1011.70, Florida Statutes, are amended to read:

1011.70 Medicaid certified school funding maximization.--

(2) The Agency for Health Care Administration ~~Department of Education~~ shall monitor compliance of each participating school district with the Medicaid provider agreements. In addition, the Agency for Health Care Administration ~~department~~ shall develop standardized recordkeeping procedures for the school districts that meet Medicaid requirements for audit purposes.

(5) ~~Lab Developmental research~~ schools, as authorized under s. 1002.32, shall be authorized to participate in the Medicaid certified school match program on the same basis as school districts subject to the provisions of subsections (1)-(4) and ss. 409.9071 and 409.908(21).

Section 88. Paragraphs (a) and (c) of subsection (2) and paragraph (a) of subsection (3) of section 1011.765, Florida Statutes, are amended to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.--

(2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Consortium of Florida Education Foundations ~~Department of Education~~ in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on January 15 ~~April 1~~ of any year shall be made available for matching by any public school district education foundation and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(c) Funds sufficient to provide the match shall be transferred from the state trust fund to the Consortium of Florida Education Foundations ~~public school education foundation or to the Florida School for the Deaf and the Blind Endowment Fund~~ upon certification ~~notification~~ that a proportionate amount has been received and deposited by the individual ~~foundation or the Florida School for the Deaf and the Blind~~ school into its own trust fund.

(3) GRANT ADMINISTRATION.--

(a) Each public school district education foundation and the Florida School for the Deaf and the Blind participating in the Florida Academic Improvement Trust Fund shall separately account for all funds received pursuant to this section, and may establish its own academic improvement trust fund as a depository for the private contributions, state matching funds, and earnings on investments of such funds. State matching funds shall be

administered by the Consortium of Florida Education Foundations and transferred to the public school district education foundation or to the Florida School for the Deaf and the Blind Endowment Fund upon certification ~~notification~~ that the foundation or school has received and deposited private contributions that meet the criteria for matching as provided in this section. The public school district education foundations and the Florida School for the Deaf and the Blind are responsible for the maintenance, investment, and administration of their academic improvement trust funds.

Section 89. Subsections (1) and (3) of section 1012.21, Florida Statutes, are amended to read:

1012.21 Department of Education duties; K-12 personnel.--

(1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In cooperation with the Florida Department of Law Enforcement, the ~~department of Education~~ may periodically perform criminal history record checks on individuals who hold a certificate pursuant to s. 1012.56 or s. 1012.57.

(3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO CHILD SUPPORT DELINQUENCY.--The ~~department of Education~~ shall allow applicants for new or renewal certificates and renewal certificate holders to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with an obligation for support, as defined in s. 409.2554. The purpose of this section is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, deny the application of any applicant found to have a delinquent support obligation. The department shall issue or reinstate the certificate without additional charge to the certificate holder when notified by the court that the certificate holder has complied with the terms of the court order. The department shall not be held liable for any certificate denial or suspension resulting from the discharge of its duties under this section.

Section 90. Paragraph (a) of subsection (1) and paragraph (a) of subsection (3) of section 1012.585, Florida Statutes, are amended to read:

1012.585 Process for renewal of professional certificates.--

(1)(a) District school boards in this state shall renew state-issued professional certificates as follows:

1. Each district school board shall renew state-issued professional certificates for individuals who hold a professional certificate by this state and are employed by that district pursuant to criteria established in subsections (2), (3), and (4) and rules of the State Board of Education.

2. The employing school district may charge the individual an application fee not to exceed the amount charged by the Department of Education for such services, including associated late renewal fees. Each district school board shall transmit monthly to the department a fee in an amount established by the State Board of Education for each renewed certificate. The fee shall not exceed the actual cost for maintenance and operation of the statewide certification database and for the actual costs incurred in printing and mailing such renewed certificates. As defined in current rules of the state board, the department shall contribute a portion of such fee for purposes of funding the Educator Recovery Network established in s. 1012.798. The department shall deposit all funds into the Educational Certification and Service Trust Fund for use as specified in s. 1012.59.

(3) For the renewal of a professional certificate, the following requirements must be met:

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 1004.04(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 1000.03(5) and 1008.345 ~~1001.23~~ may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 1012.98 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an

instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 1001.452.

Section 91. Paragraph (a) of subsection (2) of section 1012.61, Florida Statutes, is amended to read:

1012.61 Sick leave.--

(2) PROVISIONS GOVERNING SICK LEAVE.--The following provisions shall govern sick leave:

(a) *Extent of leave.*--

1. Each member of the instructional staff employed on a full-time basis is entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which may not be used before it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which may not be used before it is earned and credited to the employee. However, each member of the instructional staff and each other employee is entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 days of sick leave available to him or her, the district school board may withhold the average daily amount for the days of sick leave used but unearned by the employee. Such leave may be taken only when necessary because of sickness as prescribed in this section. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons must be charged only to accrued sick leave, and leave for personal reasons is noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay may not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary.

a. Terminal pay may not exceed one-fourth of all unused sick leave accumulated on or after July 1, 2001, and may not exceed a maximum of 60 days of actual payment. This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.

b. For unused sick leave accumulated before July 1, 2001, terminal payment shall be made pursuant to a district school board's policies, contracts,

or rules that are in effect on June 30, 2001.

c. If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

For purposes of this section, an educational support employee means any person employed by a district school board as a teacher assistant; an education paraprofessional; a member of the transportation, operations, maintenance, or food service department; a secretary; or a clerical employee.

Section 92. Section 1012.62, Florida Statutes, is amended to read:

1012.62 Transfer of sick leave and annual leave.--In implementing the provisions of ss. 402.22(1)(d) and 1001.42(4)(m) ~~1001.42(4)(a)~~, educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. 110.122. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 93. Paragraphs (b) and (c) of subsection (2) of section 1012.74, Florida Statutes, are amended to read:

1012.74 Florida educators professional liability insurance protection.--

(2)

(b) Educator professional liability coverage shall be extended at cost to all instructional personnel, as defined by s. 1012.01(2) ~~1012.01(3)~~, who are part-time personnel, as defined by the district school board policy, and choose to participate in the state-provided program.

(c) Educator professional liability coverage shall be extended at cost to all administrative personnel, as defined by s. 1012.01(3) ~~1012.01(2)~~, who choose to participate in the state-provided program.

Section 94. Paragraph (b) of subsection (7) of section 1012.79, Florida Statutes, is amended to read:

1012.79 Education Practices Commission; organization.--

(7) The duties and responsibilities of the commission are to:

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. 1012.795 ~~1012.56~~ and 1012.796.

Section 95. Subsection (2) of section 1012.795, Florida Statutes, is amended to read:

1012.795 Education Practices Commission; authority to discipline.--

(2) The plea of guilty in any court, the decision of guilty by any court, the forfeiture by the teaching certificate holder of a bond in any court of law, or the written acknowledgment, duly witnessed, of offenses listed in subsection (1) to the district school superintendent or a duly appointed representative of such superintendent or to the district school board shall be prima facie proof of grounds for revocation of the certificate as listed in subsection (1) in the absence of proof by the certificate holder that the plea of guilty, forfeiture of bond, or admission of guilt was caused by threats, coercion, or fraudulent means.

Section 96. Paragraph (c) of subsection (1) of section 1012.796, Florida Statutes, amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.--

(1)

(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop policies and procedures to comply with this reporting requirement. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not

report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificate holders authorized by law, the district school superintendent shall be subject to penalties as specified in s. ~~1001.51(12)~~ ~~1001.51(13)~~. This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

Section 97. Paragraph (b) of subsection (4) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.--

(4) The Department of Education, school districts, schools, community colleges, and state universities share the responsibilities described in this section. These responsibilities include the following:

(b) Each school district shall develop a professional development system. The system shall be developed in consultation with teachers and representatives of community college and state university faculty, community agencies, and other interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Require the use of student achievement data; school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support that are appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis, classroom management, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1 using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section must be submitted annually to the commissioner by October 1.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for effective school management and instructional leadership.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

Section 98. Paragraph (b) of subsection (1) of section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.--

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the

local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(b) *Required need assessment criteria for district, community college, college and state university plant surveys.*--Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district's survey must be submitted as a part of the district educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within 1 year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career and technical education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, community colleges, ~~colleges~~, and universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, ~~colleges~~, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each ~~college and~~ state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Department of Education Division of Colleges and Universities. Projections of facility space needs must be consistent with standards for determining space needs approved by the State Board of Education Division of Colleges and Universities. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the State Board of Education Division of Colleges and Universities.

5. The district educational facilities plan of a school district and the educational plant survey of a community college, ~~or college~~ or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department, as necessary for the delivery of an approved educational program.

Section 99. Subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.--

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year, and must serve students in facilities other than those that are not provided by the charter school's sponsor regardless of whether the facilities are provided at no charge or for a nominal fee. Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the

charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

Section 100. Subsection (6) of section 1013.73, Florida Statutes, is amended to read:

1013.73 Effort index grants for school district facilities.--

(6) A school district may receive a distribution for use pursuant to paragraph (3)(a) only if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds under paragraph (3)(b) ~~(2)(b)~~. If the district does not require its full bonded distribution to eliminate such unmet needs, it may bond only that portion of its allocation necessary to meet the needs.

Section 101. Subsection (1) of section 1013.74, Florida Statutes, is amended to read:

1013.74 University authorization for fixed capital outlay projects.--

(1) Notwithstanding the provisions of chapter 216, including s. 216.351, a university may accomplish fixed capital outlay projects consistent with the provisions of this section. Projects authorized by this section shall not require educational plant survey approval as prescribed in this chapter 235.

Section 102. Subsections (5) through (13) of section 1005.31, Florida Statutes, are renumbered as subsections (6) through (14), respectively, subsection (4) of said section is amended, and a new subsection (5) is added to said section, to read:

1005.31 Licensure of institutions.--

(4) Approved-applicant status shall be extended to all institutions that have submitted a complete application, as defined in rule, for provisional licensure and paid all attendant fees. An incomplete application shall expire 1 year after initial filing. In granting approved applicant status, the commission shall provide to commission staff and the institution a list of specific omissions or deficiencies. Institutions granted approved-applicant status may not advertise, offer programs of study, collect tuition or fees, or engage in any other activities not specifically approved by the commission. If the commission, or the commission staff if specifically directed by the commission, determines that the omissions or deficiencies have been provided for or corrected, the institution may be awarded a provisional license.

(5) The commission shall ensure that applicants for licensure meet the standards as defined in rule through an investigative process. When the investigative process is not completed within the time set out in s. 120.60(1) and the commission has reason to believe that the applicant does not meet the criteria, the commission or commission staff may issue a 90-day licensure delay which shall be in writing and sufficient to notify the applicant of the reason for the delay. The provisions of this subsection shall control over any conflicting provisions of s. 120.60(1).

Section 103. Subsection (7) of section 1005.32, Florida Statutes, is amended to read:

1005.32 Licensure by means of accreditation.--

(7) A license by means of accreditation may be denied, placed on probation, or revoked for repeated failure to comply with the requirements of this section, or for violation of any provision of this chapter pertaining to discipline or violation of any rules promulgated pursuant to this chapter pertaining to discipline. The commission shall adopt rules for these actions. Revocation or denial of a license by means of accreditation requires that the institution immediately obtain a provisional ~~an annual~~ license.

Section 104. Subsections (5) through (8) of section 1005.38, Florida Statutes, are renumbered as subsections (6) through (9), respectively, and a new subsection (5) is added to said section to read:

1005.38 Actions against a licensee and other penalties.--

(5) The commission may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the commission, until such time as the investigation or prosecution is complete, and the time period in which the licensure application must be granted or denied shall be tolled until 15 days after the receipt of the final results of the investigation or prosecution.

Section 105. Paragraph (b) of subsection (1) of section 1009.531, Florida Statutes, is amended to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.--

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 1003.43 or s. ~~1003.45~~ 1003.435 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

Section 106. Paragraphs (g) and (h) of subsection (2) of section 445.049, section 1006.57, and subsection(3) of section 1008.345, Florida Statutes, are repealed.

Section 107. This act shall take effect upon becoming a law.

Remove the entire title, and insert:

A bill to be entitled

An act relating to corrections to the school code rewrite; amending s. 17.076, F.S.; providing an exception to a public records exemption; amending s. 20.055, F.S.; deleting reference to Board of Regents; amending s. 24.121, F.S.; correcting a cross reference; amending s. 110.161, F.S.; including employees of state universities in definition for purposes of pretax benefits program; amending s. 112.215, F.S.; including employees of state university boards of trustees in definition for purposes of deferred compensation program; amending s. 145.19, F.S.; adding a cross reference; providing for superintendent's annual performance salary incentive to be added to adjusted salary rate; amending s. 159.27, F.S.; redesignating developmental research school as lab school; amending s. 212.055, F.S.; deleting references to Florida Frugal Schools Program; amending s. 216.136, F.S.; deleting reference to Chancellor of State University System, Executive Director of State Board of Community Colleges, and State Board of Nonpublic Career Education; providing that the executive director of Commission for Independent Education is a member of the Workforce Estimating Conference; amending s. 250.10, F.S.; replacing reference to Board of Regents with Board of Governors; deleting reference to State Board of Community Colleges; amending s. 287.064, F.S.; authorizing state universities to continue to participate in the consolidated equipment financing program; amending s. 288.7091, F.S.; changing reference to Florida Board of Education to State Board of Education; amending s. 316.615, F.S.; replacing reference to Commissioner of Education with State Board of Education for purpose of rulemaking; amending s. 402.305, F.S.; replacing reference to Department of Education with State Board of Education for purpose of rulemaking; amending s. 409.1451, F.S.; correcting a cross reference; amending s. 440.38, F.S.; including state universities as self-insurers for purposes of workers' compensation; amending ss. 445.012 and 445.0122, F.S.; deleting reference to Articulation Coordinating Committee; providing for agreement of State Board

of Education; amending s. 445.0123, F.S.; deleting reference to State Board of Independent Colleges and Universities and State Board of Nonpublic Career Education; requiring licensure of certain postsecondary education institutions by the Commission for Independent Education for determining eligibility for certain students; amending s. 445.0124, F.S.; deleting reference to Articulation Coordinating Committee; providing for agreement of State Board of Education; amending ss. 445.2125 and 456.028, F.S.; deleting reference to State Board of Independent Colleges and Universities, State Board of Nonpublic Career Education, Board of Regents, and State Board of Community Colleges; requiring consultation with Commission for Independent Education, Board of Governors, and State Board of Education; amending s. 458.347, F.S.; replacing reference to State Board of Community Colleges with State Board of Education; amending s. 467.009, F.S.; deleting reference to licensing authority of State Board of Nonpublic Career Education; providing licensing authority of Commission for Independent Education; amending s. 488.01, F.S.; deleting reference to State Board of Nonpublic Career Education; requiring license from the Commission for Independent Education for operating certain driver's schools; amending s. 489.125, F.S.; replacing reference to Commissioner of Education with State Board of Education for purpose of rulemaking; amending s. 784.081, F.S.; redesignating developmental research school as lab school; amending ss. 817.566 and 817.567, F.S.; correcting cross references; deleting reference to State Board of Independent Colleges and Universities; providing licensing authority of Commission for Independent Education; amending s. 943.17, F.S.; replacing reference to Department of Education with State Board of Education for purpose of rulemaking; amending s. 943.22, F.S.; replacing reference to accreditation by Accrediting Commission for Independent Colleges and Schools with Accrediting Council for Independent Colleges and Schools; amending s. 1000.04, F.S.; correcting reference to technical centers; amending s. 1001.26, F.S.; correcting a cross reference; amending s. 1001.32, F.S.; deleting reference to rulemaking authority of Commissioner of Education; amending s. 1001.372, F.S.; correcting a cross reference; amending s. 1001.395, F.S.; revising time requirements for district school board members to determine salary; amending s. 1001.42, F.S.; correcting a cross reference; amending s. 1001.47, F.S.; providing calculation methodology for salary for elected district school superintendents based on county population; amending s. 1001.50, F.S.; eliminating age as a criterion of compensation for district school superintendents; amending s. 1001.51, F.S.; deleting reference to patrons; amending s. 1001.74, F.S.; adding a cross reference relating to pretax benefits for state university employees; amending ss. 1002.01 and 1002.20, F.S.; correcting a cross reference; amending s. 1002.32, F.S.; redesignating developmental research school as lab school; correcting a cross reference; amending s. 1002.33, F.S.; correcting reference to federal law; deleting conflicting provisions relating to charter school facilities; requiring certain compliance for transportation of charter school students; deleting obsolete pilot program; amending s. 1002.42, F.S.; correcting cross references; amending s. 1002.43, F.S.; providing reference to regular school attendance; correcting a cross reference; amending s. 1003.22, F.S.; providing reference to prekindergarten; amending s. 1003.43, F.S.; deleting reference to State Board of Education waiver authority; correcting date and name of the Korean Conflict; amending s. 1003.52, F.S.; correcting a cross reference; amending s. 1003.63, F.S.; deleting reference to State Board of Education waiver authority; amending s. 1004.24, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1004.26, F.S.; conforming university oversight of student government; amending s. 1004.445, F.S.; deleting obsolete reference to postaudit of financial accounts; providing for financial audit pursuant to s. 11.45, F.S.; amending s. 1005.04, F.S.; correcting punctuation; amending s. 1006.06, F.S.; replacing reference to private school with reference to nonprofit school; amending s. 1006.14, F.S.; correcting punctuation; amending ss. 1006.18 and 1006.20, F.S.; changing name of the Florida High School Activities Association to Florida High School Athletic Association; clarifying requirements of physical assessment prior to interscholastic athletic competition; deleting an obsolete report; amending s. 1006.21, F.S.; omitting references to regulations; amending s. 1007.21, F.S.; conforming references to parent or guardian; amending s. 1007.264, F.S.; revising provisions relating to impaired and learning disabled persons; deleting provisions relating to admission into a program of study and graduation; creating s. 1007.265, F.S.; creating provisions relating to impaired and learning disabled students with regard to graduation, study program

admission, and upper-division entry; providing for substitute requirements; amending s. 1008.22, F.S.; revising provisions relating to passing scores for students taking the FCAT for the first time; amending s. 1008.25, F.S.; providing exemption from retention for certain grade 3 students with disabilities; revising a reporting date; amending s. 1008.29, F.S.; correcting a cross reference; amending s. 1008.32, F.S.; requiring Commissioner of Education to report determinations of probable cause; amending s. 1008.37, F.S.; correcting a reporting date; amending s. 1009.24, F.S.; providing that nonresident student fees must be sufficient to defray costs of undergraduate education; amending s. 1009.25, F.S.; providing that a student enrolled in an apprenticeship program is exempt from certain tuition and program fees; defining the term "fees"; amending s. 1009.29, F.S.; correcting reference to number of state universities; amending s. 1009.531, F.S.; including International General Certificate of Secondary Education and Advanced International Certificate of Education courses in courses that are weighted for purposes of determining initial eligibility for a Florida Bright Futures Scholarship; amending s. 1009.532, F.S.; providing for a one-time restoration of award; amending ss. 1009.534 and 1009.535, F.S.; including Advanced International Certificate of Education students as eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award; amending s. 1009.536, F.S., relating to the Florida Gold Seal Vocational Scholars award, to conform; amending ss. 1009.58 and 1009.61, F.S.; redesignating developmental research school as lab school; amending ss. 1009.765 and 1009.77, F.S.; replacing reference to Department of Education with State Board of Education for purpose of rulemaking; amending s. 1010.215, F.S.; replacing reference to revenues with funds; amending s. 1010.75, F.S.; providing for disbursement of fees from the Teacher Certification Examination Trust Fund; amending ss. 1011.24 and 1011.47, F.S.; redesignating developmental research schools as lab schools; amending s. 1011.60, F.S.; deleting a nonexistent cross reference; authorizing a decrease in days of instruction for certain students; amending s. 1011.62, F.S.; redesignating developmental research school as lab school; deleting reference to high school competency test; providing reference to performance grade category; amending s. 1011.70, F.S.; changing references to Department of Education to Agency for Health Care Administration; redesignating developmental research schools as lab schools; authorizing lab schools to participate in Medicaid certified school match program on same basis as school districts; amending s. 1011.765, F.S.; requiring the Consortium of Florida Education Foundations to administer funds appropriated to the Florida Academic Improvement Trust Fund; amending s. 1012.21, F.S.; providing references to Department of Education; amending s. 1012.585, F.S.; correcting name of trust fund; correcting a cross reference; amending s. 1012.61, F.S.; defining "educational support employee"; amending ss. 1012.62, 1012.74, and 1012.79, F.S.; correcting cross references; amending s. 1012.795, F.S.; designating appointed representative of district school superintendent to receive records concerning certain offenses; amending s. 1012.796, F.S.; correcting a cross reference; amending s. 1012.98, F.S.; requiring consultation with state university faculty; amending s. 1013.31, F.S.; deleting reference to Division of Colleges and Universities; requiring the Department of Education to validate university surveys in accordance with State Board of Education approval of needs and enrollment cycle; amending s. 1013.62, F.S.; clarifying provisions relating to charter school eligibility for capital outlay funding; amending ss. 1013.73 and 1013.74, F.S.; correcting cross references; amending s. 1005.31, F.S.; revising provisions relating to licensure of institutions by the Commission for Independent Education; amending s. 1005.32, F.S.; providing for revocation or denial of license for violation of provisions relating to discipline; amending s. 1005.38, F.S.; providing for licensure activities of the commission during certain investigations or prosecution; amending s. 1009.531, F.S.; correcting a cross reference; repealing s. 445.049(2)(g) and (h), F.S., relating to the executive director of the State Board of Community Colleges and the executive director of the State Board for Career Education as members of the Digital Divide Council; repealing s. 1006.57, F.S., relating to certain books furnished by the Clerk of the Supreme Court; repealing s. 1008.345(3), F.S., relating to development of an annual report by the Department of Education; providing an effective date.

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

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.

CS for SB 1762—A bill to be entitled An act relating to road and bridge designations; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating J.C. Penney Memorial Boulevard in the town of Penney Farms; designating C. Fred and Marvin Arrington Bridge; designating a portion of State Road 121 as the "Deputy Renee Danell Azure Memorial Highway"; designating Rodolfo Garcia Memorial Avenue; designating Monsignor Bryan O. Walsh Boulevard; designating Joe Celestin Boulevard; designating Monsignor Emilio Vallina Boulevard; designating "Bill Seidle Boulevard"; designating "Robert 'Bullet Bob' Hayes Avenue"; designating a portion of U.S. 192 as the "Howard E. Futch Memorial Highway"; directing the Department of Transportation to erect suitable signs; designating the Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; directing the Department of Transportation to erect suitable markers; designating a portion of Interstate 95 as the Trooper Charles W. Parks Memorial Highway; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 16 as the "John S. <soq>Steve' Dennard Bridge"; directing the Department of Transportation to erect suitable markers; designating the Ed Fraser Memorial Highway; directing the Department of Transportation to erect suitable markers; designating the "Clyde Hart Highway" in Volusia County; directing the Department of Transportation to erect suitable markers; designating "T. Stewart Greer Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

The question recurred on the adoption of **Amendment 2**, which was withdrawn.

Representatives Brutus and Roberson offered the following:

(Amendment Bar Code: 223679)

Amendment 3 (with title amendments)—On page 4, line(s) 17-23, remove: all of said lines

On page 1, line(s) 14-15,
remove: the words "designating Joe Celestin Boulevard"

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

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.

HB 1205—A bill to be entitled An act relating to truck safety; amending s. 316.302, F.S.; revising references; specifying ownership identification requirements for certain commercial motor carriers; providing penalties; deleting obsolete references; amending s. 316.3025, F.S.; correcting references; revising penalty provisions for specified violations; providing penalties for specified noncompliance; amending s. 316.3026, F.S.; providing the Office of Motor Carrier Compliance authority to issue out-of-service orders to certain commercial motor carriers; providing procedures; providing penalties for failure to comply; amending s. 316.515, F.S.; revising truck length limitations for described semitrailers under specified circumstances; amending s. 316.545, F.S.; providing that certain penalties shall be a lien on the vehicle; adding a cross reference; deleting specified receipt requirement; authorizing weight inspectors to detain described vehicles under specified circumstances; authorizing said inspectors to contact a law enforcement officer; amending s. 316.640, F.S.; revising provisions relating to law enforcement authority; repealing s. 316.3027, F.S., relating to identification required on commercial motor vehicles; repealing s. 316.610(3), F.S., relating to inspection of vehicles; amending s. 316.1937, F.S.; correcting a cross reference; providing an effective date.

The Committee on Transportation recommended the following:

HB 1205 CS—A bill to be entitled An act relating to truck safety; amending s. 316.302, F.S.; revising provisions for exemption from specified notification requirements for commercial motor vehicles carrying hazardous materials; incorporating specified federal regulations; updating regulations and rules applicable to certain commercial motor vehicle owners and drivers; specifying ownership identification requirements for certain commercial motor carriers; providing penalties for violation of such requirements; providing for compliance reviews; deleting obsolete references; amending s. 316.3025, F.S.; correcting references; revising penalty provisions for specified violations; providing penalties for specified violations and noncompliance by certain commercial motor carriers; amending s. 316.3026, F.S.; providing the Office of Motor Carrier Compliance authority to issue out-of-service orders to certain commercial motor carriers; providing procedures; providing penalties for failure to comply; amending s. 316.515, F.S.; revising truck length limitations for described semitrailers under specified circumstances; amending s. 316.545, F.S.; providing that certain penalties shall be a lien on the vehicle; adding a cross reference; deleting specified receipt requirement; authorizing weight inspectors to detain described vehicles under specified circumstances; authorizing said inspectors to contact a law enforcement officer; amending s. 316.640, F.S.; revising provisions relating to law enforcement authority; repealing s. 316.3027, F.S., relating to identification required on commercial motor vehicles; repealing s. 316.610(3), F.S., relating to inspection of vehicles; amending s. 316.1937, F.S.; correcting a cross reference; providing an effective date.

—was read the second time by title.

Representative Bullard offered the following:

(Amendment Bar Code: 526403)

Amendment 1 (with title amendment)—Between line(s) 45 and 46, insert:

Section 1. Paragraph (mm) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.--

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mm) Live the Dream license plate, \$25.

Section 2. Subsection (39) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.--

(39) LIVE THE DREAM LICENSE PLATES.--

(a) The department shall develop a Live the Dream license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Live the Dream" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Dream Foundation, Inc., which may use up to 25 percent of the proceeds to market the organization's concept and the license plate. The remaining funds shall be used in the following manner:

1. The Dream Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plates have been recovered.

2. Fifteen percent shall be distributed to the March of Dimes Florida Chapter and ten percent shall be distributed to the Florida Association of Healthy Start Coalitions.

3. Twenty percent shall be distributed as grants for programs that provide research, care, and treatment for sickle cell disease to the Florida State Sickle Cell Foundation, Tampa, Florida.

4. Twenty percent shall be distributed to programs that provide relief for poverty, hunger, and homelessness as follows: five percent to the Community Partnership for Homeless, Inc., Miami, Florida; five percent to the I.M. Sulzbacher Center for the Homeless, Inc., Jacksonville, Florida; five percent to the Anthony House for the Homeless, Zellwood, Florida; and five percent to the Homeless Emergency Project, Inc., Clearwater, Florida.

5. Ten percent shall be expended by the Dream Foundation, Inc., for administrative costs directly associated with the foundation's operations as they relate to the programs described in this paragraph.

Remove line(s) 11, and insert:

An act relating to specialty license plates and truck safety; amending ss. 320.08056 and 320.08058, F.S.; creating a Live the Dream license plate;

providing for the distribution of annual use fees received from the sale of such plates; amending s. 316.302.

Rep. Bullard moved the adoption of the amendment.

Further consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

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.

HB 1819—A bill to be entitled An act relating to motor vehicle insurance affordability reform; creating the Motor Vehicle Insurance Affordability Reform Act of 2003; providing legislative findings and declarations; providing purposes; amending s. 95.11, F.S.; providing a statute of limitations for certain personal injury protection benefit actions; amending s. 119.105, F.S.; requiring certain persons to maintain confidential and exempt status of certain information under certain circumstances; providing construction; prohibiting use of certain confidential or exempt information relating to motor vehicle accident victims for certain commercial solicitation activities; deleting provisions relating to police reports as public records; amending s. 316.066, F.S.; specifying conditions precedent to providing access to crash reports to persons entitled to such access; providing construction; providing for enforcement; providing a criminal penalty for using certain confidential information; creating s. 408.7058, F.S.; providing definitions; creating a dispute resolution organization for disputes between health care practitioners and insurers; providing duties of the Agency for Health Care Administration; providing duties of the dispute resolution organization; providing procedures, requirements, limitations, and restrictions for resolving disputes; providing agency rulemaking authority; amending s. 456.0375, F.S.; revising definitions; providing additional requirements relating to the registration of certain clinics; limiting participation by disqualified persons; providing for voluntary registration of exempt status; providing rulemaking authority; specifying unlawful charges; prohibiting the filing of certain false or misleading forms or information; providing criminal penalties; providing for inspections of and access to clinics under certain circumstances; providing for emergency suspension of registration; amending s. 456.057, F.S.; requiring health care practitioners to maintain certain medical records of certain activities relating to patient visits; providing a required statement be included in the medical records for patient visits pursuant to a claim of injury; providing statement requirements; amending s. 456.072, F.S.; providing additional grounds for discipline of health professionals; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits and payment thereof; specifying conditions of insurance fraud and recovery of certain charges; providing for recovery of costs and attorney's fees in certain insurer actions; specifying certain charges that are uncollectible and unenforceable; limiting charges for certain services; providing procedures and requirements for correcting certain information relating to processing claims; prohibiting an insurer from taking certain actions with respect to a claim submitted by a health care provider; prohibiting an insurer from taking certain actions with respect to an independent medical examination; requiring certain recordkeeping; deleting provisions relating to arbitration of certain disputes between insurers and medical providers; providing certain statements and forms requirements, limitations, and restrictions; specifying factors for court consideration in applying attorney contingency fee multipliers; extending the time within which an insurer may respond to a demand letter; expanding civil actions for insurance fraud; amending s. 627.745, F.S.; expanding the availability of mediation of certain claims; creating s. 627.747, F.S.; providing for legislative oversight of motor vehicle insurance; requiring the Office of Insurance Regulation of the Financial Services Commission and the Division of Insurance Fraud of the Department of Financial Services to regularly report certain data and analysis of certain information to specified officers of the Legislature; amending s. 768.79, F.S.; specifying applicability of provisions relating to offer of judgment and demand for judgment; amending s. 817.234, F.S.; increasing criminal penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing criminal penalties; prohibiting a person from organizing, planning, or participating in a staged motor vehicle accident; providing criminal penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing a criminal penalty for false

and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting marketing or presenting false or fraudulent motor vehicle insurance cards; providing criminal penalties; creating s. 817.413, F.S.; prohibiting certain sale of used motor vehicle goods as new; providing criminal penalties; amending s. 860.15, F.S.; providing a criminal penalty for charging for certain motor vehicle repairs and parts to be paid from a motor vehicle insurance policy; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in criminal penalties and the creation of additional offenses under the act; providing that the amendment to s. 456.0375(1)(b)1., F.S., is intended to clarify existing intent; providing retroactive operation; requiring the Office of Insurance Regulation to report to the Legislature on the economic condition of private passenger automobile insurance in this state; providing for October 1, 2005, repeal of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted during the 2004 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing an effective date.

The Committee on State Administration recommended the following:

HB 1819 CS—A bill to be entitled An act relating to motor vehicle insurance affordability reform; creating the Motor Vehicle Insurance Affordability Reform Act of 2003; providing legislative findings and declarations; providing purposes; amending s. 119.105, F.S.; requiring certain persons to maintain confidential and exempt status of certain information under certain circumstances; providing construction; prohibiting use of certain confidential or exempt information relating to motor vehicle accident victims for certain commercial solicitation activities; deleting provisions relating to police reports as public records; amending s. 316.066, F.S.; specifying conditions precedent to providing access to crash reports to persons entitled to such access; providing construction; providing for enforcement; providing a criminal penalty for using certain confidential information; creating s. 408.7058, F.S.; providing definitions; creating a dispute resolution organization for disputes between health care practitioners and insurers; providing duties of the Agency for Health Care Administration; providing duties of the dispute resolution organization; providing procedures, requirements, limitations, and restrictions for resolving disputes; providing agency rulemaking authority; amending s. 456.0375, F.S.; revising definitions; providing additional requirements relating to the registration of certain clinics; limiting participation by disqualified persons; providing for voluntary registration of exempt status; providing rulemaking authority; specifying unlawful charges; prohibiting the filing of certain false or misleading forms or information; providing criminal penalties; providing for inspections of and access to clinics under certain circumstances; providing for emergency suspension of registration; amending s. 456.072, F.S.; providing additional grounds for discipline of health professionals; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits and payment thereof; specifying conditions of insurance fraud and recovery of certain charges; providing for recovery of costs and attorney's fees in certain insurer actions; specifying certain charges that are uncollectible and unenforceable; limiting charges for certain services; providing procedures and requirements for correcting certain information relating to processing claims; prohibiting an insurer from taking certain actions with respect to a claim submitted by a health care provider; prohibiting an insurer from taking certain actions with respect to an independent medical examination; requiring certain recordkeeping; deleting provisions relating to arbitration of certain disputes between insurers and medical providers; providing certain statements and forms requirements, limitations, and restrictions; specifying factors for court consideration in applying attorney contingency fee multipliers; extending the time within which an insurer may respond to a demand letter; expanding civil actions for insurance fraud; amending s. 627.745, F.S.; expanding the availability of mediation of certain claims; creating s. 627.747, F.S.; providing for legislative oversight of motor vehicle insurance; requiring the Office of Insurance Regulation of the Financial Services Commission and the Division of Insurance Fraud of the Department of Financial Services to regularly report certain data and analysis of certain information to specified officers of the Legislature; amending s. 817.234, F.S.; increasing criminal penalties for certain acts of solicitation of accident victims; providing mandatory minimum

penalties; prohibiting certain solicitation of accident victims; providing criminal penalties; prohibiting a person from organizing, planning, or participating in a staged motor vehicle accident; providing criminal penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing a criminal penalty for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting marketing or presenting false or fraudulent motor vehicle insurance cards; providing criminal penalties; creating s. 817.413, F.S.; prohibiting certain sale of used motor vehicle goods as new; providing criminal penalties; amending s. 860.15, F.S.; providing a criminal penalty for charging for certain motor vehicle repairs and parts to be paid from a motor vehicle insurance policy; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in criminal penalties and the creation of additional offenses under the act; providing that the amendment to s. 456.0375(1)(b)1., F.S., is intended to clarify existing intent; providing retroactive operation; requiring the Office of Insurance Regulation to report to the Legislature on the economic condition of private passenger automobile insurance in this state; providing for October 1, 2005, repeal of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted during the 2004 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing effective dates.

—was read the second time by title.

Representative Seiler offered the following:

(Amendment Bar Code: 474267)

Amendment 1 (with title amendment)—Remove line(s) 1567-1577:

Remove line(s) 100-107, and insert:
 automobile insurance in this state; providing effective dates.

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

Session Vote Sequence: 262

Speaker Byrd in the Chair.

Yeas—39

Antone	Fields	Joyner	Roberson
Baxley	Fiorentino	Justice	Ryan
Bendross-Mindingall	Gelber	Kosmas	Seiler
Brandenburg	Gottlieb	Kottkamp	Slosberg
Brutus	Greenstein	Machek	Smith
Bucher	Harper	Meadows	Sobel
Bullard	Henriquez	Peterman	Vana
Cusack	Holloway	Rich	Wiles
Domino	Homan	Richardson	Wishner
Farkas	Jennings	Ritter	

Nays—68

Adams	Carassas	Johnson	Pickens
Altman	Clarke	Jordan	Poppell
Ambler	Culp	Kallinger	Prieguez
Anderson	Davis, D.	Kendrick	Quinones
Arza	Dean	Kilmer	Reagan
Attkisson	Detert	Kyle	Robaina
Barreiro	Evers	Littlefield	Ross
Bean	Galvano	Llorente	Rubio
Bense	Garcia	Mack	Russell
Benson	Gardiner	Mahon	Sansom
Berfield	Gibson, H.	Mayfield	Simmons
Bilirakis	Goodlette	Mealor	Sorensen
Bowen	Green	Murman	Spratt
Brown	Harrell	Murzin	Stansel
Brummer	Harrington	Needelman	Stargel
Byrd	Hasner	Negron	Troutman
Cantens	Hogan	Paul	Waters

Votes after roll call:

Yeas—McInvale, Zapata
 Nays—Allen
 Yeas to Nays—Fiorentino

Representative Gottlieb offered the following:

(Amendment Bar Code: 810043)

Amendment 2 (with title amendment)—Between lines 1577 and 1588, insert:

Section 19. Notwithstanding any provision of this act or any provision of the Florida Statutes relating to rates charged by insurance companies on motor vehicle insurance policies, no insurance company shall increase the rate for a motor vehicle insurance policy issued or renewed to a person 65 years of age or older if such person has a clean driving record. For purposes of this section, a clean driving record means having no accidents or claims within the immediately preceding 3 years.

Remove line(s) 107, and insert:

relating to such repeal; prohibiting insurance companies from increasing motor vehicle insurance policy rates for certain people under certain circumstances; providing an effective date.

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 401 was taken up. On motion by Rep. Brummer, CS for CS for SB 1856 was substituted for HB 401. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 1856—A bill to be entitled An act relating to law enforcement officers and correctional officers; amending s. 112.532, F.S.; revising provisions relating to disciplinary actions against officers; providing grounds for civil actions by officers; providing for officers to obtain investigative reports; revising guidelines for questioning officers who are being investigated; providing for the production of an investigative report and supporting documents in a disciplinary case against a law enforcement or correctional officer to that officer prior to the imposition of certain disciplinary actions; providing for such records to remain confidential pursuant to the current public-records exemption; providing that such provision is not to be construed to provide a law enforcement or correctional officer with a property interest in a position of employment; amending s. 112.533, F.S.; providing that an established system for the receipt, investigation, and determination of complaints shall be the exclusive procedure used by law enforcement and correctional agencies; providing for legal counsel or a representative of the officer's choice to review a complaint filed against the officer and all statements made by the complainant and witnesses; providing an effective date.

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

HB 1157—A bill to be entitled An act relating to administrative procedures; amending s. 120.551, F.S.; providing for publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; providing criteria for publication on the Internet; deleting reference to a pilot project; providing an effective date.

The Committee on State Administration recommended the following:

HB 1157 CS—A bill to be entitled An act relating to administrative procedures; amending s. 120.55, F.S.; providing for electronic publication of the Florida Administrative Weekly on an Internet website in lieu of paper publication; amending content requirements for the Florida Administrative Weekly; requiring the Department of State to review notices; eliminating fees associated with the Florida Administrative Weekly; providing website search and archiving requirements; providing for free agency and public access to the Florida Administrative Weekly Internet website; eliminating trust fund provisions; amending s. 120.551, F.S.; extending the time for the Department of Environmental Protection's Internet publication pilot project; amending s.

287.042, F.S.; eliminating obsolete provisions; providing for future repeal of s. 120.551, F.S., relating to an Internet publication pilot project; providing for discontinuation of the paper version of the Florida Administrative Weekly; requiring notice of discontinuation; providing for agency training courses; providing effective dates.

—was read the second time by title.

Representative Murzin offered the following:

(Amendment Bar Code: 168595)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Section 120.551, Florida Statutes, is amended to read:

120.551 Internet publication pilot project.--

~~(1) On or before December 31, 2001, The Department of Environmental Protection on its own behalf and acting as staff to the Board of Trustees of the Internal Improvement Trust Fund shall publish and the State Technology Office shall establish and commence a pilot project to determine the cost-effectiveness of publication of notices on the Internet in lieu of complete publication in the Florida Administrative Weekly. The pilot project shall end on July 1, 2003. Under this pilot project, Notwithstanding any other provision of law, whenever notices are published on the Internet in lieu of the Department of Environmental Protection is required to publish notices in the Florida Administrative Weekly, the Department of State shall Environmental Protection instead may publish a summary of such notice in the Florida Administrative Weekly along with the specific URL or Internet address where the complete agency notice required by law shall be published. The Department of Environmental Protection shall publish All other notices shall be published in the manner prescribed by law. Notices published on the Internet under this section shall clearly state the date the notice was first posted on the Internet and shall be initially posted only on the same days the Florida Administrative Weekly is published. Notices related to rulemaking published on the Internet under this provision shall be maintained on the Internet for a period of at least 12 months after the effective date of the rule or at least 3 months after the publication of a notice of withdrawal of the proposed rule. All other notices published on the Internet under this provision shall be maintained on the Internet for a period of at least 3 months after the date first posted. A searchable database or other electronic system shall to be permanently maintained on the Internet for the purpose of archiving all notices published on the Internet and allowing citizens permanent electronic access to such archived records shall also be established by the pilot project. No notice posted on the Internet shall be removed until the searchable database is implemented.~~

~~(2) The Department of State shall publish notice of this pilot project in each weekly publication of the Florida Administrative Weekly. The notice shall state: "Under a temporary pilot project, in conjunction with the State Technology Office, to determine the cost-effectiveness of Internet publication of notices in lieu of complete publication in the Florida Administrative Weekly, summaries of notices of the Department of Environmental Protection are being published in the Florida Administrative Weekly along with a reference to the specific Internet URL or address where the complete notice required by law shall be published."~~

~~(3) No later than January 31, 2003, the Department of Environmental Protection, the State Technology Office, and the Department of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives containing findings on the cost effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly, and recommendations, including legislative or rule changes, for modifications to the process necessary to effectuate publication of notices on the Internet.~~

Section 2. Paragraph (i) of subsection (1) of section 120.54, Florida Statutes, is amended to read:

120.54 Rulemaking.--

(1) GENERAL PROVISIONS APPLICABLE TO ALL RULES OTHER THAN EMERGENCY RULES.--

(i) A rule may incorporate material by reference but only as the material exists on the date the rule is adopted. For purposes of the rule, changes in the material are not effective unless the rule is amended to incorporate the

changes.

2. Notwithstanding any provision in this section to the contrary, when an adopted rule of the Department of Environmental Protection or a water management district is incorporated by reference in the other agency's rule to implement a provision of chapter 373, subsequent amendments to the rule are not effective as to the incorporating rule unless the agency incorporating by reference notifies the committee and the Department of State of its intent to adopt the subsequent amendment, publishes notice of such intent in the Florida Administrative Weekly, and files with the Department of State a copy of the amended rule incorporated by reference. Changes in the rule incorporated by reference are effective 20 days after the date of the published notice and filing with the Department of State. The Department of State shall amend the history note of the incorporating rule to show the effective date of such change. Any substantially affected person may, within 14 days after the date of publication of the notice of intent in the Florida Administrative Weekly, file an objection to rulemaking with the agency. The objection shall specify the portions of the rule incorporated by reference to which the person objects and the reasons for the objection. The agency shall not have the authority under this subparagraph to adopt those portions of the rule specified in such objection. Objections which are frivolous or which duplicate those previously filed during the initial adoption of the rule incorporated by reference shall not be considered sufficient to prohibit the agency from adopting rules under this subparagraph. The agency shall publish notice of the objection, and its action in response, in the next available issue of the Florida Administrative Weekly.

3. A rule may not be amended by reference only. Amendments must set out the amended rule in full in the same manner as required by the State Constitution for laws. The Department of State may prescribe by rule requirements for incorporating materials by reference pursuant to this paragraph.

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

Remove the entire title, and insert:

A bill to be entitled

An act relating to agency rules; amending s. 120.551, F.S.; providing that the Department of Environmental Protection on its own behalf and on behalf of the Board of Trustees of the Internal Improvement Trust Fund shall publish its notices on the Internet rather than by publication in the Florida Administrative Weekly; requiring the Department of State to publish the specific URL or Internet address for such notices; eliminating a duplicative pilot project which is scheduled to terminate; amending s. 120.54, F.S.; providing that subsequent amendments to certain rules of the Department of Environmental Protection or water management districts which were incorporated by the other agency into its rules are not automatically incorporated into such rules; providing notice and procedures for such additional incorporation; providing for the filing of objections by affected persons; providing notice and procedures for filing such objections; providing an effective date.

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

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.

On motion by Rep. Russell, consideration of **HB 963** was temporarily postponed under Rule 11.10.

HB 405 was taken up. On motion by Rep. Spratt, CS for SB 1232 was substituted for HB 405. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1232—A bill to be entitled An act relating to the practice of pest control; amending s. 482.051, F.S.; providing for temporary markers for vehicles; amending s. 482.091, F.S.; providing certain restrictions on the issuance of employee identification cards; amending s. 482.155, F.S.; providing that a limited certification does not authorize fumigation of a structure; amending s. 482.156, F.S.; providing a fee for the late renewal of certification for commercial landscape maintenance personnel; providing for automatic expiration of such certification following failure to obtain recertification; amending s. 482.161, F.S.; authorizing the Department of Agriculture and Consumer Services to take disciplinary action against a licensee or other person who impersonates a department employee; amending

s. 482.165, F.S.; authorizing the department to impose an additional fine for the unlicensed practice of pest control; providing an exception; providing an effective date.

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

HB 433 was taken up. On motion by Rep. Murman, CS for SB 2404 was substituted for HB 433. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 2404—A bill to be entitled An act relating to substance abuse and mental health; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to adopt by rule new payment methodologies and to eliminate unit-based methodologies for mental health and substance abuse services; authorizing the department to adopt rules for local match based on new methodologies; prohibiting changes to the ratio of state to local matching resources or to the sources of local match and prohibiting the increase in the amount of local matching funds required; creating s. 394.655, F.S.; providing legislative intent; creating the Florida Substance Abuse and Mental Health Corporation, Inc.; providing that the corporation be administratively housed within the Department of Children and Family Services; specifying responsibilities for the corporation; specifying direction to the department regarding the corporation; requiring a memorandum of understanding between the corporation and the department; specifying the composition of the corporation; providing for appointments by the Governor, President of the Senate and the Speaker of the House of Representatives; providing direction to the corporation regarding its operation; authorizing advisory committees; requiring financial disclosure by corporation members; authorizing the corporation to employ and purchase staff support within funds appropriated; providing for additional staff support to be provided by the department; directing the corporation to develop and submit a budget request for its operation; providing for an annual financial audit; specifying that funds for the corporation be appropriated in a special category; providing for an annual evaluation and report by the corporation; providing for expiration of s. 394.655, F.S., created by this act on October 1, 2006, unless reenacted by the Legislature; providing for the expiration of ss. 20.19(2)(c) and 20.19(4)(b)6. and 8. on October 1, 2006, unless reenacted by the Legislature; directing the Office of Program and Policy Analysis and Government Accountability and the Auditor General to conduct an evaluation; specifying the evaluation's focus; requiring an initial report on February 1, 2005 and a final report on February 1, 2006, to the Governor and Legislature; amending s. 20.19, F.S.; directing the Secretary of the department to appoint certain positions; providing for the organization of the mental health and substance abuse programs within the department; providing for implementation within available resources; amending s. 394.741, F.S.; amending accreditation requirements for providers of behavioral health care services; requiring the Department of Children and Family Services and the Agency for Health Care Administration to follow only properly adopted and applicable statutes and rules in monitoring contracted providers; requiring the department to file a State Project Compliance Supplement; amending s. 394.9082, F.S.; modifying the services for which a managing entity is accountable; establishing data system requirements; providing for establishment of a single managing entity for the delivery of substance abuse services to child protective services recipients in specified districts of the department; requires the inclusion of certain not-for-profit providers of child welfare services in the network; providing for a contract; requiring certain information to be kept; requiring an evaluative study; providing for reports to the Governor and Legislature; revising provisions relating to delivery of state-funded mental health services; amending s. 409.912, F.S.; requiring the agency to work with the department to ensure mental health and substance abuse services are accessible to children and families in the child protection system; requiring the Agency for Health Care Administration to seek federal approval to contract with single entities to provide comprehensive behavioral health care services to Medicaid recipients in AHCA areas; requiring the agency to submit a plan for fully implementing capitated prepaid behavioral health care in all areas of the state; providing for implementation of the plan that would vary by the size of the eligible population; authorizing the agency to adjust the capitation rate under specified circumstances; requiring the agency to develop policies and procedures that allow for certification of local funds; requiring current providers of child

welfare services be provided an opportunity to participate in the provider network; requiring the agency and the department to develop a plan to implement new Medicaid procedure codes for specified services; providing that match requirements for those procedure codes are met by certifying general revenue with contracted providers; requiring the plan to address specific procedure codes to be implemented, a projection of procedures to be delivered and a financial analysis; requiring approval by the Legislative Budget Commission prior to implementation; directing the plan to be submitted for consideration by the 2004 Legislature if not approved by December 31, 2004; requiring approval by the Legislative Budget Commission prior to implementation; providing effective dates.

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

HB 441 was taken up. On motion by Rep. Brown, CS for CS for SB 250 was substituted for HB 441. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 250—A bill to be entitled An act relating to rural hospitals; amending ss. 395.602 and 408.07, F.S.; revising the definition of the term "rural hospital"; creating s. 395.6025, F.S.; authorizing exemptions from certificate-of-need review for the construction of a new or replacement facility for a rural hospital; providing conditions for eligibility for the exemption; amending s. 766.314, F.S.; expanding the definition of the term "infant delivered" for the purposes of payment of an initial assessment for each infant delivered in a hospital; providing an effective date.

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

HB 1861 was taken up. On motion by Rep. Hogan, the rules were waived and CS for SB 1500 was substituted for HB 1861. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1500—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; requiring the Secretary of State to create and maintain a statewide voter registration database and designate an office within the department which provides voter information to absent and overseas voters; amending s. 97.021, F.S.; deleting the definition of "central voter file"; revising the definition of "provisional ballot"; amending s. 97.052, F.S.; providing additional requirements for the uniform statewide voter registration application; amending s. 97.053, F.S.; revising requirements for accepting a voter registration application; creating s. 97.0535, F.S.; providing additional application requirements for a voter who registers by mail and who has not previously voted in the county; specifying forms of identification that may be used by the applicant; creating s. 97.028, F.S.; providing procedures under which a person may file a complaint with the Department of State alleging a violation of the Help America Vote Act of 2002; providing that such proceedings are exempt from ch. 120, F.S.; providing for review by a hearing officer; providing for a final determination by the department; providing for mediation under certain circumstances; repealing s. 98.097, F.S., relating to a central voter file; amending s. 98.0977, F.S., relating to the statewide voter registration database; deleting obsolete references relating to the statewide voter registration database; directing the Department of State to develop the Statewide Voter Registration System to meet the requirements of the Help America Vote Act of 2002; requiring the department to certify certain facts to the Election Assistance Commission in order to qualify for a waiver and extension of time; requiring a report to the Governor and the Legislature; amending s. 98.461, F.S.; requiring that the precinct register be used at the polls in lieu of the registration books; revising requirements for the register; transferring, renumbering, and amending s. 98.471, F.S.; providing requirements for identifying electors at the polls; providing requirements for certain first-time voters who register by mail; amending s. 101.048, F.S., relating to provisional ballots; requiring the department to prescribe the form of the provisional ballot envelope; authorizing the supervisor of elections to provide the ballot by an electronic means; providing requirements for casting ballots and determining whether the ballot was counted; creating s. 101.049, F.S.; providing procedures for casting certain provisional ballots after the polls close; amending s. 101.111, F.S.; revising procedures for challenging the

right of a person to vote; revising the forms used with respect to such challenge; requiring a decision concerning such challenge by the clerk and inspectors; amending ss. 101.62 and 101.64, F.S., relating to absentee ballots; conforming provisions to changes made by the act; amending s. 101.65, F.S.; requiring that additional instructions be provided to absent electors; amending s. 101.657, F.S.; revising identification requirements for persons casting absentee ballots in the office of the supervisor of elections; providing for provisional ballots for certain first-time voters; creating s. 101.6921, F.S.; providing requirements for the delivery of a special absentee ballot to a first-time voter who registered by mail; specifying the form of the voter's certificate; requiring that a voter's signature be witnessed; providing requirements for mailing; creating s. 101.6923, F.S.; specifying the ballot instructions that must be provided to first-time voters who registered to vote by mail; creating s. 101.6925, F.S.; requiring the supervisor of elections to receive voted special absentee ballots; providing requirements for canvassing the ballots; amending s. 101.694, F.S.; providing for the federal postcard application to apply to absentee ballot requests for certain future general elections; amending s. 102.141, F.S.; providing requirements for canvassing certain provisional ballots; directing the Department of State to adopt uniform rules for machine recounts; suspending operation of the second primary election until January 1, 2006; providing a date in 2004 by which candidates for Lieutenant Governor must be designated and qualified; providing campaign finance reporting dates and contribution limits for the 2004 elections; amending s. 99.103, F.S.; directing the rebate of legislative candidate filing fees to leadership funds; amending s. 99.092, F.S., relating to the return of filing fees in the event of a candidate's death, to conform; amending s. 106.011, F.S.; redefining the terms "political committee," "independent expenditure," and "person"; amending s. 106.021, F.S.; exempting leadership fund expenditures for communications jointly endorsing three or more candidates from the limits applicable to candidate contributions; amending s. 106.025, F.S.; exempting certain leadership fund fundraisers from campaign fund raiser requirements; amending s. 106.04, F.S.; modifying reporting requirements for committees of continuous existence that make contributions to leadership funds; amending s. 106.08, F.S.; exempting leadership funds from the limits applicable to contributions to candidates and political committees supporting candidates; prescribing the amount a candidate may accept in contributions from leadership funds; exempting contributions from leadership funds from the statutory proscription against making indirect contributions; limiting the activities of leadership funds with regard to soliciting from, and making contributions to, charitable and philanthropic groups; prohibiting leadership funds from accepting earmarked contributions designed to benefit a specific candidate; prohibiting leaders who are candidates from using their own leadership funds to support their own candidacy in certain circumstances; prescribing penalties; amending s. 106.147, F.S.; redefining the term "person" to include leadership funds for purposes of telephone solicitation requirements; amending s. 106.148, F.S.; subjecting leadership funds to computer solicitation disclosure requirements; amending s. 106.17, F.S.; authorizing leadership funds to conduct certain polls and surveys relating to candidacies; amending s. 106.29, F.S.; subjecting leadership funds to the same periodic campaign finance reporting requirements as executive committees of political parties; requiring the Division of Elections to provide a campaign finance form for reporting leadership fund contributions and expenditures; providing an exemption from leadership fund reporting requirements for periods of inactivity; prescribing penalties; amending s. 106.295, F.S.; redefining the terms "leadership fund" and "leader"; authorizing leadership funds; requiring the creation of a primary leadership depository; mandating the appointment of a leadership fund treasurer; prescribing the method for making leadership fund expenditures; authorizing the use of petty cash funds; requiring the leadership fund treasurer to maintain records and accounts in a certain manner for a specified period; amending s. 106.33, F.S.; modifying the contribution limits applicable to candidates accepting public financing; amending s. 103.081, F.S.; exempting leadership funds from the prohibition against the use of its political party name, abbreviation, or symbol; amending s. 103.091, F.S.; creating leadership funds as an independent entity within a political party; amending s. 106.011, F.S.; redefining the term "communications media"; amending s. 106.11, F.S.; extending the time for unopposed candidates to purchase "thank you" advertising; amending s. 106.141, F.S.; extending the date for unopposed candidates to file a termination report, to conform; creating s. 106.1433, F.S.; establishing reporting requirements for certain political electioneering

advertisements intended to influence public policy; prescribing prohibitions and exemptions; prescribing penalties; amending s. 106.1437, F.S.; exempting electioneering ads from disclaimer requirements applicable to miscellaneous advertisements, to conform; providing for severability; providing effective dates.

—was read the second time by title.

Representative Hogan offered the following:

(Amendment Bar Code: 288377)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.—The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

- (1) Obtain and maintain uniformity in the application, operation, and interpretation of the election laws.
- (2) Provide uniform standards for the proper and equitable implementation of the registration laws.
- (3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.
- (4) Provide technical assistance to the supervisors of elections on voter education and election personnel training services.
- (5) Provide technical assistance to the supervisors of elections on voting systems.
- (6) Provide voter education assistance to the public.
- (7) Coordinate the state's responsibilities under the National Voter Registration Act of 1993.
- (8) Provide training to all affected state agencies on the necessary procedures for proper implementation of this chapter.
- (9) Ensure that all registration applications and forms prescribed or approved by the department are in compliance with the Voting Rights Act of 1965.
- (10) Coordinate with the United States Department of Defense so that armed forces recruitment offices administer voter registration in a manner consistent with the procedures set forth in this code for voter registration agencies.
- (11) Create and maintain a statewide voter registration database central voter file.
- (12) Maintain a voter fraud hotline and provide election fraud education to the public.
- (13) Designate an office within the department to be responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

Section 2. Section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

- (1) "Absent elector" means any registered and qualified voter who casts an absentee ballot.
- (2) "Alternative formats" has the meaning ascribed in the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., including specifically the technical assistance manuals promulgated thereunder, as amended.
- (3) "Ballot" or "official ballot" when used in reference to:
 - (a) "Paper ballots" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.
 - (b) "Electronic or electromechanical devices" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.
- (4) "Candidate" means any person to whom any one or more of the following applies:
 - (a) Any person who seeks to qualify for nomination or election by means of the petitioning process.
 - (b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

~~(5) "Central voter file" means a statewide, centrally maintained database containing voter registration information of all counties in this state.~~

~~(5)(6) "Department" means the Department of State.~~

~~(6)(7) "Division" means the Division of Elections of the Department of State.~~

~~(7)(8) "Election" means any primary election, special primary election, special election, general election, or presidential preference primary election.~~

~~(8)(9) "Election board" means the clerk and inspectors appointed to conduct an election.~~

~~(9)(10) "Election costs" shall include, but not be limited to, expenditures for all paper supplies such as envelopes, instructions to voters, affidavits, reports, ballot cards, ballot booklets for absentee voters, postage, notices to voters; advertisements for registration book closings, testing of voting equipment, sample ballots, and polling places; forms used to qualify candidates; polling site rental and equipment delivery and pickup; data processing time and supplies; election records retention; and labor costs, including those costs uniquely associated with absentee ballot preparation, poll workers, and election night canvass.~~

~~(10)(11) "Elector" is synonymous with the word "voter" or "qualified elector or voter," except where the word is used to describe presidential electors.~~

~~(11)(12) "General election" means an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.~~

~~(12)(13) "Lists of registered electors" means copies of printed lists of registered electors, computer tapes or disks, or any other device used by the supervisor of elections to maintain voter records.~~

~~(13)(14) "Member of the Merchant Marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes for the inland waterways, who is:~~

~~(a) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or~~

~~(b) Enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of such vessel.~~

~~(14)(15) "Minor political party" is any group as defined in this subsection which on January 1 preceding a primary election does not have registered as members 5 percent of the total registered electors of the state. Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minor political party of this state by filing with the department a certificate showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the minor political party to notify the department of any changes in the filing certificate within 5 days of such changes.~~

~~(15)(16) "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates and which is readily available for purchase by all inhabitants in the area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.~~

~~(16)(17) "Nominal value" means having a retail value of \$10 or less.~~

~~(17)(18) "Nonpartisan office" means an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.~~

~~(18)(19) "Office that serves persons with disabilities" means any state office that takes applications either in person or over the telephone from persons with disabilities for any program, service, or benefit primarily related to their disabilities.~~

~~(19)(20) "Overseas voter" means:~~

~~(a) Members of the uniformed services while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;~~

~~(b) Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and~~

~~(c) Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia, who are qualified and registered to vote as provided by law.~~

~~(20)(21) "Overvote" means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question, and the tabulator records no vote for the office or question.~~

~~(21)(22) "Persons with disabilities" means individuals who have a physical or mental impairment that substantially limits one or more major life activities.~~

~~(22)(23) "Polling place" is the building which contains the polling room where ballots are cast.~~

~~(23)(24) "Polling room" means the actual room in which ballots are cast.~~

~~(24)(25) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. The first primary is a nomination or elimination election; the second primary is a nominating election only.~~

~~(25)(26) "Provisional ballot" means a conditional ballot, the validity of which is determined by the canvassing board issued to a voter by the election board at the polling place on election day for one of the following reasons:~~

~~(a) The voter's name does not appear on the precinct register and verification of the voter's eligibility cannot be determined; or~~

~~(b) There is an indication on the precinct register that the voter has requested an absentee ballot and there is no indication whether the voter has returned the absentee ballot.~~

~~(26)(27) "Public assistance" means assistance provided through the food stamp program; the Medicaid program; the Special Supplemental Food Program for Women, Infants, and Children; and the WAGES Program.~~

~~(27)(28) "Public office" means any federal, state, county, municipal, school, or other district office or position which is filled by vote of the electors.~~

~~(28)(29) "Qualifying educational institution" means any public or private educational institution receiving state financial assistance which has, as its primary mission, the provision of education or training to students who are at least 18 years of age, provided such institution has more than 200 students enrolled in classes with the institution and provided that the recognized student government organization has requested this designation in writing and has filed the request with the office of the supervisor of elections in the county in which the institution is located.~~

~~(29)(30) "Special election" is a special election called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.~~

~~(30)(31) "Special primary election" is a special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.~~

~~(31)(32) "Supervisor" means the supervisor of elections.~~

~~(32)(33) "Tactile input device" means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(k) and (l).~~

~~(33)(34) "Undervote" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question.~~

~~(34)(35) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.~~

~~(35)(36)~~ "Voter interface device" means any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.

~~(36)(37)~~ "Voter registration agency" means any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library.

~~(37)(38)~~ "Voting booth" or "booth" means that booth or enclosure wherein an elector casts his or her ballot for tabulation by an electronic or electromechanical device.

~~(38)(39)~~ "Voting system" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

Section 3. (1) Subsection (32) of section 97.021, Florida Statutes, as amended by this act, is amended to read:

97.021 Definitions.--For the purposes of this code, except where the context clearly indicates otherwise, the term:

(32) "Tactile input device" means a device that provides information to a voting system by means of a voter touching the device, such as a keyboard, and that complies with the requirements of s. 101.56062(1)(j) and (k) ~~and (4)~~.

(2) The amendment of subsection (32) of section 97.021, Florida Statutes, by this section shall take effect on the date the amendment of section 101.56062, Florida Statutes, by this act takes effect.

Section 4. Subsection (3) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.--

(3) The uniform statewide voter registration application must also contain:

(a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) A statement specifying each eligibility requirement under s. 97.041.

(c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.

(d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.

(e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.

(f) A statement that informs the applicant that any person who has been granted a homestead exemption in this state, and who registers to vote in any precinct other than the one in which the property for which the homestead exemption has been granted, shall have that information forwarded to the property appraiser where such property is located, which may result in the person's homestead exemption being terminated and the person being subject to assessment of back taxes under s. 193.092, unless the homestead granted the exemption is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere.

(g) A statement informing the applicant that if the form is submitted by mail and the applicant is registering for the first time, the applicant will be required to provide identification prior to voting the first time.

Section 5. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.--

(5)(a) A voter registration application is complete if it contains:

1. The applicant's name.

2. The applicant's legal residence address.

3. The applicant's date of birth.

4. An indication that the applicant is a citizen of the United States.

5. The applicant's Florida driver's license number, the identification number from a Florida identification card issued under s. 322.051, or the last four digits of the applicant's social security number.

6. An indication that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. Signature of the applicant swearing or affirming under the penalty for

false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Section 6. Effective upon this act becoming a law, section 97.028, Florida Statutes, is created to read:

97.028 Procedures on complaints of violations of Title III of the Help America Vote Act of 2002.--

(1)(a) Any person who believes that a violation of Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur may file a complaint with the department.

(b) The complaint must be in writing and must be signed and sworn to before a notary by the person filing the complaint. Further, the complaint must state the alleged violation and the person or entity responsible for the violation. The department shall prescribe the form for complaints filed under this section. If the department determines that the complaint fails to allege both a violation and a person or entity responsible for the violation, or that the complaint is not properly executed, the department shall inform the complainant in writing that the complaint is legally insufficient.

(c) For purposes of this section, a violation of Title III of the Help America Vote Act of 2002 is the failure to perform an act required or the performance of an act prohibited by Title III of the Help America Vote Act of 2002 by a covered person or entity.

(d) The department shall have sole jurisdiction over complaints filed under the provisions of this section.

(e) This section provides the sole avenue of redress for alleged violations of Title III of the Help America Vote Act of 2002 and does not give rise to any other cause of action.

(f) The department may consolidate complaints filed under this section.

(g) All proceedings under this section are exempt from chapter 120.

(2)(a) When a legally sufficient complaint is filed with the department, the agency head shall designate a hearing officer who shall:

1. Provide the subject of the complaint with a copy of the complaint. The subject of the complaint shall, within 10 days after receipt of the complaint, file with the department a written, sworn response to the complaint.

2. Upon receipt of the response, the hearing officer shall review both sworn filings to determine whether a violation of the Title III of the Help America Vote Act of 2002 has occurred, is occurring, or is about to occur. The complaint and the response shall constitute the official hearing record to be considered by the hearing officer. The hearing officer shall provide the complainant with a copy of the response.

3. At the hearing officer's discretion, the complainant and the respondent may be ordered by the hearing officer to provide additional sworn oral or written statements or additional documents to assist the hearing officer in making his or her determination. Further, other relevant witnesses may also be ordered by the hearing officer to give sworn testimony or to provide relevant documents to assist the hearing officer in making his or her determination. Any such statements or documents received by the hearing officer shall also become part of the official hearing record. For purposes of this section, the hearing officer is authorized to administer oaths and to issue subpoenas.

4. The hearing officer shall advise both the complainant and respondent in writing of their determination. If the hearing officer determines that no violation has occurred, is occurring, or is about to occur, the department shall dismiss the complaint and publish its determination. If the hearing officer determines that a violation of Title III of the Help America Vote Act has occurred, is occurring, or is about to occur, the department shall issue and deliver an order directing the appropriate remedy to persons responsible for effecting such remedy. The issuance of an order does not constitute agency action for which a hearing under ss. 120.569 or 120.57 may be sought. For purposes of enforcing the order, the department may initiate a proceeding in the name of the state seeking issuance of an injunction, a writ of mandamus, or other equitable remedy against any person who violates any provision of such order.

5. The department shall make a final determination with respect to the complaint within 90 days after the date that the complaint was filed, unless the complainant consents to a longer period for making such a determination.

(b) If the department fails to meet the deadline established in subparagraph (a)5., the complaint shall be forwarded to mediation. Mediation shall occur within 60 days after the department's failure to make a determination within the timeframe established in subparagraph (a)5. The record created under this section shall be made available for use in the mediation.

Section 7. Section 97.0535, Florida Statutes, is created to read:

97.0535 Special requirements for certain applicants.--

(1) Each applicant who registers by mail and who has never previously voted in the county shall be required to provide a copy of a current and valid photo identification, as provided in subsection (3), or indicate that he or she is exempt from the requirements prior to voting. The applicant may provide the identification or indication at the time of registering, or at any time prior to voting for the first time in the county. If the voter registration application clearly provides information from which the supervisor can determine that the applicant meets at least one of the exemptions in subsection (4), the supervisor shall make the notation on the registration records and the applicant shall not be required to provide further information that is required of first time voters who register by mail.

(2) The supervisor of elections shall, upon accepting the voter registration for an applicant who registered by mail and who has not previously voted in the county, determine if the applicant provided the required identification at the time of registering. If the required identification was not provided, the supervisor shall notify the applicant that he or she must provide the identification prior to voting the first time in the county.

(3) The following forms of identification shall be considered current and valid if they contain the name and photograph of the applicant and have not expired:

(a) Florida driver's license.

(b) Florida identification card issued by the Department of Highway Safety and Motor Vehicles.

(c) United States passport.

(d) Employee badge or identification.

(e) Buyer's club identification.

(f) Debit or credit card.

(g) Military identification.

(h) Student identification.

(i) Retirement center identification.

(j) Neighborhood association identification.

(k) Entertainment identification.

(l) Public assistance identification.

(4) The following persons are exempt from the identification requirements of this section:

(a) Persons 65 years of age or older.

(b) Persons with a temporary or permanent physical disability.

(c) Members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day.

(d) Members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day.

(e) The spouse or dependent of a member referred to in paragraph (c) or paragraph (d) who, by reason of the active duty or service of the member, is absent from the county on election day.

(f) Persons currently residing outside the United States who are eligible to vote in Florida.

Section 8. Subsection (3) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.--

(3) Notwithstanding the provisions of ss. 98.095, ~~98.097~~, and 98.0977, each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065, 98.075, and 98.0977. The records must include lists of the name and address of each person to whom an address confirmation final notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public record requirements under this code.

Section 9. Section 98.097, Florida Statutes, is repealed.

Section 10. Section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; ~~operation development and maintenance.--~~

(1) ~~From the funds appropriated, The department shall may contract with the Florida Association of Court Clerks to analyze, design, develop, operate, and maintain the a statewide, on-line voter registration database and associated website until such time as the statewide voter registration system required to be developed pursuant to the Help America Vote Act of 2002 is operational, to be fully operational statewide by June 1, 2002. The database~~

shall contain voter registration information from each of the 67 supervisors of elections in this state and shall be accessible through an Internet website. The system shall provide functionality for ensuring that the database is updated on a daily basis to determine if a registered voter is ineligible to vote for any of the following reasons, including, but not limited to:

(a) The voter is deceased;

(b) The voter has been convicted of a felony and has not had his or her civil rights restored; or

(c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored.

The database shall also allow for duplicate voter registrations to be identified.

(2) The Department of State shall not contract with any private entity ~~other than the Florida Association of Court Clerks~~ for the operation ~~or maintenance~~ of the statewide voter registration database.

(3)(a) In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources.

(b) The supervisor of elections shall remove from the voter registration rolls the name of any person who is listed in the database as deceased.

(c) Information in the database indicating that a person registered to vote in a given county has subsequently registered to vote in another jurisdiction shall be considered as a written request from that voter to have his or her name removed from the voter registration rolls of that county, and the supervisor of elections of that county shall remove that voter's name from the county's voter registration rolls.

(d) When the supervisor of elections finds information through the database that suggests that a voter has been convicted of a felony and has not had his or her civil rights restored or has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to be registered to vote and shall request information from the voter on forms provided by the supervisor of elections. As an alternative, the voter may attend a hearing at a time and place specified in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls. After reviewing the information provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to be registered to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she has been removed from the voter registration rolls. The supervisor of elections shall remove from the voter registration rolls the name of any voter who fails either to respond within 30 days to the notice sent by certified mail or to attend the hearing.

(e) Upon hearing all evidence in a hearing, the supervisor of elections must determine whether there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(f) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration books or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

(4) To the maximum extent feasible, state and local government entities shall facilitate provision of information and access to data to the department in order to compare information in the statewide voter registration database with available information in other computer databases, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local governmental agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not

significant.

~~(5) The Division of Elections shall provide written quarterly progress reports on each phase of development of the voter registration database to the President of the Senate and the Speaker of the House of Representatives beginning July 1, 2001, and continuing until the database is fully implemented.~~

~~(5)(6) The duties of the supervisors of elections under this section shall be considered part of their regular registration list maintenance duties under this chapter, and any supervisor of elections who willfully refuses or willfully neglects to perform his or her duties under this section shall be in violation of s. 104.051(2).~~

Section 11. (1) Beginning July 1, 2003, from the funds appropriated the Department of State shall begin the development of a statewide voter registration system designed to meet the requirements of sections 303 through 305 of the Help America Vote Act of 2002. The Legislature recognizes that the January 1, 2004, implementation date for the system provided in the federal bill cannot be met because there is not sufficient time for implementation of such a system. Accordingly, the department shall certify these facts to the Election Assistance Commission in order to qualify for waiver and extension of the due date until January 1, 2006.

(2) The department shall begin system needs assessments and design activities by July 1, 2003. The Department of Highway Safety and Motor Vehicles, the Department of Health, the Department of Law Enforcement, the Board of Executive Clemency, the State Technology Office, and representatives of the Florida State Association of Supervisors of Elections shall cooperate and participate in the development of the system. Other state agencies and local government entities that may have data or systems needed for integration with the system shall also cooperate and participate in the development of the system upon a request from the department.

(3) No later than January 31, 2004, the department shall present to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for completion of the system, which shall include:

(a) Business process design for all participants in the system operation.

(b) Design, location, and specifications for hardware, system software components, and communications infrastructure of the system.

(c) Design, specifications, and development plans for application software for the system.

(d) Budget for completion of the system, including all agencies and county offices.

(e) Recommended statutory changes needed to implement the system.

(4) This phase of the development shall continue through June 30, 2004, and shall include design and development of the core system, which will be operated by the Department of State; definition of the business processes which will be required of the other agencies and counties; and functional requirements specifications for integration with the data systems of the other agencies and the counties.

(5) This section shall take effect upon this act becoming a law.

Section 12. Section 98.212, Florida Statutes, is amended to read:

98.212 Supervisors to furnish statistical and other information.--

(1)(a) Upon written request, supervisors shall, as promptly as possible, furnish to recognized public or private universities and senior colleges within the state, to state or county governmental agencies, and to recognized political party committees statistical information for the purpose of analyzing election returns and results.

(b) Supervisors may require reimbursement for any part or all of the actual expenses of supplying any information requested under paragraph (a). For the purposes of this subsection, supervisors may use the services of any research and statistical personnel that may be supplied.

(c) Lists of names submitted to supervisors for indication of registration or nonregistration or of party affiliation shall be processed at any time at cost, except that in no case shall the charge exceed 10 cents for each name on which the information is furnished.

(2) The supervisors shall provide information as requested by the department for program evaluation and reporting to the Federal Election Commission pursuant to the National Voter Registration Act of 1993.

~~(3) The supervisors shall provide information as requested by the department for the creation and maintenance of the central voter file.~~

Section 13. Section 98.461, Florida Statutes, is amended to read:

98.461 Registration form, precinct register; contents.--A registration form, approved by the Department of State, containing the information required in s.

97.052 shall be filed alphabetically in the office of the supervisor as the master list of electors of the county. However, the registration forms may be microfilmed and such microfilms substituted for the original registration forms; or, when voter registration information, including the voter's signature, is maintained digitally or on electronic, magnetic, or optic media, such stored information may be substituted for the original registration form. Such microfilms or stored information shall be retained in the custody of the supervisor of elections. In the event the original registration forms are microfilmed or maintained digitally or on electronic or other media, such originals may be destroyed in accordance with the schedule approved by the Bureau of Archives and Records Management of the Division of Library and Information Services of the Department of State. As an alternative, the information from the registration form, including the signature, may be electronically reproduced and stored as provided in s. 98.451. A computer printout ~~shall may~~ be used at the polls as a precinct register in lieu of the registration books. The precinct register shall contain the date of the election, the precinct number, and the following information concerning each registered elector: last name, first name, and middle name or initial; party affiliation; residence address; registration number; date of birth; sex, if provided; race, if provided; whether the voter needs assistance in voting; and such other additional information as to readily identify the elector. ~~The precinct register may also contain a list of the forms of identification, which must include, but is not limited to, a Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification approved by the Department of State.~~ The precinct register shall ~~may~~ also contain a space for the elector's signature ~~and~~ a space for the initials of the witnessing clerk or inspector, ~~and a space for the signature slip or ballot number.~~

Section 14. Section 98.471, Florida Statutes, is renumbered as section 101.043, Florida Statutes, and amended to read:

101.043 98.471 Identification required Use of precinct register at polls.--

(1) The precinct register, as prescribed in s. 98.461, ~~shall may~~ be used at the polls in lieu of the registration books for the purpose of identifying the elector at the polls prior to allowing him or her to vote. The clerk or inspector shall require each elector, upon entering the polling place, to present a current and valid Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification as provided in s. 97.0535(3). If the picture identification does not contain the signature of the voter, an additional identification that provides the voter's signature shall be required approved by the Department of State. The elector shall sign his or her name in the space provided, and the clerk or inspector shall compare the signature with that on the identification provided by the elector and enter his or her initials in the space provided and allow the elector to vote if the clerk or inspector is satisfied as to the identity of the elector.

(2) Except as provided in subsection (3), if the elector fails to furnish the required identification, or if the clerk or inspector is in doubt as to the identity of the elector, such clerk or inspector shall follow the procedure prescribed in s. 101.49.

(3) If the elector who fails to furnish the required identification is a first-time voter who registered by mail and has not provided the required identification to the supervisor of elections prior to election day, the elector shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to s. 101.048(2).

Section 15. Section 98.491, Florida Statutes, is repealed.

Section 16. Section 101.048, Florida Statutes, is amended to read:

101.048 Provisional ballots.--

(1) At all elections, a voter claiming to be properly registered in the county and eligible to vote at the precinct in the election, but whose eligibility cannot be determined, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope.

(2)(a) The county canvassing board shall examine each provisional ballot envelope to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall compare the signature on the provisional ballot envelope with the

signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA
COUNTY OF _____

I do solemnly swear (or affirm) that my name is _____; that my date of birth is _____; that I am registered to vote and at the time I registered I resided at _____, in the municipality of _____, in _____ County, Florida; that I am registered in the _____ Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years.

... (Signature of Voter) ...
... (Current Residence Address) ...
... (Current Mailing Address) ...
... (City, State, Zip Code) ...
... (Driver's License Number or Last Four Digits of Social Security Number) ...

Sworn to and subscribed before me this _____ day of _____, ... (year) ...
... (Election Official) ...

Precinct # _____ Ballot Style/Party Issued: _____

~~Additional information may be provided to further assist the supervisor of elections in determining eligibility.~~

(4) In counties where the voting system does not utilize a paper ballot, the supervisor of elections ~~may shall~~ provide the appropriate provisional ballot to the voter by electronic means as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3) ~~ballots to each polling place.~~

(5) Each person casting a provisional ballot shall be given written instructions regarding the free access system established pursuant to subsection (6). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.

Section 17. Section 101.049, Florida Statutes, is created to read:
101.049 Provisional ballots; special circumstances.--

(1) Any person who votes in an election after the regular poll-closing time pursuant to a court or other order extending the statutory polling hours must vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The election official witnessing the voter's subscription and affirmation on the Provisional Ballot Voter's Certificate shall indicate whether or not the voter met all requirements to vote a regular ballot at the polls. All such provisional ballots shall remain sealed in their envelopes and transmitted to the supervisor of elections.

(2) Separate and apart from all other ballots, the county canvassing board shall count all late-voted provisional ballots that the canvassing board determines to be valid.

(3) The supervisor shall ensure that late-voted provisional ballots are not commingled with other ballots during the canvassing process or at any other time they are statutorily required to be in the supervisor's possession.

(4) This section shall not apply to voters in line at the poll-closing time provided in s. 100.011 who cast their ballot subsequent to that time.

(5) As an alternative, provisional ballots cast pursuant to this section may be cast in accordance with the provisions of s. 101.048(4).

Section 18. Section 101.111, Florida Statutes, is amended to read:
101.111 Person desiring to vote may be challenged; challenger to execute oath; oath of person challenged elector; determination of challenge.--

(1) When the right to vote of any person who desires to vote is challenged questioned by any elector or poll watcher, the challenge shall be reduced to writing with an oath as provided in this section, giving reasons for the challenge, which shall be delivered to the clerk or inspector. Any elector or authorized poll watcher challenging the right of a person to vote an elector at an election shall execute the oath set forth below:

OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of _____

I do solemnly swear that my name is _____; that I am a member of the _____ party; that I am _____ years old; that I was born in the state of _____ or the country of _____; that my residence address is on _____ street, in the municipality of _____; and that I have reason to believe that _____ is attempting to vote illegally and the reasons for my belief are set forth herein to wit:

... (Signature of person challenging voter) ...

Sworn and subscribed to before me this _____ day of _____, ... (year) ...
... (Clerk of election) ...

(2) Before a person who is challenged elector is permitted to vote by any officer or person in charge of admission to the polling place, the challenged person's elector's right to vote shall be determined in accordance with the provisions of subsection (3). The clerk or inspector shall immediately deliver to the challenged person elector a copy of the oath of the person entering the challenge and shall request the challenged person elector to execute the following oath affidavit:

OATH OF PERSON CHALLENGED VOTER

State of Florida
County of _____

I do solemnly swear that my name is _____; that I am a member of the _____ party; that my date of birth is I am _____ years old; that I was born in the state of _____ or the country of _____; that my residence address is on _____ street, in the municipality of _____, in this the _____ precinct of _____ county; that I personally made application for registration and signed my name and that I am a qualified voter in this election, and I am not registered to vote in any other precinct other than the one in which I am presently seeking to vote.

... (Signature of person voter) ...

Sworn and subscribed to before me this _____ day of _____, ... (year) ...
... (Clerk of election or Inspector) ...

Any inspector or clerk of election may administer the oath.

(3)(a) The clerk and inspectors shall compare the information in the challenged person's oath with that entered on the precinct register and shall take any other evidence that may be offered. The clerk and inspectors shall then decide by a majority vote whether the challenged person may vote a regular ballot.

(b) If the challenged person refuses to complete the oath or if a majority of the clerk and inspectors doubt the eligibility of the person to vote, the challenged person shall be allowed to vote a provisional ballot. The oath of the person entering the challenge and the oath of the person challenged shall be attached to the provisional ballot for transmittal to the canvassing board. #

~~the challenged person refuses to make and sign the affidavit, the clerk or inspector shall refuse to allow him or her to vote. If such person makes the affidavit, the inspectors and clerk of election shall compare the information in the affidavit with that entered on the registration books opposite the person's name, and, upon such comparison of the information and the person's signature and the taking of other evidence which may then be offered, the clerk and inspectors shall decide by a majority vote whether the challenged person may vote. If the challenged person is unable to write or sign his or her name, the clerk or inspector shall examine the precinct register to ascertain whether the person registered under the name of such person is represented to have signed his or her name. If the person is so represented, then he or she shall be denied permission to vote without further examination; but, if not, then the clerk or one of the inspectors shall place such person under oath and orally examine him or her upon the subject matter contained in the affidavit, and, if there is any doubt as to the identity of such person, the clerk or inspector shall compare the person's appearance with the description entered upon the precinct register opposite the person's name. The clerk or inspector shall then proceed as in other cases to determine whether the challenged person may vote.~~

Section 19. (1) Section 101.56062, Florida Statutes, is amended to read:

101.56062 Standards for accessible voting systems.--

(1) Notwithstanding anything in this chapter to the contrary, each voting system certified by the Department of State for use in local, state, and federal elections must include the capability to install accessible voter interface devices in the system configuration which will allow the system to meet the following minimum standards:

(a) The voting system must provide a tactile input or audio input device, or both.

(b) The voting system must provide a method by which voters can confirm any tactile or audio input by having the capability of audio output using synthetic or recorded human speech that is reasonably phonetically accurate.

(c) Any operable controls on the input device which are needed for voters who are visually impaired must be discernible tactilely without actuating the keys.

~~(d) Audio and visual access approaches must be able to work both separately and simultaneously.~~

~~(d)(e)~~ If a nonaudio access approach is provided, the system may not require color perception. The system must use black text or graphics, or both, on white background or white text or graphics, or both, on black background, unless the office of the Secretary of State approves other high-contrast color combinations that do not require color perception.

~~(e)(f)~~ Any voting system that requires any visual perception must offer the election official who programs the system, prior to its being sent to the polling place, the capability to set the font size, as it appears to the voter, from a minimum of 14 points to a maximum of 24 points.

~~(f)(g)~~ The voting system must provide audio information, including any audio output using synthetic or recorded human speech or any auditory feedback tones that are important for the use of the audio approach, through at least one mode, by handset or headset, in enhanced auditory fashion (increased amplification), and must provide incremental volume control with output amplification up to a level of at least 97 dB SPL.

~~(g)(h)~~ For transmitted voice signals to the voter, the voting system must provide a gain adjustable up to a minimum of 20 dB with at least one intermediate step of 12 dB of gain.

~~(h)(i)~~ For the safety of others, if the voting system has the possibility of exceeding 120 dB SPL, then a mechanism must be included to reset the volume automatically to the voting system's default volume level after every use, for example when the handset is replaced, but not before. Also, universal precautions in the use and sharing of headsets should be followed.

~~(i)(j)~~ If sound cues and audible information such as "beeps" are used, there must be simultaneous corresponding visual cues and information.

~~(j)(k)~~ Controls and operable mechanisms must be operable with one hand, including operability with a closed fist, and operable without tight grasping, pinching, or twisting of the wrist.

~~(k)(l)~~ The force required to operate or activate the controls must be no greater than 5 pounds of force.

~~(l)(m)~~ Voting booths must have voting controls at a minimum height of 36 inches above the finished floor with a minimum knee clearance of 27 inches high, 30 inches wide, and 19 inches deep, or the accessible voter interface devices must be designed so as to allow their use on top of a table to meet

these requirements. Tabletop installations must include adequate privacy.

~~(m)(n)~~ Any audio ballot must provide the voter with the following functionalities:

1. After the initial instructions that the system requires election officials to provide to each voter, the voter should be able to independently operate the voter interface through the final step of casting a ballot without assistance.

2. The voter must be able to determine the races that he or she is allowed to vote in and to determine which candidates are available in each race.

3. The voter must be able to determine how many candidates may be selected in each race.

4. The voter must be able to have confidence that the physical or vocal inputs given to the system have selected the candidates that he or she intended to select.

5. The voter must be able to review the candidate selections that he or she has made.

6. Prior to the act of casting the ballot, the voter must be able to change any selections previously made and confirm a new selection.

7. The system must communicate to the voter the fact that the voter has failed to vote in a race or has failed to vote the number of allowable candidates in any race and require the voter to confirm his or her intent to undervote before casting the ballot.

8. The system must prevent the voter from overvoting any race.

9. The voter must be able to input a candidate's name in each race that allows a write-in candidate.

10. The voter must be able to review his or her write-in input to the interface, edit that input, and confirm that the edits meet the voter's intent.

11. There must be a clear, identifiable action that the voter takes to "cast" the ballot. The system must make clear to the voter how to take this action so that the voter has minimal risk of taking the action accidentally but, when the voter intends to cast the ballot, the action can be easily performed.

12. Once the ballot is cast, the system must confirm to the voter that the action has occurred and that the voter's process of voting is complete.

13. Once the ballot is cast, the system must preclude the voter from modifying the ballot cast or voting or casting another ballot.

(2) Such voting system must include at least one accessible voter interface device installed in each precinct which meets the requirements of this section, ~~except for paragraph (1)(d).~~

(3) The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

(2) The amendment of section 101.56062, Florida Statutes, by this section shall take effect on the date the section, as created by section 12 of chapter 2002-281, Laws of Florida, takes effect pursuant to section 22 of chapter 2002-281, Laws of Florida, as amended by this act.

Section 20. Paragraph (a) of subsection (1) of section 101.62, Florida Statutes, is amended to read:

101.62 Request for absentee ballots.--

(1)(a) The supervisor may accept a request for an absentee ballot from an elector in person or in writing. Except as provided in s. 101.694, one request shall be deemed sufficient to receive an absentee ballot for all elections which are held within a calendar year, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive an absentee ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

101.64 Delivery of absentee ballots; envelopes; form.--

(1) The supervisor shall enclose with each absentee ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, _____, do solemnly swear or affirm that I am a qualified and registered voter of _____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to

commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature properly witnessed will invalidate my ballot.

... (Date) (Voter's Signature) ...

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in ~~item 8~~ of the Instruction Sheet.

I swear or affirm that the voter signed this Voter's Certificate in my presence.

... (Signature of Witness) ...

... (Address) ...

... (City/State) ...

Section 22. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.--The supervisor shall enclose with each absentee ballot separate printed instructions in substantially the following form:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

~~4.3.~~ Place your marked ballot in the enclosed secrecy envelope.

~~5.4.~~ Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

~~6.5.~~ Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

~~7.6.~~ VERY IMPORTANT. In order for your absentee ballot to be counted, you must sign your name on the line above (Voter's Signature).

~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the signature and address of a witness 18 years of age or older affixed to the Voter's Certificate. No candidate may serve as an attesting witness.

~~10.9.~~ Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

~~11.40.~~ FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 23. Section 101.657, Florida Statutes, is amended to read:

101.657 Voting absentee ballots in person.--

(1) Any qualified and registered elector may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a current and valid Florida driver's license, a Florida identification card issued under s. 322.051, or another form of picture identification as provided in s. 97.0535(3) approved by the Department of State. If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49. If the elector who fails to furnish the required identification is a first-time voter who registered by mail and has not provided the required identification to the

supervisor of elections prior to voting, the elector shall be allowed to vote a provisional ballot. The canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if the signatures match, shall count the ballot.

(2) As an alternative to the provisions of ss. 101.64 and 101.65, the supervisor of elections may allow an elector to cast an absentee ballot in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. The results or tabulation may not be made before the close of the polls on election day.

(a) The elector must provide ~~picture~~ identification as required in subsection (1) and must complete an In-Office Voter Certificate in substantially the following form:

IN-OFFICE VOTER CERTIFICATE

I, _____, am a qualified elector in this election and registered voter of _____ County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of _____ County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to \$5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate and have my signature witnessed invalidates my ballot.

... (Voter's Signature) ...

... (Address) ...

... (City/State) ...

... (Name of Witness) ...

... (Signature of Witness) ...

... (Type of identification provided) ...

(b) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any challenged ballot must be placed in a regular absentee ballot envelope. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 24. Section 101.6921, Florida Statutes, is created to read:

101.6921 Delivery of special absentee ballot to certain first-time voters.--

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or certification required by s. 97.0535 by the time the absentee ballot is mailed.

(2) The supervisor shall enclose with each absentee ballot three envelopes: a secrecy envelope, into which the absent elector will enclose his or her marked ballot; an envelope containing the Voter's Certificate, into which the absent elector shall place the secrecy envelope; and a mailing envelope, which shall be addressed to the supervisor and into which the absent elector will place the envelope containing the Voter's Certificate and a copy of the required identification.

(3) The Voter's Certificate shall be in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate

VOTER'S CERTIFICATE

I, _____, do solemnly swear or affirm that I am a qualified and registered voter of _____ County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate and have my signature properly

witnessed will invalidate my ballot. I understand that unless I meet one of the exemptions below, I must provide a copy of a current and valid identification as provided in the instruction sheet to the supervisor of elections in order for my ballot to count.

I further certify that I am exempt from the requirements to furnish a copy of a current and valid identification with my ballot because of one or more of the following (check all that apply):

- I am 65 years of age or older.
 I have a permanent or temporary physical disability.
 I am a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.
 I am a member of the merchant marine who, by reason of service in the merchant marine, will be absent from the county on election day.
 I am the spouse or dependent of a member of the uniformed service or merchant marine who, by reason of the active duty or service of the member, will be absent from the county on election day.
 I am currently residing outside the United States.

... (Date) ...

... Voter's Signature ...

Note: Your signature must be witnessed by one witness 18 years of age or older as provided in the instruction sheet.

I swear or affirm that the voter signed this Voter's Certificate in my presence.

... (Signature of witness) ...

... (Address) ...

... (City/State) ...

(4) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope.

Section 25. Section 101.6923, Florida Statutes, is created to read:

101.6923 Special absentee ballot instructions for certain first-time voters.--

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with the following printed instructions with his or her absentee ballot:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

- a. You must sign your name on the line above (Voter's Signature).
 b. You must have your signature witnessed. Have the witness sign above (Signature of Witness) and include his or her address. No candidate may serve as an attesting witness.
 c. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

a. Identification which must include your name and photograph: current and valid Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; employee badge or identification; buyer's club identification card; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; entertainment identification; or public assistance identification; or

b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter identification card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

- a. You are 65 years of age or older.
 b. You have a temporary or permanent physical disability.
 c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.
 d. You are a member of the merchant marine who, by reason of service in the merchant marine, will be absent from the county on election day.
 e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.
 f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. **DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.**

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed.

10. **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 26. Section 101.6925, Florida Statutes, is created to read:

101.6925 Canvassing special absentee ballots.--

(1) The supervisor of the county where the absent elector resides shall receive the voted special absentee ballot, at which time the mailing envelope shall be opened to determine if the voter has enclosed the identification required or has indicated on the Voter's Certificate that he or she is exempt from the identification requirements.

(2) If the identification is enclosed or the voter has indicated that he or she is exempt from the identification requirements, the supervisor shall make the note on the registration records of the voter and proceed to canvass the absentee ballot as provided in s. 101.68.

(3) If the identification is not enclosed in the mailing envelope and the voter has not indicated that he or she is exempt from the identification requirements, the supervisor shall check the voter registration records to determine if the voter's identification was previously received or the voter had previously notified the supervisor that he or she was exempt. The envelope with the Voter's Certificate shall not be opened unless the identification has been received or the voter has indicated that he or she is exempt. The ballot shall be treated as a provisional ballot until 7 p.m. on election day and shall not be canvassed unless the supervisor has received the required identification or written indication of exemption by 7 p.m. on election day.

Section 27. Subsection (1) of section 101.694, Florida Statutes, is amended to read:

101.694 Mailing of ballots upon receipt of federal postcard application.--

(1) Upon receipt of a federal postcard application for an absentee ballot executed by a person whose registration is in order or whose application is sufficient to register or update the registration of that person, the supervisor shall mail to the applicant a ballot, if the ballots are available for mailing. The federal postcard application request for an absentee ballot shall be effective for all elections through the next two regularly scheduled general elections.

Section 28. Subsections (2) and (6) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.--

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ~~ss. s.~~ 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. As soon as the absentee electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor of elections and the office of the county court judge.

(6) If the unofficial returns reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, the board responsible for certifying the results of the vote on such race or measure shall order a recount of the votes cast with respect to such office or measure. A recount need not be ordered with respect to the returns for any office, however, if the candidate or candidates defeated or eliminated from contention for such office by one-half of a percent or less of the votes cast for such office request in writing that a recount not be made.

(a) In counties with voting systems that use paper ballots, each canvassing board responsible for conducting a recount shall put each ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast. If any paper ballot is physically damaged so that it cannot be properly counted by the automatic tabulating equipment during the recount, a true duplicate shall be made of the damaged ballot pursuant to the procedures in s. 101.5614(5). Immediately before the start of the recount and after completion of the count, a test of the tabulating equipment shall be conducted as provided in s. 101.5612. If the test indicates no error, the recount tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly. If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary. The canvassing board shall immediately report the error, along with the cause of the error and the corrective measures being taken, to the Department of State. No later than 11 days after the election, the canvassing board shall file a separate incident report with the Department of State, detailing the resolution of the matter and identifying any measures that will avoid a future recurrence of the error.

(b) In counties with voting systems that do not use paper ballots, each canvassing board responsible for conducting a recount shall examine the counters on the precinct tabulators to ensure that the total of the returns on the precinct tabulators equals the overall election return. If there is a discrepancy between the overall election return and the counters of the precinct tabulators, the counters of the precinct tabulators shall be presumed correct and such votes shall be canvassed accordingly.

(c) The canvassing board shall submit a second set of unofficial returns to the Department of State for each federal, statewide, state, or multicounty office or ballot measure no later than noon on the third day after any election in which a recount was conducted pursuant to this subsection. If the canvassing board is unable to complete the recount prescribed in this subsection by the deadline, the second set of unofficial returns submitted by the canvassing board shall be identical to the initial unofficial returns and the submission shall also include a detailed explanation of why it was unable to timely complete the recount. However, the canvassing board shall complete the recount prescribed in this subsection, along with any manual recount prescribed in s. 102.166, and certify election returns in accordance with the requirements of this chapter.

(d) The Department of State shall adopt detailed rules prescribing additional recount procedures for each certified voting system, which shall be uniform to the extent practicable.

Section 29. Paragraph (y) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.--

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021(9), associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

Section 30. Section 20 of chapter 2002-281, Laws of Florida, is repealed.

Section 31. Paragraph (a) of subsection (5) of section 163.511, Florida Statutes, is amended to read:

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.--

(5)(a) The city clerk or the supervisor of elections, whichever is appropriate, shall enclose with each ballot sent pursuant to this section two envelopes: a secrecy envelope, into which the elector or freeholder shall enclose the marked ballot; and a mailing envelope, into which the elector or freeholder shall then place the secrecy envelope, which shall be addressed to the city clerk or the supervisor of elections. The back side of the mailing envelope shall bear a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before
Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, _____, am a duly qualified and registered ... (voter or freeholder, whichever is appropriate) ... of the proposed ... (name) ... (Special Residential or Business, whichever is appropriate) ... Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

... (Voter's Signature) ...

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in ~~Item 7~~ of the Instruction Sheet.

I swear or affirm that the elector signed this Voter's Certificate in my presence.

... (Signature of Witness) ...
... (Address) (City/State) ...

Section 32. Section 22 of chapter 2002-281, Laws of Florida, is amended to read:

Section 22. Except as otherwise expressly provided in this act, sections 4, 5, 6, 8, 9, 10, 11, 12, 14, and 19 of this act shall take effect the earlier of January 1, 2006, or one year after the Legislature adopts the General Appropriations Act specifically appropriating to the Department of State, for distribution to the counties, ~~\$8.7 million~~ or such other amounts as it determines and appropriates for the specific purpose of funding this act.

Section 33. Except as otherwise provided herein, this act shall take effect January 1, 2004.

Remove the entire title, and insert:

A bill to be entitled

An act relating to elections; amending s. 97.012, F.S.; revising and providing duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; deleting the definition of "central voter file"; revising the definition of "provisional ballot"; conforming a cross reference; amending s. 97.052, F.S.; requiring the uniform statewide voter registration application to contain a notice to first-time registrants about required identification prior to voting the first time; amending s. 97.053, F.S.; authorizing use of a driver's license or state-issued identification card number in lieu of a portion of the social

security number on a voter registration application; creating s. 97.028, F.S.; providing procedures on complaints of violations of Title III of the Help America Vote Act of 2002; creating s. 97.0535, F.S.; providing registration requirements for applicants who register by mail and who haven't previously voted in the county; amending s. 98.045, F.S.; deleting a reference, to conform; repealing s. 98.097, F.S., relating to the central voter file; amending s. 98.0977, F.S.; providing for continued operation and maintenance of the statewide voter registration database until the statewide voter registration system required by the Help America Vote Act of 2002 is operational; requiring the Department of State to begin the development of a statewide voter registration system designed to meet certain requirements of the Help America Vote Act of 2002; amending s. 98.212, F.S.; removing duty of supervisors of elections relating to the central voter file, to conform; amending s. 98.461, F.S.; requiring use of a computer printout as a precinct register at the polls; requiring the precinct register to contain space for elector signatures and clerk or inspector initials; amending and renumbering s. 98.471, F.S.; providing requirements for identification required at the polls; providing for voting a provisional ballot under certain circumstances; repealing s. 98.491, F.S., relating to intent that alternative electronic procedures for registration and elections be followed at the discretion of the supervisor of elections; amending s. 101.048, F.S.; providing for casting a provisional ballot by electronic means; requiring each supervisor of elections to create a free access system that allows each person casting a provisional ballot to find out whether the ballot was counted and, if not, why; requiring each person casting a provisional ballot to be given written instructions regarding the free access system; creating s. 101.049, F.S.; requiring voting that occurs during polling hours extended by a court or other order to be done by provisional ballot; providing requirements for casting provisional ballots under such circumstances; amending s. 101.111, F.S.; revising provisions relating to challenging the right of a person to vote; providing for voting a provisional ballot under certain circumstances; amending s. 101.56062, F.S.; revising standards for accessible voting systems to remove standards relating to audio and visual access approaches; amending s. 101.62, F.S.; providing an exception to limiting an absentee ballot request to ballots for elections within a single calendar year; amending s. 101.64, F.S.; revising a reference on the Voter's Certificate; amending s. 101.65, F.S.; revising the instructions to absentee electors to include instructions to prevent overvoting; amending s. 101.657, F.S.; requiring certain persons voting absentee in person to vote a provisional ballot; creating s. 101.6921, F.S.; providing requirements for delivery of special absentee ballots for certain first-time voters; creating s. 101.6923, F.S.; providing voter instructions for such special absentee ballots; creating s. 101.6925, F.S.; providing requirements for the canvassing of special absentee ballots; amending s. 101.694, F.S.; authorizing federal postcard applicants for absentee ballots to receive ballots for two general election cycles; amending s. 102.141, F.S.; requiring the canvassing of provisional ballots cast during any extended polling-hour period to segregate the votes from such ballots from other votes; directing the Department of State to adopt uniform rules for machine recounts; amending s. 125.01, F.S.; conforming a cross reference; repealing s. 20, ch. 2002-281, Laws of Florida; eliminating future revision of a cross reference, to conform; amending s. 163.511, F.S.; revising a reference; amending s. 22, ch. 2002-281, Laws of Florida; deferring the applicability of certain revisions to the election code affecting persons with disabilities; providing effective dates.

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

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.

HB 215 was taken up. On motion by Rep. Kottkamp, CS for SB 1214 was substituted for HB 215. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1214—A bill to be entitled An act relating to the Florida Civil Rights Act of 1992; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for venue; providing for a hearing to determine a prima facie case; providing for attorney's fees and costs; providing for a deposit of civil penalties into General Revenue Fund; amending s. 16.57, F.S.;

authorizing the Attorney General to investigate violations under the Florida Civil Rights Act of 1992; conforming statutory cross-references to the Attorney General's authority to investigate and initiate actions for discriminatory practices in violation of civil rights; amending ss. 110.105, 110.233, 112.042, and 760.10, F.S.; revising provisions relating to state employment policy, career service appointments, and county and municipal employment practices, to provide that discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions; reenacting ss. 104.31(3) and 760.11(15), F.S., to incorporate amendments to ss. 110.233 and 760.10, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Representative Kottkamp offered the following:

(Amendment Bar Code: 277493)

Amendment 1 (with title amendment)—On page 4, line 5, through page 5, line 31
remove: all of said lines

and insert: to permit otherwise. This paragraph does not require a state employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion. However, this paragraph does not preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

Section 4. Effective July 1, 2003, subsection (1) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.--

(1)(a) No person shall be appointed to, demoted, or dismissed from any position in the career service, or in any way favored or discriminated against with respect to employment in the career service, because of race, color, national origin, sex, handicap, religious creed, or political opinion or affiliation.

(b) As used in this subsection, the phrase "because of sex" includes, but is not limited to, because of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same with respect to employment in the career service, including receipt of benefits under fringe benefits programs, as other persons not so affected but similar in their ability or inability to work, and rules or practices of the career service system of the state may not be interpreted to permit otherwise.

Section 5. Effective July 1, 2003, subsection (1) of section 112.042, Florida Statutes, is amended to read:

112.042 Discrimination in county and municipal employment; relief.--

(1)(a) It is against the public policy of this state for the governing body of any county or municipal agency, board, commission, department, or office, solely because of the race, color, national origin, sex, handicap, or religious creed of any individual, to refuse to hire or employ, to bar, or to discharge from employment such individuals or to otherwise discriminate against such individuals with respect to compensation, hire, tenure, terms, conditions, or privileges of employment, if the individual is the most competent and able to perform the services required.

(b) As used in this subsection, the phrase "because of sex" includes, but it not limited to, because of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefits programs, as other persons not so affected but similar in their ability or inability to work, and this paragraph may not be interpreted to permit otherwise. This paragraph does not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion. However, this paragraph does not preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

Section 6. Effective July 1, 2003, present subsection (10) of section 760.10, Florida Statutes, is redesignated as subsection (11) and a new subsection (10) is added to said section to read:

760.10 Unlawful employment practices.--

(10) As used in this section, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because or on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefits programs, as other persons not so affected but similar in their ability or inability to work, and this section may not be interpreted to permit otherwise. This paragraph does not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion. However, this paragraph does not preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

On page 1, between lines 26 and 27,
insert: providing a limitation with respect to employer health insurance benefits;

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

Representative Joyner offered the following:

(Amendment Bar Code: 635419)

Amendment 2 (with title amendment)—On page 6, between lines 25 and 26,
insert:

Section 9. Section 760.081., Florida Statutes, is created to read:

760.081 Equal rights.--Equality of rights under the law shall not be denied or abridged on account of sex. Governmental authorities shall have the power to enforce, by appropriate legislation, the provisions of this section in reference to the proposed amendment before Congress; the Equal Rights Amendment.

Section 6. The creation of s. 760.081, Florida Statutes, by this act signifies ratification of the resolution before Congress regarding the Equal Rights Amendment. Certified copies of this bill once it becomes law shall be sent to the appropriate entities.

On page 1, line 29,
Insert after the semicolon:
creating s. 760.081, F.S.; providing that equality of rights under the law shall not be denied or abridged by this state on account of sex; authorizing governmental authorities to enforce such guarantee of rights as provided in a proposed amendment before Congress; provides that the creation of s. 760.081, F.S., signifies ratification of the resolution before Congress regarding the Equal Rights Amendment; providing that certified copies of this bill once it becomes law shall be sent to the appropriate entities;

Rep. Joyner moved the adoption of the amendment.

Further consideration of **CS for SB 1214**, with pending amendment, was temporarily postponed under Rule 11.10.

Consideration of **HB 463** was temporarily postponed under Rule 11.10.

HB 491—A bill to be entitled An act relating to an exemption from public records and public meetings requirements for certain information held by the Florida Institute of Human and Machine Cognition; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, potentially patentable material, proprietary information, information identifying donors to the institute, audit information, attorney-client communications, bids and contractual data, credit agreements, information relating to private contractual data, and information relating to corporate officers and employee personnel held by the institute; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for specified meetings of the governing board of the not-for-profit corporation organized to govern and operate the institute and subsidiaries of the not-for-profit corporation; providing for future review and repeal; providing a statement of public

necessity; providing a contingent effective date.

The Committee on Education K-20 recommended the following:

HB 491 CS—A bill to be entitled An act relating to an exemption from public records requirements of certain information held by the Florida Institute for Human and Machine Cognition, Inc.; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, patentable material, proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and its subsidiaries, business transactions resulting from such research, information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise confidential or exempt, information received by the corporation or a subsidiary in the performance of its duties and responsibilities which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for portions of meetings of the corporation or a subsidiary at which confidential or exempt information is presented or discussed; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

REPRESENTATIVE MURMAN IN THE CHAIR

HB 509 was taken up. On motion by Rep. Bowen, CS for SB 1644 was substituted for HB 509. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1644—A bill to be entitled An act relating to nitrogen and phosphorus fertilizers; amending s. 576.045, F.S.; providing legislative findings and intent with respect to protecting the state's water resources; requiring that persons licensed to distribute fertilizer pay a fee on fertilizer containing nitrogen or phosphorus; revising the purposes for which the Department of Agriculture and Consumer Services may use the proceeds of fees levied against persons licensed to distribute fertilizer; providing that implementation of interim measures, best-management practices, or certain other measures acts as a release from certain requirements and provides a presumption of compliance with state water quality standards; revising requirements for the department with respect to adopting rules; revising the dates for the expiration of certain provisions; providing an effective date.

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

HB 537—A bill to be entitled An act relating to environmental health; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits to be used for onsite sewage treatment and disposal system research, demonstration, and training projects; creating part IV of chapter 489, F.S.; providing definitions; requiring registration and providing requirements therefor, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; providing an effective date.

The Committee on Finance & Tax recommended the following:

HB 537 CS—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration;

providing fees; providing penalties and prohibitions; amending s. 381.0061, F.S.; authorizing imposition of an administrative fine for violation of portable restroom contracting requirements; amending s. 381.0065, F.S.; authorizing the department to enter the business premises of any portable restroom contractor for compliance determination and enforcement; authorizing issuance of a citation for violation of portable restroom contracting requirements which may contain an order of correction or a fine; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; providing an effective date.

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

HB 545 was taken up. On motion by Rep. Llorente, CS for SB 2078 was substituted for HB 545. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 2078—A bill to be entitled An act relating to medical practice; creating s. 458.3137, F.S.; authorizing issuance of temporary certificates for visiting physicians to obtain medical privileges for instructional purposes in conjunction with certain plastic surgery training programs and plastic surgery educational symposiums; providing for issuance of such certificates without examination to applicants who meet specified requirements; specifying the validity period of such certificates; limiting the number of certificates that may be issued per calendar year; providing financial responsibility requirements; providing practice limitations and conditions; prohibiting issuance of a certificate to a physician under investigation for a practice violation in another jurisdiction; providing an effective date.

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

Consideration of **HB 127** was temporarily postponed under Rule 11.10.

On motion by Rep. Mayfield, consideration of **HB 1903** was temporarily postponed under Rule 11.10.

HB 1749 was taken up. On motion by Rep. Kottkamp, SB 2700 was substituted for HB 1749. Under Rule 5.13, the House bill was laid on the table and—

SB 2700—A bill to be entitled An act relating to probate and trusts and statutes of limitation; amending s. 731.103, F.S.; providing that the fact that a missing person was subject to a specific peril of death is evidence for a finding of a presumptive death; amending ss. 731.201 and 731.303, F.S.; revising the conflict of interest standard in the definitions of "beneficiary," "devisee," "interested person," and in judicial orders binding the trustee; amending s. 732.217, F.S.; eliminating the requirement that property be homestead property to be excepted from the application of the Florida Uniform Disposition of Community Property Rights at Death Act; amending s. 732.502, F.S.; providing that military testamentary instruments executed pursuant to federal law are valid in this state; amending s. 732.603, F.S.; revising provisions with respect to antilapse provisions; amending s. 733.205, F.S.; revising provisions with respect to the probate of notarial wills; amending s. 733.212, F.S.; revising provisions with respect to the notice of administration; amending s. 733.2121, F.S.; revising the time in which notice to creditors must be served; amending s. 733.608, F.S.; revising provisions with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising provisions with respect to awarding taxable costs and attorney's fees with respect to improper exercise of power or the breach of fiduciary duty; amending s. 734.1025, F.S., to conform to the amendment to s. 732.502, F.S.; amending s. 735.2063, F.S.; revising provisions with respect to notice to creditors; amending s. 737.106, F.S.; revising provisions with respect to revocable trust prior to dissolution of marriage; amending s. 737.2035, F.S.; revising provisions with respect to costs and attorney's fees in trust proceedings; amending s. 737.204, F.S.; revising provisions with respect to proceedings for review of employment of agents and review of compensation of trustee and employees of trust; amending s. 737.404, F.S.; revising provisions with respect to powers exercisable by joint trustees; creating s.

737.6035, F.S.; providing antilapse provisions with respect to inter vivos trusts under certain circumstances; amending s. 737.627, F.S.; revising provisions with respect to costs and attorney's fees; amending s. 95.031, F.S.; including constructive fraud in actions based upon fraud for statute-of-limitations computation; providing such amendments are remedial in nature and have retrospective effect; reenacting ss. 709.08 and 717.1243, F.S., to incorporate by reference the amendment of s. 731.201, F.S.; reenacting ss. 660.46, 731.302, 737.303, and 737.307, F.S., to incorporate by reference the amendment to s. 731.303, F.S.; reenacting s. 382.025, F.S., to incorporate by reference the amendment to s. 732.502, F.S.; reenacting ss. 732.604 and 732.801, F.S., to incorporate by reference the amendment to s. 732.603, F.S.; reenacting s. 733.701, F.S., to incorporate by reference the amendment to s. 733.2121, F.S.; reenacting s. 63.182, F.S., to incorporate by reference the amendment to s. 95.031, F.S.; providing an effective date.

—was read the second time by title. On motion by Rep. Kottkamp, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 263

Rep. Murman in the Chair.

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Peterman, Roberson

Explanation of Vote for Sequence Number 263

I abstain from this vote because I have a client who is interested in this matter.

*Rep. David Simmons
District 37*

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

HB 627—A bill to be entitled An act relating to insurance fraud; amending

s. 624.310, F.S.; making it unlawful for certain affiliated parties to participate in insurance business without authorization; providing a criminal penalty; amending s. 626.989, F.S.; specifying certain investigators as law enforcement officers; amending s. 817.234, F.S.; revising provisions relating to unlawful solicitations of motor vehicle accident victims; increasing a penalty; making unlawful certain additional activities relating to solicitation of motor vehicle accident victims; providing criminal penalties; specifying certain charges as noncompensable and unenforceable; making unlawful participating in a staged motor vehicle accident; providing a criminal penalty; deleting certain provisions relating to unlawful solicitation by an attorney; deleting a provision relating to findings by a special grievance committee relating to unlawful attorney solicitations; amending s. 817.236, F.S.; increasing a criminal penalty for false and fraudulent motor vehicle insurance applications; creating s. 817.2361, F.S.; specifying as criminal certain activities relating to false or fraudulent motor vehicle insurance cards; providing a criminal penalty; creating s. 817.413, F.S.; making unlawful in sales of motor vehicle goods misrepresentations of used or repossessed goods as new or original; providing criminal penalty; amending s. 860.15, F.S.; increasing a criminal penalty for certain charges relating to services and parts for motor vehicle repair; providing severability; providing an effective date.

The Committee on Insurance recommended the following:

HB 627 CS—A bill to be entitled An act relating to insurance fraud; providing a popular name; amending s. 624.155, F.S.; providing for bringing an action against an unauthorized insurer under certain circumstances; amending s. 624.310, F.S.; making it unlawful for certain affiliated parties to participate in insurance business without authorization; providing a criminal penalty; amending s. 624.401, F.S.; providing criminal penalties for acting as an insurer without a valid certificate; amending s. 626.989, F.S.; specifying certain investigators as law enforcement officers; creating s. 817.413, F.S.; making unlawful in sales of motor vehicle goods misrepresentations of used or repossessed goods as new or original; providing a criminal penalty; amending s. 860.15, F.S.; providing a criminal penalty for certain charges relating to services and parts for motor vehicle repair; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code, to conform; providing severability; providing an effective date.

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

HB 127 was taken up. On motion by Rep. Attkisson, CS for SB 1024 was substituted for HB 127. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1024—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S.; changing the time for holding the public hearing at which a non-ad valorem assessment is adopted; prescribing method of notice for non-ad valorem assessments collected for more than 1 year; providing an effective date.

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

HB 657—A bill to be entitled An act relating to dental licensure examinations; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an effective date.

The Committee on Health Care recommended the following:

HB 657 CS—A bill to be entitled An act relating to dental licensure examinations; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students;

creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an effective date.

—was read the second time by title.

Representative Richardson offered the following:

(Amendment Bar Code: 099353)

Amendment 1 (with title amendment)—On line(s) 24, insert:

Section 1. Paragraph (e) of subsection (2) of section 381.7353, Florida Statutes, is amended to read:

381.7353 Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program; administration; department duties.--

(2) The department shall:

(e) Coordinate with existing community-based programs, such as chronic disease community intervention programs, cancer prevention and control programs, diabetes control programs, oral health care programs, the Healthy Start program, the Florida KidCare Program, the HIV/AIDS program, immunization programs, and other related programs at the state and local levels, to avoid duplication of effort and promote consistency.

Section 2. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.--

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.
2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.
3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
6. Increasing adult and child immunization rates in certain racial and ethnic populations.
7. Decreasing racial and ethnic disparities in oral health care.

Remove line(s) 11, and insert:

An act relating to dentistry; amending ss. 381.7353 and 381.7355, F.S.; including oral health care in the Closing the Gap grant program; amending

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

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.

HB 715 was taken up. On motion by Rep. Rivera, CS for CS for SB 2050 was substituted for HB 715. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 2050—A bill to be entitled An act relating to child custody evaluations; providing a presumption of good faith for the actions of a court-appointed psychologist who conducts a child custody evaluation; prohibiting anonymous complaints; providing prerequisites to a parent's bringing a legal action against the psychologist; providing for the award of attorney's fees and reasonable court costs; providing an effective date.

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

HB 769 was taken up. On motion by Rep. Troutman, CS for SB 2278 was

substituted for HB 769. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 2278—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; revising criteria within a definition of a motor vehicle service agreement relating to preestablished flat amounts; providing a limitation; amending s. 634.041, F.S.; providing requirements of a service agreement company to offer service agreements for vehicle protection; amending s. 634.121, F.S.; providing for disapproval of certain service agreement forms for not indicating the preestablished flat amount payable under the agreement; providing an effective date.

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

HB 873 was taken up. On motion by Rep. Planas, SB 732 was substituted for HB 873. Under Rule 5.13, the House bill was laid on the table and—

SB 732—A bill to be entitled An act relating to the Miami River Commission; repealing s. 7 of ch. 98-402, Laws of Florida; abrogating the repeal of ss. 163.06 and 163.061, F.S., relating to the Miami River Commission; providing an effective date.

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

HB 917 was taken up. On motion by Rep. Baxley, CS for SB 638 was substituted for HB 917. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 638—A bill to be entitled An act relating to student tuition assistance; creating the Access to Better Learning and Education Grant Program; providing legislative findings with respect to education provided by for-profit colleges and universities; providing for the Department of Education to administer the grant program; providing requirements for eligibility; providing for an annual appropriation; requiring institutions to remit undisbursed funds to the department; limiting the period a student may receive a grant; providing for implementation only to the extent funded and authorized by law; providing an effective date.

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

HB 931—A bill to be entitled An act relating to dentistry; creating s. 466.005, F.S.; requiring the Board of Dentistry to employ its executive director pursuant to state personnel rules; providing for employment of all board staff by the executive director; declaring employees of the board public employees; requiring the board to employ or retain a dental compliance officer to ensure proper and timely investigation of complaints; providing for assignment to the board of investigators employed or retained by the Department of Health; authorizing negotiation as a means of obtaining examination and legal services, including private legal services; providing for separate budget authority for the board and the department and for separate budget submission requirements; requiring the department and the board to submit independent annual reports for a specified period to the Governor and Legislature on the effectiveness and efficiency of these provisions; providing an effective date.

The Committee on Health Care recommended the following:

HB 931 CS—A bill to be entitled An act relating to dentistry; creating s. 466.005, F.S., the Board of Dentistry Empowerment Act; providing for the appointment of an executive director; providing for duties and board oversight; requiring director to oversee staff; requiring the department to contract for a dental intake officer and providing qualifications; requiring certain responsibilities of the officer; requiring the board to establish certain performance parameters for departmental handling of disciplinary cases and consequences; requiring the Testing Services office to report to the board if requested; requiring a board spending plan and its content; requiring board spending authority over discretionary budget items; requiring a department

report of certain information; providing for a board response; providing an effective date.

—was read the second time by title.

Representative Farkas offered the following:

(Amendment Bar Code: 517537)

Amendment 1 (with title amendment)—On line 28, insert:

Section 1. Paragraph (a) of subsection (2) of section 466.004, Florida Statutes, is amended to read:

466.004 Board of Dentistry.--

(2) To advise the board, it is the intent of the Legislature that councils be appointed as specified in paragraphs (a), (b), and (c). The department shall provide administrative support to the councils and shall provide public notice of meetings and agenda of the councils. Councils shall include at least one board member who shall chair the council and shall include nonboard members. All council members shall be appointed by the board chair. Council members shall be appointed for 4-year terms, and all members shall be eligible for reimbursement of expenses in the manner of board members.

(a) A Council on Dental Hygiene shall be appointed by the board chair and shall include one dental hygienist member of the board, who shall chair the council, one dental member of the board, and three dental hygienists who are actively engaged in the practice of dental hygiene in this state. The council shall meet at the request of the board chair, a majority of the members of the board, or the council chair, provided the council meets at least twice a year. The council is charged with the responsibility of and shall meet for the purpose of developing rules and policies for recommendation to the board, ~~which the board shall consider,~~ on matters pertaining to that part of dentistry consisting of educational, preventive, or therapeutic dental hygiene services; dental hygiene licensure, discipline, or regulation; and dental hygiene education. Rule and policy recommendations of the council shall be considered by the board at its next regularly scheduled meeting in the same manner it considers rule and policy recommendations from designated subcommittees of the board. Any rule or policy proposed by the board pertaining to the specified part of dentistry defined by this paragraph shall be referred to the council for a recommendation prior to final action by the board.

Remove line 11, and insert:

An act relating to dentistry; amending s. 466.004, F.S.; requiring the Council on Dental Hygiene to meet at least twice a year; providing for consideration by the Board of Dentistry of rule and policy recommendations of the council; creating s. 466.005, F.S.,

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

Representative Berfield offered the following:

(Amendment Bar Code: 563431)

Amendment 2—Remove lines 89-92, and insert:
Each contract for prosecutorial

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

Representative Kravitz offered the following:

(Amendment Bar Code: 482347)

Amendment 3 (with title amendment)—Between lines 189 and 190, insert:

Section 2. Subsection (2) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.--

(2) An applicant shall be entitled to take the examinations required in this section to practice dentistry in this state if the applicant:

(a) Is 18 years of age or older.

(b) Is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association or its successor agency, if

any, or any other nationally recognized accrediting agency; or-

2. Is a dental student in the final year of such an accredited school who has completed all the coursework necessary to prepare him or her to perform the clinical and diagnostic procedures required to pass the examinations. With respect to a dental student in his or her final year of dental school, a passing score on the examinations is valid for 180 days after the date the examinations were completed. A dental school student who takes the licensure examinations during his or her final year of an approved dental school must have graduated before being certified for licensure pursuant to s. 466.011.

(c) Has successfully completed the National Board of Dental Examiners dental examination within 10 years ~~before~~ of the date of application.

Section 3. Section 466.0065, Florida Statutes, is created to read:
466.0065 Regional licensure examinations.--

(1) It is the intent of the Legislature that schools of dentistry be allowed to offer regional licensure examinations to dental students who are in the final year of an approved dental school for the sole purpose of facilitating the student's licensing in other jurisdictions. This section does not allow a person to be licensed as a dentist in this state without taking the examinations as set forth in s. 466.006, nor does this section mean that regional examinations administered under this section may be substituted for complying with testing requirements under s. 466.006.

(2) Each school of dentistry in this state which is accredited by the Commission on Accreditation of the American Dental Association or its successor agency may, upon written approval by the Board of Dentistry, offer regional licensure examinations only to dental students in the final year of an approved dental school, if the board has approved the hosting school's submitted written plan to comply with the following conditions:

(a) The examining body must be a member of the American Association of Dental Examiners.

(b) The student must have successfully completed parts I and II of the National Board of Dental Examiners dental examination within 2 years before taking the regional examination.

(c) The student must possess medical malpractice insurance in amounts that the board determines to be sufficient to cover any reasonably foreseeable incident of harm to a patient during the clinical portion of the regional examination.

(d) At least one of the examination monitors must be a Florida-licensed dentist who has completed all necessary standardization exercises required by the regional examination body.

(e) Adequate arrangements must be made, when necessary, for patients who require followup care as a result of procedures performed during the clinical portion of the regional examination.

(f) The board chair or the chair's designee must be allowed to observe testing while it is in progress.

(g) Each student, upon applying to take the regional examination, must receive written disclosure in at least 12-point boldface type which states: "This examination does not meet the licensure requirements of chapter 466, Florida Statutes, for licensure in the State of Florida. Persons wishing to practice dentistry in Florida must pass the Florida licensure examinations. For more information on Florida's licensure examination procedures, please contact the Florida Board of Dentistry."

(h) The student must be enrolled as a dental student in his or her final year of an approved dental school that is accredited by the Commission on Accreditation of the American Dental Association or its successor agency.

(i) The student must have completed all the coursework necessary to prepare him or her to perform all clinical and diagnostic procedures required to pass the regional examination.

(j) The student's academic record must not include any evidence suggesting that the student poses an unreasonable risk to any live patients who are required for the clinical portion of the regional examination. In order to protect the health and safety of the residents of this state, the board may request additional information and documents pertaining to the candidate's mental and physical health in order to fully assess the candidate's fitness to engage in exercises involving a live patient.

(3) Neither a student who takes the examination pursuant to this section, nor a dental school submitting a plan pursuant to this section, nor a regional examination body which a dental school proposed to host pursuant to this section has standing to assert that a state agency has taken action for which a hearing may be sought under ss. 120.569 and 120.57.

Remove line 25, and insert:

amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an effective date.

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

Representative Richardson offered the following:

(Amendment Bar Code: 889501)

Amendment 4 (with title amendment)—Between lines 189 and 190, insert:

Section 2. Paragraph (e) of subsection (2) of section 381.7353, Florida Statutes, is amended to read:

381.7353 Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program; administration; department duties.--

(2) The department shall:

(e) Coordinate with existing community-based programs, such as chronic disease community intervention programs, cancer prevention and control programs, diabetes control programs, oral health care programs, the Healthy Start program, the Florida Kidcare program, the HIV/AIDS program, immunization programs, and other related programs at the state and local levels, to avoid duplication of effort and promote consistency.

Section 3. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.--

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.
2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.
3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
6. Increasing adult and child immunization rates in certain racial and ethnic populations.
7. Decreasing racial and ethnic disparities in oral health care.

Remove line 25, and insert:

amending ss. 381.7353 and 381.7355, F.S.; including oral health care in the Closing the Gap grant program; providing an effective date.

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

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.

HB 939 was taken up. On motion by Rep. Russell, SB 1632 was substituted for HB 939. Under Rule 5.13, the House bill was laid on the table and—

SB 1632—A bill to be entitled An act relating to county governments; amending s. 125.01, F.S.; providing additional powers for county governing bodies with respect to taxing and benefit units within the county; providing an effective date.

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

HB 967—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.23, F.S.; requiring the Department of Highway Safety and Motor Vehicles to maintain certain records for 10 years; providing an effective date.

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

HB 999—A bill to be entitled An act relating to out-of-state group, blanket, and franchise health insurance policies; amending s. 627.6515, F.S.; revising certain criteria relating to nonapplication of certain provisions to certain group health insurance policies; specifying application; providing exceptions; requiring certain policies, forms, and rates to be filed and approved before providing or renewing coverage of certain persons; requiring review by the Office of Insurance Regulation; requiring combination of certain insurer experience under certain circumstances; providing for enforcement authority of the office; providing requirements, limitations, and prohibitions relating to insurers, policies, and coverage; requiring the office to adopt rules; authorizing the office to exempt certain policies, documents, or forms from certain provisions under certain circumstances; specifying application; providing an effective date.

The Committee on Insurance recommended the following:

HB 999 CS—A bill to be entitled An act relating to health insurance; amending s. 627.410, F.S.; amending form filing requirements; providing exemptions; amending s. 627.6515, F.S.; revising conditions that must be met for exemption from provisions regulating group, blanket, and franchise health insurance policies for a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage; providing limitations on premium increases, reduction of benefits, and contractual modifications; authorizing rulemaking; providing definitions; restricting eligibility for insurance; modifying applicability of exemptions and requiring compliance with Insurance Code under certain circumstances; providing an effective date.

—was read the second time by title.

Representative Negron offered the following:

(Amendment Bar Code: 790095)

Amendment 1 (with title amendment)—Between lines 27 and 28, insert:

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

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

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

(g) *Unfair discrimination*.--

1. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

2. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class, as determined at the original time of issuance of the coverage, and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability, or health insurance, in the benefits payable thereunder, in any of the terms or conditions of such contract, or in any other manner whatever. Unfair discrimination includes predatory pricing structures which result or are reasonably expected to result in rate escalations resulting in a death spiral, which is a rate escalation caused by segmenting healthy and unhealthy lives resulting in an ultimate pool of primarily less healthy insureds. The Financial Services Commission may, by rule, define other unfairly discriminatory or predatory health insurance rating practices.

3. For a health insurer, life insurer, disability insurer, property and

casualty insurer, automobile insurer, or managed care provider to underwrite a policy, or refuse to issue, reissue, or renew a policy, refuse to pay a claim, cancel or otherwise terminate a policy, or increase rates based upon the fact that an insured or applicant who is also the proposed insured has made a claim or sought or should have sought medical or psychological treatment in the past for abuse, protection from abuse, or shelter from abuse, or that a claim was caused in the past by, or might occur as a result of, any future assault, battery, or sexual assault by a family or household member upon another family or household member as defined in s. 741.28. A health insurer, life insurer, disability insurer, or managed care provider may refuse to underwrite, issue, or renew a policy based on the applicant's medical condition, but shall not consider whether such condition was caused by an act of abuse. For purposes of this section, the term "abuse" means the occurrence of one or more of the following acts:

- a. Attempting or committing assault, battery, sexual assault, or sexual battery;
- b. Placing another in fear of imminent serious bodily injury by physical menace;
- c. False imprisonment;
- d. Physically or sexually abusing a minor child; or
- e. An act of domestic violence as defined in s. 741.28.

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Remove line(s) 11, and insert:

An act relating to health insurance; amending s. 626.9541, F.S.; revising a definition of unfair discrimination; authorizing the Financial Services Commission to define certain health insurance rating practices as unfairly discriminatory or predatory, by rule; amending s. 627.410,

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

Representative Negron offered the following:

(Amendment Bar Code: 930465)

Amendment 2 (with amendment)—Remove line(s) 136-327, and insert:

Section 2. Subsection (2) of section 627.6515, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

627.6515 Out-of-state groups.--

(2) Except as provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(a) The policy is issued to an employee group the composition of which is substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group that is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; ~~and~~

(c) The policy provides the benefits specified in ss. 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911; ~~and~~

(d) Applications for certificates of coverage offered to residents of this state contain, in contrasting color and not less than 12-point type, the

following statement on the same page as the applicant signature: “This policy is primarily governed by the laws of (insert state where the master policy is filed). As a result, all of the rating laws applicable to policies filed in Florida do not apply to this coverage, which may result in increases in your premium at renewal that would not be permissible under a Florida-approved policy. Any purchase of individual health insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Florida-approved policy, consult your agent or the Florida Department of Financial Services.” The provisions of this paragraph only apply to group certificates providing health insurance coverage, as described in s. 627.6699(3)(k), which require individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual except for the following:

1. Policies issued to provide coverage to groups of persons all of whom are in the same or functionally related licensed professions, and providing coverage to such licensed professionals, their employees or their dependents;

2. Policies providing coverage to small employers as defined by s. 627.6699. Such policies shall be subject to, and governed by, the provisions of s. 627.6699; or

3. Policies issued to a bona fide association, as defined by s. 627.6571(5), provided there is a person or board acting as a fiduciary for the benefit of the members; such association is not owned, controlled by, or otherwise associated with the insurance company; and the renewal rate changes are the same uniform percentage adjustment for all covered members.

(9) Any insured shall be able to terminate membership or affiliation with the group to whom the master policy is issued. An insured that elects to terminate his membership or affiliation with the group, shall provide written notice to the insurer. Upon providing such notice, the member shall be entitled to the rights and options provided by s. 627.6675.

Remove line(s) 13-24, and insert: exemptions; amending s. 627.6515, F.S.; providing for disclosure and exceptions to disclosures; clarifying applicability to out-of-state group policies; providing an effective date.

Rep. Negron moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

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

Rep. Negron moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 999** was temporarily postponed under Rule 11.10.

HB 463 was taken up. On motion by Rep. Arza, CS for SB 2156 was substituted for HB 463. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 2156—A bill to be entitled An act relating to the Florida High School Activities Association; amending s. 1006.18, F.S.; providing technical revisions; amending s. 1006.20, F.S.; renaming the association as the Florida High School Athletic Association; revising the procedures for students' physical examinations; revising membership of the board of directors; deleting obsolete provisions; providing an effective date.

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

HB 1045 was taken up. On motion by Rep. Patterson, CS for CS for SB 340 was substituted for HB 1045. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 340—A bill to be entitled An act relating to involuntary commitment under the Baker Act; amending s. 394.463, F.S.; providing that a

patient admitted for involuntary examination to a hospital may not be released without the approval of the emergency department physician and completion of an involuntary examination; providing an effective date.

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

HB 1049—A bill to be entitled An act relating to engineering; amending ss. 471.013 and 471.015, F.S.; revising provisions relating to the examinations required to practice in this state as an engineer; amending s. 471.023, F.S.; requiring certification of any business organization offering engineering services to the public; amending s. 471.033, F.S.; revising provisions relating to disciplinary penalties to increase the administrative fine and authorize the imposition of restitution; amending s. 471.038, F.S.; declaring the Board of Professional Engineers and the Florida Engineers Management Corporation a separate budget entity independent of the Department of Business and Professional Regulation; delegating certain duties of the department to the board; requiring the board to contract with the management corporation to provide certain services; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1049 CS—A bill to be entitled An act relating to professions; amending ss. 471.013 and 471.015, F.S.; revising provisions relating to the examinations required to practice in this state as an engineer; amending s. 471.023, F.S.; requiring certification of any business organization offering engineering services to the public; amending s. 471.033, F.S.; revising provisions relating to disciplinary penalties to increase the administrative fine and authorize the imposition of restitution; amending s. 471.038, F.S.; revising duties of the Board of Professional Engineers, the Florida Engineers Management Corporation, and the Department of Business and Professional Regulation with respect to regulation of the practice of engineering; providing that the president of the management corporation shall be selected by the management corporation and shall serve as executive director of the board, subject to approval of the board; eliminating the position of contract administrator; revising the submission date for the annual status report; restricting the requirement of posting a performance bond to certain persons not employed by the management corporation; revising duties and authority to investigate complaints and prosecute cases; amending s. 287.055, F.S.; exempting state agencies from the on-line procurement of professional services and from the payment of fees required pursuant thereto; providing an effective date.

—was read the second time by title.

Rep. Stargel moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1049** was temporarily postponed under Rule 11.10.

HB 1133—A bill to be entitled An act relating to governmental efficiency and productivity; providing for the review of state agency service contracts; requiring the Department of Management Services to enter into a contract with a private vendor to conduct the review; providing an effective date.

The Committee on State Administration recommended the following:

HB 1133 CS—A bill to be entitled An act relating to governmental efficiency and productivity; providing a legislative finding; requiring the Department of Management Services to issue an invitation to negotiate for the purpose of establishing a state term contract to conduct a review of certain agency contracts; providing an effective date.

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

HB 1279 was taken up. On motion by Rep. Baxley, CS for CS for SB 2242 was substituted for HB 1279. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 2242—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; providing guiding principles; requiring an emphasis on reading; authorizing a state university or community college to sponsor a charter school; requiring certain accountability measures; revising application requirements; requiring fiscal projections in a charter application; extending the time allowed for the State Board of Education to act on an appeal; requiring auditors to provide notification of certain financial conditions; providing additional requirements for a charter school's annual report; eliminating limitations on the number of charter schools per school district; revising the administrative fee the sponsor is authorized to withhold; revising provisions relating to the analysis of charter school performance; amending s. 1002.32, F.S.; correcting cross-references; providing duties with respect to lab schools; amending s. 1013.62, F.S.; revising conditions for charter schools to receive funding; revising purposes for which charter school capital outlay funds may be used; providing guidelines for allocation of charter school capital outlay funds; providing an effective date.

—was read the second time by title.

Representative Baxley offered the following:

(Amendment Bar Code: 534377)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Subsections (2), (5), (6), (7), (8), (9), (10), (13), (21), and (24) of section 1002.33, Florida Statutes, are amended and present subsections (14) through (26) are renumbered as subsections (13) through (25), respectively, to read:

1002.33 Charter schools.--

(2) **GUIDING PRINCIPLES; PURPOSE.**--

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b)(~~+~~) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

4. Encourage the use of innovative learning methods.

5. Require the measurement of learning outcomes.

(c)(~~+~~) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

(5) **SPONSOR; DUTIES.**--

(a) **Sponsoring entities.**--

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2(~~+~~) A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

(b) **Sponsor duties.**--

1(~~+~~) The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

2(~~+~~) The sponsor shall monitor the revenues and expenditures of the charter school.

3(~~+~~) The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

4(~~+~~) The sponsor's policies shall not apply to a charter school.

5(~~+~~) ~~The~~ ~~A~~ sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

6. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

A community college may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. District school boards shall cooperate with and assist the community college on the charter application. Community college applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Community colleges shall not report FTE for any students who receive FTE funding through the Florida Education Finance Program.

(6) **APPLICATION PROCESS AND REVIEW.**--Beginning September 1, 2003, applications are subject to the following requirements:

(a) A person or entity wishing to open a charter school shall prepare an application that:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny a charter if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

(b)(~~+~~) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications received on or before September 1 ~~October 1~~ of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3(~~+~~) A district school board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application. If the

district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph ~~(c)(4)~~. If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the charter application.

~~4.3-~~ For budget projection purposes, the district school board or other sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

~~5.4-~~ Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

~~(c)(4)~~ An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the district school board shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board no later than 7 calendar days prior to the date on which the appeal is to be heard. The State Board of Education shall by majority vote accept or reject the decision of the district school board no later than ~~90~~ 60 calendar days after an appeal is filed in accordance with State Board of Education rule. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the district school board's denial of the charter application. The State Board of Education shall remand the application to the district school board with its written decision that the district school board approve or deny the application. The district school board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

~~(d)(4)~~ The district school board shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review.

~~(c)(4)1.~~ A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose charter contracts have not been renewed by their sponsors.

2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint the members of the Charter School Appeal Commission. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. One-half of the members must represent currently operating charter schools, and one-half of the members must represent school districts. The commissioner or a named designee shall chair the Charter School Appeal Commission.

4. The chair shall convene meetings of the commission and shall ensure

that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

~~(f)(4)~~ The Department of Education may provide technical assistance to an applicant upon written request.

~~(g)(4)~~ In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

~~(h)(4)~~ The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(7) CHARTER.--The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Sunshine State Standards and grounded in scientifically based reading research.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. Included in the methods is a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.43.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and which shall be compared with information provided in the annual report of the charter school. The charter shall ensure that, if a charter school internal audit reveals a deficit financial position, the auditors are required to notify the charter school governing board, the sponsor, and the Department of Education. The internal auditor shall report such findings in the form of an exit interview to the principal or the principal administrator of the charter school and the chair of the governing board within 7 working days after finding the deficit position. A final report shall be provided to the entire governing board, the sponsor, and the Department of Education within 14 working days after the exit interview.

~~11.40.~~ A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

~~12.44.~~ The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection

(8).

~~13.42.~~ The facilities to be used and their location.

~~14.43.~~ The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

~~15.44.~~ The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

~~16.45.~~ A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

~~17.46.~~ In the case of an existing public school being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

(b) A charter may be renewed every 5 school years, provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 2 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school governing board and the approval of both parties to the agreement.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

(a) At the end of the term of a charter, the sponsor may choose not to renew the charter for any of the following grounds:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Violation of law.
4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (6).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records

pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved.

(f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(9) CHARTER SCHOOL REQUIREMENTS.--

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (10).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (7).

(d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 1000.05.

(g) A charter school shall provide for an annual financial audit in accordance with s. 218.39.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

Charter schools are to provide annual financial report and program cost report information in the state-required formats for inclusion in district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

(j) The governing board of the charter school shall annually adopt and maintain an operating budget.

(k) The governing body of the charter school shall exercise continuing oversight over charter school operations and make annual progress reports to its sponsor, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. ~~The report shall contain at least the following information:~~

(l) The governing body of the charter school shall report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports. The Department of Education shall include in its compilation a notation if a school failed to file its report by the deadline established by the department. The report shall include at least the following components:

1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by ss. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance. The charter school's progress toward achieving the goals outlined in its charter.

2. Financial status of the charter school which must include revenues and

expenditures at a level of detail that allows for analysis of the ability to meet financial obligations and timely repayment of debt. The information required in the annual school report pursuant to s. 1008.345.

3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes. Financial records of the charter school, including revenues and expenditures.

4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

~~(m)~~ A charter school shall not levy taxes or issue bonds secured by tax revenues.

~~(n)~~ A charter school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(10) ELIGIBLE STUDENTS.--

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school.

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection ~~(15)~~ ~~(46)~~.

4. Students residing within a reasonable distance of the charter school, as described in paragraph ~~(20)~~ ~~(21)~~ (c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

(f) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(g) A student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.

~~(13) NUMBER OF SCHOOLS.--~~

~~(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20~~

in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) ~~An existing public school which converts to a charter school shall not be counted toward the limit established by paragraph (a).~~

(c) ~~Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the limit on the number of charter schools authorized to be established within the district from the State Board of Education.~~

(d) ~~Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications shall then be designated as one charter school for all purposes listed pursuant to this section.~~

~~(20)(21)~~ SERVICES.--

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services, full-time equivalent and data reporting services, exceptional student education administration services, test administration services, processing of teacher certificate data services, and information services. A total administrative fee for the provision of such services shall be calculated based upon 5 percent of the available funds defined in paragraph (17)(b) for all students. However, a sponsor may only withhold a 5-percent administrative fee for enrollment for up to and including 500 students. For charter schools with a population of 501 or more students, the difference between the total administrative fee calculation and the amount of the administrative fee withheld may only be used for capital outlay purposes specified in s. 1013.62(2). Any administrative fee charged by the sponsor for the provision of services shall be limited to 5 percent of the available funds defined in paragraph (18)(b).

(b) If goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be provided by the charter school consistent with the requirements of subpart I.e. of chapter 1006. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

~~(23)(24)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt of the annual report required by paragraph ~~(9)(1)(9)(h)~~, the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).

Section 2. Subsection (2) and paragraphs (a), (c), and (h) of subsection (9) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.--

(2) ESTABLISHMENT.--There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued under s. 1002.33(5)(a)2.(5)(b) must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the State Board of Education and the Legislature are authorized to sponsor a lab school ~~one or more lab schools~~. The limitation of one lab school per university shall not apply to the following charter lab schools authorized prior to June 1, 2003: Florida State University Charter Lab Elementary School in Broward County, Florida Atlantic University Charter Lab 9-12 High School in Palm Beach County, and Florida

Atlantic University Charter Lab K-12 School in St. Lucie County.

(9) FUNDING.--Funding for a lab school, including a charter lab school, shall be provided as follows:

(a) Each lab school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for lab schools in operation as of September 1, 2002, shall also receive a proportional share of the sparsity calculated pursuant to s. 1011.62 shall be allocated from state funds for lab to the schools in operation as of September 1, 2002, as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school in operation as of September 1, 2002, shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

(c) All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this section. The university assigned a lab school shall be the fiscal agent for these funds, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education. The university board of trustees shall be the public employer of lab school personnel for collective bargaining purposes for lab schools in operation prior to the 2002-2003 fiscal year. Employees of charter lab schools authorized prior to June 1, 2003, but not in operation prior to the 2002-2003 fiscal year shall be employees of the entity holding the charter and must comply with the provisions of s. 1002.33(12).

(h) A lab school to which a charter has been issued under s. 1002.33(5)(a)2.(5)(b) is eligible to receive funding for charter school capital outlay if it meets the eligibility requirements of s. 1013.62. If the lab school receives funds from charter school capital outlay, the school shall receive capital outlay funds otherwise provided in this subsection only to the extent that funds allocated pursuant to s. 1013.62 are insufficient to provide capital outlay funds to the lab school at one-fifteenth of the cost per student station.

Section 3. Section 1011.68, Florida Statutes, is amended to read:

1011.68 Funds for student transportation.--The annual allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(17)(18)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school.

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school.

(c) By reason of being in a state prekindergarten program, regardless of distance from school.

(d) By reason of being career and technical, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, community college, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a community college or a state university program under a written agreement to partially fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under s. 1011.62(1)(i).

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 1006.23. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 1003.54, regardless of distance from school.

(2) The allocation for each district shall be calculated annually in accordance with the following formula:

$T = B + EX$. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

(3) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsection (2). If the funds appropriated for the purpose of implementing this section are not sufficient to pay the base transportation allocation and the base transportation allocation for disabled students, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of implementing this section exceed the sum of the base transportation allocation and the base transportation allocation for disabled students, the base transportation allocation for disabled students shall be limited to the amount calculated in subsection (2), and the remaining balance shall be added to the base transportation allocation.

(4) No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 1006.27(1).

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must be equal to the allocation per student riding a school bus.

(6) Notwithstanding other provisions of this section, in no case shall any student or students be counted for transportation funding more than once per day. This provision includes counting students for funding pursuant to trips in school buses, passenger cars, or boats or general purpose transportation.

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the district school board, be transferred to the district's Florida Education Finance Program.

Section 4. Section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.--

(1) In each year in which funds are appropriated for charter school capital outlay purposes, the Commissioner of Education shall allocate the funds among eligible charter schools. To be eligible for a funding allocation, a charter school must:

(a)1. Have been in operation for 3 or more years;

2. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;
or

3. Have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools.

(b) Have financial stability for future operation as a charter school.

(c) Have satisfactory student achievement based on state accountability

standards applicable to the charter school.

(d) Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

(e) Serve students in facilities that are not provided by the charter school's sponsor ~~meet the provisions of subsection (6), must have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year, and must serve students in facilities that are not provided by the charter school's sponsor.~~

Prior to the release of capital outlay funds to a school district on behalf of the charter school, the Department of Education shall ensure that the district school board and the charter school governing board enter into a written agreement that includes provisions for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the district school board, as provided for in subsection (3), in the event that the school terminates operations. Any funds recovered by the state shall be deposited in the General Revenue Fund. A charter school is not eligible for a funding allocation if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee or at no charge or if it is directly or indirectly operated by the school district. Unless otherwise provided in the General Appropriations Act, the funding allocation for each eligible charter school shall be determined by multiplying the school's projected student enrollment by one-fifteenth of the cost-per-student station specified in s. 1013.64(6)(b) for an elementary, middle, or high school, as appropriate. If the funds appropriated are not sufficient, the commissioner shall prorate the available funds among eligible charter schools. However, no charter school or charter lab school shall receive state charter school capital outlay funds in excess of the one-fifteenth cost per student station formula if the charter school's combination of state charter school capital outlay funds, capital outlay funds calculated through the reduction in the administrative fee provided in s. 1002.33(20), and capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per student station formula. Funds shall be distributed on the basis of the capital outlay full-time equivalent membership by grade level, which shall be calculated by averaging the results of the second and third enrollment surveys. The Department of Education shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's actual student enrollment as reflected in the second and third enrollment surveys. The commissioner shall establish the intervals and procedures for determining the projected and actual student enrollment of eligible charter schools.

(2) A charter school's governing body may use charter school capital outlay funds for the following purposes ~~any capital outlay purpose that is directly related to the functioning of the charter school, including the:~~

(a) Purchase of real property.

(b) Construction, ~~renovation, repair, and maintenance~~ of school facilities.

(c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

(d) Purchase of vehicles to transport students to and from the charter school.

(e) Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.

Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20) for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

(3) When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 1002.33(8)(e) and (f). In the case of a charter lab school, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are

additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

(4) The Commissioner of Education shall specify procedures for submitting and approving requests for funding under this section and procedures for documenting expenditures.

(5) The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section. A dedicated funding source, if identified in writing by the Commissioner of Education and submitted along with the annual charter school legislative budget request, may be considered an additional source of funding.

(6) Unless authorized otherwise by the Legislature, allocation and proration of charter school capital outlay funds shall be made to eligible charter schools by the Commissioner of Education in an amount and in a manner authorized by subsection (1).

(7) Notwithstanding the provisions of this section, beginning in the 2003-2004 fiscal year:

(a) If the appropriation for charter school capital outlay funds is no greater than the 2002-2003 appropriation, the funds shall be allocated according to the formula outlined in subsection (1) to:

1. The same schools that received funding in 2002-2003.
2. Schools that are an expanded feeder pattern of schools that received funding in 2002-2003.
3. Schools that have an approved charter and are serving students at the start of the 2003-2004 school year and either incurred long-term financial obligations prior to January 31, 2003, or began construction on educational facilities prior to December 31, 2002.

(b) If the appropriation for charter school capital outlay funds is less than the 2002-2003 appropriation, the funds shall be prorated among the schools eligible in paragraph (a).

(c) If the appropriation for charter school capital outlay funds is greater than the 2002-2003 appropriation, the amount of funds provided in the 2002-2003 appropriation shall be allocated according to paragraph (a). First priority for allocating the amount in excess of the 2002-2003 appropriation shall be to prorate the excess funds among the charter schools with long-term debt or long-term lease to the extent that the initial allocation is insufficient to provide one-fifteenth of the cost per student station specified in s. 1013.64(6)(b), and second priority shall be to other eligible charter schools.

Section 5. This act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; providing guiding principles; requiring an emphasis on reading; requiring certain accountability measures; authorizing community colleges to develop charter schools; revising application requirements; requiring fiscal projections in a charter application; extending the time allowed for the State Board of Education to act on an appeal; requiring auditors to provide notification of certain financial conditions; providing additional requirements for a charter school's annual report; eliminating limitations on the number of charter schools per school district; revising administrative fees charged by the sponsor for the provision of services; providing a report to the Governor; amending s. 1002.32, F.S.; correcting a cross reference; providing exceptions to the one lab school per university limitation; revising provisions relating to funding for lab schools; revising provisions relating to employees of lab schools; amending s. 1011.68, F.S.; correcting a cross reference; amending s. 1013.62, F.S.; revising eligibility criteria for charter school capital outlay funding; revising purposes for charter school capital outlay funds; providing allocation criteria for charter school capital outlay appropriations; providing an effective date.

WHEREAS, in the 2002-2003 school year, Florida has 223 charter schools educating approximately 51,000 Florida students, with a projected increase of 117 additional charter schools in the next school year, and

WHEREAS, this rate of growth is a dramatic increase over the prior averages of 36 charter schools per year, and

WHEREAS, while charter schools are public schools, their unique populations or small size mean that few of them are eligible for inclusion in the state's accountability system, with only 38 of the 173 charter schools receiving a school performance grade in 2002, and

WHEREAS, the issue of charter school accountability is of the utmost importance at this time of budget constraints and heightened awareness of public ethics, NOW, THEREFORE,

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

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.

HB 1401 was taken up. On motion by Rep. Adams, the rules were waived and CS for SB 1582 was substituted for HB 1401. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1582—A bill to be entitled An act relating to blood establishments; defining the term "blood establishment"; providing standards for the operation of a blood establishment; declaring a blood establishment that does not meet those standards to be nuisance; authorizing the Agency for Health Care Administration or any state attorney to bring an action for injunction to cease operations or enjoin future operations of any blood establishment that does not meet the standards and that endangers donors or recipients; providing an effective date.

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

HB 37—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; amending s. 1006.22, F.S.; requiring district school boards to notify the Department of Corrections regarding school bus stop locations; providing an effective date.

The Committee on Public Safety and Crime Prevention recommended the following:

HB 37 CS—A bill to be entitled An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; prohibiting district school boards from establishing school bus stops within 1,000 feet of the existing residence of persons prohibited from living within 1,000 feet of a school bus stop; providing that failure of the district to comply with such provision shall not result in a violation by the resident; creating s. 794.065, F.S.; prohibiting persons convicted of certain sex crimes from residing within 1,000 feet of a school, day care center, park, or playground; amending s. 1006.22, F.S.; requiring district school boards to notify the Department of Corrections regarding school bus stop locations; providing an effective date.

—was read the second time by title.

Representative Kravitz offered the following:

(Amendment Bar Code: 478827)

Amendment 1—Remove line(s) 115-130, and insert:
of a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, to reside within 1,000 feet of any school, day care center, park, or playground. A person who violates this section and whose conviction for s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified as a felony of the first degree or higher commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this section and whose conviction for s. 794.011, s. 800.04, s. 827.071, or s. 847.0145 was classified as a felony of the second or third

degree commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section shall apply to any person convicted of a violation of s. 794.011, s. 800.04, s. 827.071, or s.

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

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.

HB 1639 was taken up. On motion by Rep. M. Davis, CS for SB 1050 was substituted for HB 1639. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1050—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.021, F.S.; providing additional penalties for the unlicensed sale or purchase of a saltwater product or the harvest or attempted harvest with intent to sell of a saltwater product; provides for civil penalties, imprisonment, permanent revocation of license privileges, and forfeiture of property involved in the offense; amending s. 327.30, F.S.; increasing the threshold amount at which a boating accident resulting in property damage only must be reported to the Division of Law Enforcement of the commission and certain other law enforcement agencies; amending s. 327.43, F.S.; deleting certain restrictions and penalties for anchoring or mooring a vessel within Silver Glen Run and Silver Glen Springs; repealing ss. 370.15(6) and 370.153(3)(c), F.S., relating to live bait shrimping; amending ss. 370.1535 and 370.154, F.S., relating to the regulation of shrimp fishing; conforming provisions to changes made by the act; amending s. 370.01, F.S.; defining the term "molest" for purposes of saltwater fisheries; amending s. 370.061, F.S.; conforming a cross-reference; amending s. 370.1107, F.S.; providing additional penalties for offenses involving unlawful possession of or interference with saltwater fisheries traps; amending s. 370.13, F.S.; revising penalties for theft from, and providing penalties for theft of, stone crab traps; amending s. 370.135, F.S.; revising penalties for theft from, and providing penalties for theft of, blue crab traps; amending s. 370.142, F.S.; revising penalties for theft from, and providing penalties for theft or molestation of, spiny lobster traps; amending s. 327.73, F.S.; correcting a cross-reference; authorizing the clerk of the court to dismiss expired vessel registration citations upon proof of valid registration at the time of the offense; authorizing a dismissal fee; repealing s. 5(4), ch. 99-245, Laws of Florida, relating to the assignment of bureaus within the commission; providing an effective date.

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

HB 1759 was taken up. On motion by Rep. Jordan, CS for SB 684 was substituted for HB 1759. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 684—A bill to be entitled An act relating to military affairs; amending s. 250.01, F.S.; providing definitions; amending s. 250.02, F.S.; specifying persons exempt from military duty; amending ss. 250.03, 250.04, F.S.; providing for the military law of the state; providing duties and authority of the Governor; amending s. 250.05, F.S.; designating the Adjutant General as head of the Department of Military Affairs; amending s. 250.06, F.S.; providing additional duties of the Governor as commander in chief of the militia of the state; authorizing the Governor to delegate to the Adjutant General the authority to convene a general court-martial; amending s. 250.07, F.S.; providing that persons declaring an intention to become citizens may be members of the Florida National Guard; specifying qualifications for certain officers of the Florida National Guard; amending ss. 250.08, 250.09, F.S.; providing duties and authority of the Governor with respect to the Florida National Guard; amending s. 250.10, F.S.; revising the qualifications and duties of the Adjutant General; authorizing the Adjutant General to order troops to state active duty under certain circumstances; specifying qualifications for Assistant Adjutant Generals of the Florida National Guard; specifying requirements for tuition assistance programs and a tuition exemption program for members of the Florida National Guard; providing penalties for failure to comply with program requirements; amending s.

250.115, F.S.; requiring the Adjutant General to appoint a president of the board of directors of the direct-support organization of the Department of Military Affairs; specifying duties of the Department of Military Affairs with respect to the organization; amending ss. 250.12, 250.16, F.S., relating to officers; conforming provisions to changes made by the act; amending s. 250.175, F.S.; specifying trust funds of the Department of Military Affairs; amending s. 250.18, F.S.; revising requirements for officers for providing of equipment and uniforms; amending ss. 250.19, 250.20, F.S.; providing requirements for the payment of expenses and allowances; conforming provisions to changes made by the act; providing requirements for accounting practices of military posts; amending ss. 250.23, 250.24, F.S., relating to pay and expenses for personnel in state active duty; conforming provisions to changes made by the act; providing for the deposit of moneys used to pay activated troops; amending ss. 250.25, 250.26, F.S.; authorizing the borrowing of money and transfer of funds; amending s. 250.28, F.S.; revising provisions relating to the activation of troops; amending ss. 250.29, 250.30, 250.31, F.S., relating to orders of civil authorities and immunity from liability for members of the Florida National Guard; increasing the penalty imposed for violations involving failure to provide assistance to civil authorities; conforming provisions to changes made by the act; amending ss. 250.32, 250.33, F.S., relating to duties of commanding officers; conforming provisions to changes made by the act; amending s. 250.34, F.S., relating to injury or death in state active duty; clarifying that injuries resulting from a preexisting condition are not compensable; providing for coverage under the Workers' Compensation Law under certain circumstances; amending s. 250.341, F.S.; providing requirements for continuing or reinstating health insurance when an employee is activated for duty; providing certain exceptions to a requirement that an employer be notified of such duty; amending s. 250.35, F.S.; prohibiting the trial of a warrant officer or cadet by a summary court-martial; providing for waiver of trial by panel and for trial by a military judge; authorizing the Adjutant General to convene a general court-martial; clarifying penalties involving a reduction in grade; prohibiting a punishment of imprisonment and a fine; limiting certain nonjudicial punishments; providing for a finding of guilt to be appealed to the District Court of Appeal; creating s. 250.351, F.S.; providing that ch. 250, F.S., applies within or outside the state; providing for jurisdiction of a court-martial or court of inquiry within or outside the state; amending s. 250.36, F.S.; authorizing the Adjutant General and certain other military officers to issue pretrial confinement warrants and subpoenas and enforce the attendance of witnesses and the production of documents; amending s. 250.37, F.S.; providing for payment of expenses in a court-martial; amending s. 250.375, F.S.; authorizing medical officers to practice medicine on military personnel or civilians under certain circumstances; amending s. 250.38, F.S.; prohibiting certain actions or proceedings against a member of a military court or certain other persons; amending s. 250.39, F.S.; revising penalties imposed for contempt; amending s. 250.40, F.S.; revising the authority and responsibilities of the Armory Board; including a representative of the Governor on the board; amending ss. 250.43, 250.44, 250.45, F.S.; increasing the penalties imposed for violations involving wearing a uniform or insignia of rank without authorization, the theft of military equipment, or discrimination against military personnel; amending ss. 250.46, 250.47, 250.48, F.S., relating to pay and leaves of absence; conforming provisions to changes made by the act; providing certain protections for an employee of a school district while on leave for active state duty; limiting the duration of a leave of absence with pay; amending ss. 250.481, 250.482, F.S., relating to employment discrimination and other penalties; clarifying that a state employer, including a school district or vocational or technical school, may not penalize a member of the Florida National Guard who is ordered into state active duty; amending s. 250.49, F.S.; providing for rations and payment of expenses for officers and enlisted personnel under certain circumstances; amending ss. 250.51, 250.52, F.S.; increasing the penalties imposed for making an insulting remark or gesture toward the Florida National Guard or unlawfully persuading a person not to enlist in the armed forces; conforming provisions to changes made by the act; amending ss. 250.5201, 250.5202, 250.5204, 250.5205, F.S., relating to proceedings and other actions against a person called into state active duty or active duty; conforming provisions to changes made by the act; requiring the Florida National Guard to provide training, support, and facilities for the state's drug interdiction efforts, subject to an appropriation; repealing ss. 250.13, 250.21, 250.27, 250.41, 250.42, 250.601, F.S., relating to general officers, retired officers and personnel, active service, military properties and

lands, and the Emergency Response Trust Fund; providing an effective date.

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

Consideration of **SB 2142** was temporarily postponed under Rule 11.10.

Consideration of **HB 1895** was temporarily postponed under Rule 11.10.

Consideration of **HB 1933** was temporarily postponed under Rule 11.10.

Consideration of **HB 1935** was temporarily postponed under Rule 11.10.

HB 1775—A bill to be entitled An act relating to trust funds; creating s. 215.6175, F.S.; creating the Transportation Revenue Bond Trust Fund within the Department of Transportation; 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.

—was read the second time by title.

Representative Russell offered the following:

(Amendment Bar Code: 903075)

Amendment 1 (with title amendment)—Remove lines 31-35.

Remove lines 6-7, and insert:
carryforward of unused funds;

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

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.

HB 935 was taken up. On motion by Rep. Stargel, CS for SB 90 was substituted for HB 935. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 90—A bill to be entitled An act relating to parent-child privilege; creating s. 90.5045, F.S.; creating a parent-child privilege to prevent disclosure of communications that were intended to be made in confidence; defining the term "parent"; providing proceedings in which the privilege does not exist; providing for waiver of the privilege; requiring that a guardian ad litem be appointed to represent a minor child prior to the court approving a waiver of the privilege; providing an effective date.

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

HB 673 was taken up. On motion by Rep. Barreiro, CS for SB 472 was substituted for HB 673. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 472—A bill to be entitled An act relating to mining activities; amending s. 552.30, F.S.; redefining the term "construction materials mining activities"; creating ss. 552.32-552.44, F.S.; providing a short title; providing legislative findings and public purpose; providing that the Division of Administrative Hearings has exclusive jurisdiction over certain claims for damages relating to the use of explosives in connection with construction materials mining activities; providing for filing fees except in cases of indigence; designating a trust fund for deposit of filing fees; requiring a person who uses explosives in connection with such activities to post security in a specified amount for a specified period; providing for rulemaking by the State Fire Marshal; providing for an administrative remedy; providing

procedures for mediation and for formal hearings; allowing recovery of certain costs and attorney's fees, with exceptions; providing for appeals; providing applicability; providing an effective date.

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

HB 695 was taken up. On motion by Rep. Culp, CS for CS for CS for SB 592 was substituted for HB 695. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for CS for SB 592—A bill to be entitled An act relating to corporate affairs; amending s. 617.01401, F.S.; defining the term "electronic transmission" for purposes of the Florida Not For Profit Corporation Act; amending s. 617.0141, F.S.; authorizing forms of electronic transmission of notice for domestic or foreign corporations; providing for a corporation member to revoke consent to receiving notice by electronic transmission; providing that an affidavit of notice by electronic transmission is, in the absence of fraud, prima facie evidence of the facts stated in the notice; creating s. 617.1803, F.S.; providing procedures for the domestication of foreign not-for-profit corporations; amending ss. 718.111 and 718.112, F.S.; revising provisions relating to insurance required for condominium property; providing legislative intent; authorizing the association to provide certain information to prospective purchasers or lienholders; authorizing fees; providing for a condominium association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; exempting certain condominiums, associations, or unit owners from specified retrofitting requirements pertaining to fire safety systems; requiring a report; amending s. 719.1055, F.S.; exempting certain cooperatives and unit owners from specified retrofitting requirements pertaining to fire safety; amending s. 718.116, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending ss. 719.104 and 719.106, F.S.; revising provisions with respect to official records of a cooperative association; authorizing the association to provide certain information to prospective purchasers or lienholders; authorizing fees; providing for a cooperative association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; amending s. 719.108, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending s. 720.302, F.S.; clarifying that corporations not for profit that operate residential homeowners' associations are subject to the Florida Not For Profit Corporation Act; amending s. 720.303, F.S.; authorizing a homeowners' association to broadcast notice via a closed-circuit television system; providing that the association is not liable for erroneously disclosing certain address information; amending s. 702.09, F.S.; redefining the term "mortgage" to include liens created pursuant to a homeowners' association as defined in s. 712.01, F.S.; amending s. 718.303, F.S.; providing that certain actions with respect to the obligation of condominium owners shall not be deemed actions for specific performance; amending s. 719.303, F.S.; providing that certain actions with respect to the obligation of cooperative owners shall not be deemed actions for specific performance; providing an effective date.

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

HB 1197—A bill to be entitled An act relating to The Baker Act; amending s. 394.455, F.S.; defining the term "service provider"; amending s.

394.4598, F.S.; revising language with respect to the guardian advocate; authorizing the guardian advocate to consent to administration of medication over objection under certain circumstances; amending s. 394.463, F.S.; revising language with respect to involuntary examination; amending s. 394.467, F.S.; revising language with respect to involuntary placement; providing reference to inpatient and outpatient involuntary placement; providing requirements for placement orders; providing for voluntary treatment agreements; providing a procedure for continued involuntary outpatient placement; providing for severability; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1197 CS—A bill to be entitled An act relating to The Baker Act; amending s. 394.455, F.S.; revising a definition; providing additional definitions; amending s. 394.4598, F.S.; revising language with respect to the guardian advocate; authorizing the guardian advocate to consent to administration of medication over objection under certain circumstances; amending s. 394.4615, F.S.; providing for release of certain clinical records to certain persons for certain purposes; amending s. 394.463, F.S.; revising criteria and procedures for involuntary examination; creating s. 394.466, F.S.; setting forth criteria for involuntary outpatient placement; providing contents of a petition for involuntary outpatient placement; specifying procedures for involuntary outpatient placement; providing for persons who may file a petition for involuntary outpatient placement; providing for appointment of counsel; providing for continuance of hearings; providing for a hearing on involuntary outpatient placement; setting forth procedures for the hearing; providing for appointment of a master to preside; providing for an independent examination; requiring a court to order involuntary outpatient placement under certain circumstances; requiring a treatment plan; providing for plan modification; providing for a patient to be brought to a receiving facility upon failure or refusal to comply with the treatment plan; providing for involuntary inpatient placement or involuntary assessment; requiring consideration of a patient's competence to proceed; requiring a list of guardian advocates to be submitted to the court; defining the role of a guardian advocate; providing for discharge of the guardian advocate; requiring certain documentation; allowing a person for whom an involuntary outpatient placement petition has been filed to agree to a voluntary treatment agreement; specifying requirements for agreements; providing for modifications; providing for filing of an affidavit of noncompliance with a voluntary treatment plan; requiring a hearing; requiring dismissal of petitions in certain circumstances; providing procedures for continued involuntary outpatient placement; providing for a continued involuntary outpatient placement certificate; requiring a hearing; requiring appointment of a public defender; requiring hearings; providing for appointment of a special master; amending s. 394.467, F.S.; revising language with respect to involuntary inpatient placement; providing a reference to inpatient and outpatient involuntary placement; providing requirements for placement orders; providing for voluntary treatment agreements; providing a procedure for continued involuntary outpatient placement; establishing the Involuntary Outpatient Placement Implementation Task Force; providing purposes; providing for membership; providing for meetings; requiring the task force to prepare an implementation plan relating to court-ordered mental health outpatient treatment; requiring a report to the Governor, Legislature, and Florida Supreme Court; specifying certain costs or expenses related to implementation and enforcement by the state judiciary as a local requirement; providing for severability; providing an effective date.

—was read the second time by title. On motion by Rep. Simmons, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 264

Speaker Byrd in the Chair.

Yeas—113

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

Nays—2

Cusack Fiorentino

Votes after roll call:

Yeas to Yeas—Cusack
Yeas to Nays—Berfield

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

Consideration of **HB 1787** was temporarily postponed under Rule 11.10.

HB 285—A bill to be entitled An act relating to human cloning; creating s. 877.27, F.S., the "Human Cloning Prohibition and Responsibility Act of 2003"; providing definitions; providing that it is unlawful to perform or attempt to perform human cloning, to participate or assist in an attempt to perform human cloning, or to ship or receive in commerce for any purpose an embryo produced by human cloning or any product derived from such embryo; providing a penalty; providing civil penalties; providing construction with respect to scientific research; providing for enforcement of the act; providing civil remedies; providing limitations on commencement of actions; amending ss. 95.11 and 775.15, F.S.; providing periods of limitations on actions and prosecutions for violations of the act; providing an effective date.

—was read the second time by title.

Representative Sobel offered the following:

(Amendment Bar Code: 186961)

Amendment 1 (with directory and title amendments)—Remove everything after the enacting clause and insert:

Section 1. Section 877.269, Florida Statutes, is created to read:

877.269 Human Cloning Prohibition and Stem Cell Research Protection Act of 2002; legislative findings and intent--

(1) It is a finding of the Legislature that recent medical and technological advances have had tremendous benefit to patients, and to society as a whole, and that biomedical research for the purpose of scientific investigation of disease or cure of a disease or illness should be preserved and protected and

not be impeded by regulations involving the cloning of an entire human being.

(2) It is a finding of the Legislature that molecular biology involving human cells, genes, tissues, and organs has been used to meet medical needs globally for 20 years and has proved a powerful tool in the search for cures, leading to effective medicines to treat cystic fibrosis, diabetes, heart disease, stroke, hemophilia, and HIV/AIDS.

(3) It is the intent of the Legislature to prohibit the creation of a human being through division and implantation of a blastocyst, zygote, or embryo created through somatic cell nuclear transfer technology and to protect the citizens of this state from potential abuse deriving from cloning technologies. This prohibition is not intended to apply to the cloning of human cells, genes, tissues, or organs that would not result in the replication of an entire human being; nor is this prohibition intended to apply to in vitro fertilization, the administration of fertility-enhancing drugs, or other medical procedures used to assist a woman in becoming or remaining pregnant, so long as that procedure is not specifically intended to result in the gestation or birth of a child who is genetically identical to another conceptus, embryo, fetus, or human being, living or dead.

Section 2. Section 877.27, Florida Statutes, is created to read:
877.27 Human Cloning Prohibition and Stem Cell Research Protection Act of 2002.--

(1) POPULAR NAME.--Sections 877.269 and 877.27 shall be known by the popular name of the "Human Cloning Prohibition and Stem Cell Research Protection Act of 2002."

(2) DEFINITIONS.--As used in this section:

(a) "Human cloning" means asexual human reproduction accomplished by implanting or attempting to implant the product of nuclear transplantation into a woman's uterus or a substitute for a woman's uterus for the purpose of initiating or attempting to initiate a human pregnancy or to create genetically identical human beings by dividing a blastocyst, zygote, or embryo.

(b) "Asexual reproduction" means reproduction not initiated by the union of oocyte and sperm.

(c) "Somatic cell" means a diploid cell, having a complete set of chromosomes, obtained or derived from a living or deceased human body at any stage of development.

(d) "Nuclear transplantation" means introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte from which the nucleus has been or will be removed or inactivated.

(3) CLONING OF HUMAN BEINGS PROHIBITED.--It is unlawful for any person or entity, public or private, to knowingly:

(a) Perform or attempt to perform human cloning.

(b) Participate or assist in an attempt to perform human cloning.

(c) Ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

(4) PENALTIES.--

(a) Any person who violates any provision of subsection (3) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Any person who violates any provision of subsection (3) and derives pecuniary gain from such violation shall be subject to a civil penalty of not less than \$1 million and not more than an amount equal to the amount of the gross pecuniary gain derived from the violation multiplied by two, if that amount is greater than \$1 million.

(5) CONSTRUCTION.--Nothing in this section shall be construed to restrict areas of biomedical, agricultural, and scientific research not specifically prohibited by this section, including using somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, plants, and tissues.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to human cloning; creating s. 877.269, F.S.; providing legislative findings and intent; creating s. 877.27, F.S., the "Human Cloning Prohibition and Stem Cell Research Protection Act of 2002"; providing definitions; providing that it is unlawful to perform or attempt to perform human cloning, to participate or assist in an attempt to perform human cloning, or to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo; providing criminal and

civil penalties; providing construction with respect to scientific research; providing an effective date.

Rep. Sobel moved the adoption of the amendment.

REPRESENTATIVE GOODLETTE IN THE CHAIR

THE SPEAKER IN THE CHAIR

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

Session Vote Sequence: 265

Speaker Byrd in the Chair.

Yeas—62

Allen	Gannon	Kendrick	Roberson
Ambler	Garcia	Kosmas	Russell
Anderson	Gelber	Littlefield	Ryan
Antone	Gibson, A.	Machek	Seiler
Barreiro	Gottlieb	Mack	Slosberg
Bendross-Mindingall	Green	Mahon	Smith
Brandenburg	Greenstein	Mayfield	Sobel
Brutus	Harper	McInvale	Sorensen
Bucher	Hasner	Meadows	Stansel
Bullard	Henriquez	Patterson	Troutman
Culp	Holloway	Pickens	Vana
Cusack	Homan	Planas	Wiles
Dean	Jennings	Rich	Wishner
Detert	Jordan	Richardson	Zapata
Domino	Joyner	Ritter	
Fields	Justice	Robaina	

Nays—51

Adams	Byrd	Harrington	Paul
Altman	Cantens	Hogan	Peterman
Arza	Carassas	Johnson	Prieguez
Attkisson	Cretul	Kallinger	Quinones
Baxley	Davis, D.	Kilmer	Reagan
Bean	Davis, M.	Kottkamp	Rivera
Bense	Evers	Kyle	Ross
Benson	Farkas	Llorente	Rubio
Berfield	Fiorentino	Mealor	Sansom
Bilirakis	Galvano	Murman	Simmons
Bowen	Gardiner	Murzin	Spratt
Brown	Gibson, H.	Needelman	Stargel
Brummer	Harrell	Negron	

Votes after roll call:

Nays—Poppell

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.

HM 1863—A memorial to the President and Congress of the United States, urging the President and Congress, in negotiating any new international trade agreement, to retain the existing tariff on orange juice imported to North America in order to promote fair trade in North America and ensure that North American orange juice producers will not be subjected to any additional adverse economic impact resulting from importation of orange juice produced outside North America.

WHEREAS, for more than 100 years the citrus industry has been a vital part of Florida's economy, providing substantial economic, tax, and environmental benefits to the state, annually generating more than \$9 billion in sales, employing nearly 90,000 Floridians, and maintaining invaluable green space throughout the state, and

WHEREAS, orange juice is one of the world's most important agricultural commodities, with Florida and Brazil producing the majority of all orange juice consumed in the world market, and Florida producing 90 percent of the orange juice consumed in North America, and

WHEREAS, the existing orange juice tariff is critical for the survival of Florida's citrus industry in that the tariff effectively levels the playing field for North American orange juice producers and those who import orange juice produced outside North America, fairly compensating for the competitive advantages enjoyed by Brazil and other foreign producers that are subject to fewer regulatory controls, less restrictive environmental laws, and lower labor costs, and

WHEREAS, any reduction in the orange juice tariff that may result from negotiated international trade agreements would not promote the expressed goals of free trade and would reduce competition, diminish consumer benefits, and impair overall industry growth, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Florida House of Representatives urges the President and Congress of the United States, in negotiating any new international trade agreement, to retain the existing tariff on orange juice imported to North America.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

—was read the second time by title. On motion by Rep. Bowen, the memorial was adopted and, under the rule, immediately certified to the Senate.

HB 1891—A bill to be entitled An act relating to the protection and delivery of services to persons who are disabled, vulnerable, or elderly; creating s. 393.506, F.S.; allowing administration of medication by certain unlicensed staff for persons with developmental disabilities; providing requirements for such administration; creating s. 400.9685, F.S.; allowing administration of medication by certain unlicensed staff in nursing homes and related health care facilities for persons with developmental disabilities; providing requirements for such administration; amending s. 394.74, F.S.; providing for alternative payment methods for contracts for provision of local substance abuse and mental health programs; amending s. 415.102, F.S.; clarifying definitions; amending s. 765.401, F.S.; providing additional persons which may be given a proxy for the making of health care decisions; amending s. 744.102, F.S.; providing that a public guardian shall be considered a professional guardian; amending s. 744.1083, F.S.; requiring additional information for registration; transferring certain rule adoption authority and registration responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; authorizing the Department of Elderly Affairs to contract with the Florida Guardianship Foundation and the foundation to contract with clerks of court to the registration of professional guardians; amending s. 744.1085, F.S.; providing for additional regulation of professional guardians; providing for a professional examination as a condition of registration; providing additional requirements for registration as a professional guardian; amending s. 744.3135, F.S.; limiting certain requirements to professional guardians; authorizing the court to require nonprofessional guardians to submit to credit history investigations and background screening; amending s. 744.444, F.S.; allowing guardians to employ care managers and disclose confidential information to an ombudsman without court approval; providing that such information shall remain confidential; amending ss. 744.534 and 744.7021, F.S.; transferring responsibility for the Statewide Public Guardianship Office to the Secretary of the Department of Elderly Affairs; amending s. 744.704, F.S.; removing a limitation on what wards a public guardian may serve; creating the Guardianship Task Force to examine and make recommendations regarding guardianship in this state; providing for membership; providing for appointment; providing for term of existence; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1891 CS—A bill to be entitled An act relating to the protection and

delivery of services to persons who are disabled, vulnerable, or elderly; creating s. 393.506, F.S.; allowing administration of medication by certain unlicensed staff for persons with developmental disabilities; providing requirements for such administration; creating s. 400.9685, F.S.; allowing administration of medication by certain unlicensed staff in nursing homes and related health care facilities for persons with developmental disabilities; providing requirements for such administration; amending s. 394.74, F.S.; providing for alternative payment methods for contracts for provision of local substance abuse and mental health programs; amending s. 415.102, F.S.; clarifying definitions; amending s. 765.401, F.S.; providing additional persons which may be given a proxy for the making of health care decisions; amending s. 744.102, F.S.; providing that a public guardian shall be considered a professional guardian for certain purposes; amending s. 744.108, F.S.; providing that certain costs relating to determination of certain fees shall be payable from the guardianship estate; amending s. 744.1083, F.S.; deleting obsolete language; increasing the maximum annual fee for registration as a professional guardian; requiring additional information for registration; transferring certain rule adoption authority and registration responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; authorizing the Department of Elderly Affairs to contract with a not-for-profit entity to register professional guardians; providing that certain educational institutions may act as professional guardians without registering; amending s. 744.1085, F.S.; providing for additional regulation of professional guardians; providing for a professional examination as a condition of registration; providing additional requirements for registration as a professional guardian; providing that certain financial institutions are exempt from the regulations governing professional guardians; amending s. 744.3135, F.S.; limiting certain requirements to professional guardians; authorizing the court to require guardians to submit to credit history investigations and background screening; amending s. 744.3145, F.S.; providing training requirements for parents appointed as guardians of the property of their minor children; amending s. 744.444, F.S.; allowing guardians to employ care managers and disclose confidential information to an ombudsman without court approval; providing that such information shall remain confidential; authorizing the payment of certain costs; amending ss. 744.534 and 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; amending s. 744.704, F.S.; removing a limitation on what wards a public guardian may serve; creating the Guardianship Task Force to examine and make recommendations regarding guardianship in this state; providing for membership; providing for appointment; providing for term of existence; providing that certain prior offenses shall be considered in conducting employment screening, notwithstanding the provisions of section 64 of ch. 95-228, Laws of Florida; amending s. 400.071, F.S.; requiring applicants for licensure as a nursing home to provide proof of a legal right to occupy the property; amending s. 400.414, F.S.; delineating the types and number of deficiencies justifying denial, revocation, or suspension of a license as an assisted living facility; amending s. 400.417, F.S.; providing an alternative method of providing notice to an assisted living facility that a license must be renewed; amending s. 400.419, F.S.; providing that administrative fines for assisted living facilities or its personnel shall be imposed by the Agency for Health Care Administration in the manner provided in ch. 120, F.S.; amending s. 400.0239, F.S.; providing for deposit of civil monetary fines in the Quality of Long-Term Care Facility Improvement Trust Fund; providing for additional purposes for which funds from such trust fund may be expended; amending s. 400.141, F.S.; providing for enforcement of minimum staffing standards for a nursing facility within a range; amending s. 400.235, F.S.; allowing reviewed financial statements to be submitted for the Gold Seal program; amending s. 400.452, F.S.; revising training and education requirements of the Department of Elderly Affairs for assisted living facilities; deleting a requirement that fees for training and education programs be based on the percentage of residents receiving monthly optional supplementation payments; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal

of such waiver program; amending s. 400.557, F.S.; providing an alternative method of providing notice to an adult day care center that a license must be renewed; amending s. 400.619, F.S.; requiring that the Agency for Health Care Administration provide advance notice to an adult family-care home that a license must be renewed; reenacting and amending s. 400.980, F.S.; providing that the provisions governing background screening of persons involved with health care services pools shall not stand repealed; amending s. 408.061, F.S.; exempting nursing homes and continuing care facilities from certain financial reporting requirements; amending s. 408.062, F.S.; providing that the Agency for Health Care Administration is not required to evaluate financial reports of nursing homes; amending s. 408.831, F.S.; requiring that licensees of the Agency for Health Care Administration pay or arrange for payment of amounts owed to the agency by the licensee prior to transfer of the license or issuance of a license to a transferee; amending s. 409.9116, F.S.; correcting a cross reference; providing an effective date.

—was read the second time by title.

Representative Fiorentino offered the following:

(Amendment Bar Code: 120037)

Amendment 1—Remove line 241, and insert:
impaired due to a mental, emotional, long-term physical, or

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

Rep. Fiorentino moved that a late-filed amendment be allowed for consideration, which was agreed to by the necessary two-thirds vote.

Further consideration of **HB 1891** was temporarily postponed under Rule 11.10.

Rep. Prieguez suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 266].

HB 1687—A bill to be entitled An act relating to governmental reorganization; providing legislative intent; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.101, F.S.; creating the Department of State and Community Partnerships; providing that the department shall be headed by a secretary appointed by, and serving at the pleasure of, the Governor; providing primary policy and administrative functional areas of the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; amending s. 20.22, F.S.; providing that the secretary of the Department of Management Services shall serve as the custodian of records; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall become the Secretary of State and Community Partnerships without further appointment or confirmation; providing transitional provisions; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; providing an effective date.

The Committee on State Administration recommended the following:

HB 1687 CS—A bill to be entitled An act relating to governmental reorganization; creating s. 20.101, F.S.; creating the Department of State and Community Affairs; providing the mission of the department; providing that the department shall be headed by a secretary appointed by and serving at the pleasure of the Governor; establishing divisions within the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; requiring appointment of division directors; providing for the appointment of deputy and assistant secretaries; providing for the establishment of bureaus, sections, and subsections deemed necessary by the secretary for certain purposes, under certain conditions; providing for the

appointment of directors or executive directors of any commission or council; providing for the appointment by the Governor of the director of the Division of Emergency Management; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall continue in office as the secretary of the Department of State and Community Affairs without further appointment or confirmation; providing transitional provisions; amending ss. 11.011, 11.021, 11.03, 11.07, 15.01, 15.02, 15.03, 15.07, and 15.155, F.S., to conform; amending s. 257.36, F.S.; deleting responsibilities regarding the records and information management program; creating s. 257.361, F.S.; providing responsibilities for records storage to the Department of Management Services; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representative Zapata offered the following:

(Amendment Bar Code: 929613)

Amendment 1—Remove line(s) 225 and 226, and insert:

1. The records storage and microfilming functions as authorized and governed by s. 257.36(1)(b) and (h), as those paragraphs exist on June 30, 2003.

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

Representative Zapata offered the following:

(Amendment Bar Code: 251041)

Amendment 2—Remove line(s) 267-278, and insert:

Section 7. Given the importance of the mission of the Department of State and Community Affairs, it is the intent of the Legislature that departmental programs, functions, and activities continue without change during the department's transitional period of the 2003-04 fiscal year. It is also the intent of the Legislature that proposed changes to programs, functions, and activities be reviewed by the 2004 Legislature, and approved by statutory amendment, if necessary. To this end, no changes in the Department of State and Community Affairs programs shall be made prior to July 1, 2004. All department programs shall be implemented in accord with current law, and no changes in department rules shall be made until July 1, 2004, except as is required to reflect changes in or for compliance with new federal or state laws. This limitation on rule adoption shall not apply to rules regarding the Florida Building Code adopted under the authority of chapter 553, those to implement the Community Development Block Grant Program and the Community Services Block Grant Program, technical changes to rules, and those rules for which a notice of proposed rulemaking has been published as of June 30, 2003.

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

Representative Zapata offered the following:

(Amendment Bar Code: 016329)

Amendment 3 (with title amendment)—Remove line(s) 524 and 525, and insert:
~~supplies and services and shall be deposited in the Records Management Trust Fund.~~

Remove line(s) 41, and insert:
information management program; providing that certain fees shall not be deposited in the Records Management Trust Fund; creating s. 257.361, F.S.;

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

Representative Barreiro offered the following:

(Amendment Bar Code: 149259)

Amendment 4 (with title amendment)—Between lines 611 and 612, insert:

Section 20. Subsection (13) is added to section 163.3167, Florida Statutes, to read:

Section 163.3167 Scope of act.--

(13)(a) If a local government grants a quasi-judicial development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal, the right to commence and complete development pursuant to the order may not be abrogated by a subsequent judicial determination that such land development regulations, or any portion thereof, are invalid because of a deficiency in the approval standards.

(b) This subsection does not preclude or affect the timely institution of common law writ of certiorari proceedings pursuant to Rule 9.190, Florida Rules of Appellate Procedure, or original proceedings pursuant to s. 163.3215, as applicable.

(c) This subsection applies retroactively to any order granted on or after January 1, 2002.

Remove line 45, and insert:

2004 Regular Session of the Legislature; amending s. 163.3167, F.S.; providing that if a local government grants a quasi-judicial development order pursuant to its adopted land development regulations and the order is not the subject of a pending appeal, the right to commence and complete development pursuant to the order may not be abrogated by a subsequent judicial determination that such land development regulations, or any portion thereof, are invalid because of a deficiency in the approval standards; retaining certain legal rights; providing for retroactive application; providing an

Rep. Zapata moved the adoption of the amendment.

On motion by Rep. Zapata, further consideration of **Amendment 4** was temporarily postponed under Rule 11.10.

Further consideration of HB 1687, with pending amendments, was temporarily postponed under Rule 11.10.

HB 1689—A bill to be entitled An act relating to the City of Hialeah; providing for the relief of Asbel Llerena; authorizing and directing the City of Hialeah to compensate him for personal injuries and the death of Maria de Jesus Llerena due to the negligence of a City of Hialeah employee; providing an effective date.

—was read the second time by title.

REPRESENTATIVE GOODLETTE IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1515 was taken up. On motion by Rep. Reagan, the rules were waived and CS for SB 480 was substituted for HB 1515. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 480—A bill to be entitled An act relating to children and families; providing legislative findings and intent; creating the Commission on Marriage and Family Support Initiatives within the Department of Children and Family Services; providing for membership; providing scope of activity; providing for coordination with other organizations and entities; providing for funding of the commission; repealing ss. 383.0112, 383.0113, and 383.0114, F.S., relating to the Commission on Responsible Fatherhood and community-based programs to encourage responsible fatherhood; providing an effective date.

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

On motion by Rep. Mack, consideration of **HB 1913** was temporarily

postponed under Rule 11.10.

Consideration of **SB 1768** was temporarily postponed under Rule 11.10.

On motion by Rep. Benson, consideration of **CS for CS for SB 1184** was temporarily postponed under Rule 11.10.

HJR 659—A joint resolution proposing the creation of Section 22 of Article X of the State Constitution relating to the Florida Hurricane Catastrophe Fund.

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

HB 593 was taken up. On motion by Rep. Carassas, CS for SB 1566 was substituted for HB 593. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1566—A bill to be entitled An act relating to tourist development taxes; amending s. 125.0104, F.S.; limiting the use of certain funds raised by this tax; providing an effective date.

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

HB 117 was taken up. On motion by Rep. Kosmas—

CS for SB 2162—A bill to be entitled An act relating to a road designation; designating a portion of I-275 in Pinellas County as the "St. Petersburg Parkway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of State Road 100 in Flagler County as Veterans Memorial Highway; designating the "All-American Parkway" in Miami-Dade County; designating "Borinquen Boulevard" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was substituted for HB 117 and read the second time by title. Under Rule 5.13, the House bill was laid on the table.

Representative Brutus offered the following:

(Amendment Bar Code: 101413)

Amendment 1 (with title amendment)—On page 4, line(s) 18, insert:

Section 11. Jean-Jacques Dessalines Boulevard designated; department to erect suitable markers.--

(1) State Road 944 on N.W. 54th Street in Miami-Dade County from the west boundary of State House District 108 to U.S. 1 is hereby designated as "Jean-Jacques Dessalines Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Jean-Jacques Dessalines Boulevard as described in subsection (1).

Section 12. Toussaint L'Ouverture Boulevard designated; department to erect suitable markers.--

(1) State Road 922 on N.W. 125th Street from N.W. 7th Avenue to Griffing Boulevard in Miami-Dade County is hereby designated as "Toussaint L'Ouverture Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Toussaint L'Ouverture Boulevard as described in subsection (1).

Section 13. Frederick Douglass Boulevard designated; department to erect suitable markers.--

(1) State Road 915 on N.E. 6th Avenue from the north boundary of State House District 108 to U.S. 1 in Miami-Dade County is hereby designated as "Frederick Douglass Boulevard."

(2) The Department of Transportation is directed to erect suitable markers

designating Frederick Douglass Boulevard as described in subsection (1).

Section 14. Alexandre Petion Boulevard designated; department to erect suitable markers.--

(1) State Road 909 on West Dixie Highway from the North boundary of District 108 to N.E. 2nd Avenue in Miami-Dade County is hereby designated as "Alexandre Petion Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Alexandre Petion Boulevard as described in subsection (1).

Section 15. Lawton Chiles Boulevard designated; department to erect suitable markers.--

(1) State Road 7 on N.W. 7th Avenue, U.S. 441, from the north boundary of State House District 108 to the south boundary of State House District 108 in Miami-Dade County is hereby designated as "Lawton Chiles Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Lawton Chiles Boulevard as described in subsection (1).

Section 16. George Gill Boulevard designated; department to erect suitable markers.--

(1) State Road 5 on Biscayne Boulevard, U.S. 1, from the north boundary of State House District 108 to the south boundary of State House District 108 in Miami-Dade County is hereby designated as "George Gill Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating George Gill Boulevard as described in subsection (1).

Section 17. James Weldon Johnson Boulevard designated; department to erect suitable markers.--

(1) State Road 932 on N.W. 103rd Street from the west boundary of State House District 108 to N.E. 6th Avenue in Miami-Dade County is hereby designated as "James Weldon Johnson Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating James Weldon Johnson Boulevard as described in subsection (1).

Section 18. T. Stewart Greer Boulevard designated; department to erect suitable markers.--

(1) Northwest 183rd Street from Northwest 32nd Avenue to Northwest 47th Avenue in Miami-Dade County is hereby designated as "T. Stewart Greer Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating T. Stewart Greer Boulevard as described in subsection (1).

Section 19. Stanley Whitman Boulevard designated; department to erect suitable markers.--

(1) The portion of State Road 922, 96th Street, that provides entry to and exit from the Bal Harbour Shops in Miami-Dade County is hereby designated as "Stanley Whitman Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Stanley Whitman Boulevard as described in subsection (1).

On page 1, line(s) 21,
remove: All of said line
and insert:

County; designating Jean-Jacques Dessalines Boulevard, Toussaint L'Ouverture Boulevard, Frederick Douglass Boulevard, Alexandre Petion Boulevard, Lawton Chiles Boulevard, George Gill Boulevard, James Weldon Johnson Boulevard, T. Stewart Greer Boulevard, and Stanley Whitman Boulevard in Miami-Dade County; directing the Department of

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

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 167—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund in the State Technology Office; providing for sources of moneys and purposes; providing for administration of the fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

HB 249 was taken up. On motion by Rep. Meador, CS for CS for CS for SB 310 was substituted for HB 249. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for CS for SB 310—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Child Abuse Prevention and Intervention license plate; providing for the distribution of annual use fees received from the sale of such plates; placing limitations on the use of sale proceeds; providing an effective date.

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

HB 381 was taken up. On motion by Rep. Brandenburg, SB 258 was substituted for HB 381. Under Rule 5.13, the House bill was laid on the table and—

SB 258—A bill to be entitled An act relating to public funds; amending s. 215.85, F.S.; authorizing local governments to pay certain expenses by means of electronic funds transfer; providing an effective date.

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

HB 399 was taken up. On motion by Rep. Ryan, SB 174 was substituted for HB 399. Under Rule 5.13, the House bill was laid on the table and—

SB 174—A bill to be entitled An act relating to the protection of marine turtles; amending s. 370.12, F.S.; providing penalties for violating the Marine Turtle Protection Act; providing first-degree misdemeanor and third-degree felony penalties for knowingly possessing a specified number or more of marine turtle eggs; providing an additional penalty for each egg involved in such a violation; providing that it is a third-degree felony to knowingly take, disturb, mutilate, destroy, cause to be destroyed, transfer, sell, offer to sell, molest, or harass a marine turtle or its nest, hatchlings, eggs, or parts thereof; providing that it is a third-degree felony to solicit or conspire to violate the Marine Turtle Protection Act; amending s. 777.04, F.S.; relating to the offense of criminal attempt, criminal solicitation, or criminal conspiracy; providing that a violation of the Marine Turtle Protection Act is exempt from certain sentencing requirements for an offense of solicitation or conspiracy; amending s. 921.0022, F.S.; relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions of the Act to the Code; providing an effective date.

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

HB 497—A bill to be entitled An act relating to motor vehicles; creating the Interstate 95 Lane Designation Pilot Project in Palm Beach County; providing legislative purpose; requiring heavy trucks to use the two outermost lanes; providing penalties for violation; directing the Department of Transportation to erect signs; requiring posting of signs prior to citation for violation; providing for repeal; providing an effective date.

The Committee on Transportation recommended the following:

HB 497 CS—A bill to be entitled An act relating to motor vehicles; creating the Interstate 95 Lane Designation Pilot Project in Palm Beach County; providing legislative purpose; requiring heavy trucks to use the two outermost lanes; providing penalties for violation; directing the Department of Transportation to erect signs; requiring posting of signs prior to citation for violation; providing for repeal; providing an effective date.

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

HB 577—A bill to be entitled An act relating to financial services; revising provisions relating to mortgage brokerage and mortgage lending; amending s. 494.0029, F.S.; specifying nontransferability of certain permits; providing requirements for changes in certain ownerships or controlling interests; providing for cancellation and reinstatement of certain permits; amending s. 494.00295, F.S.; clarifying certain professional education provisions as continuing education; amending s. 494.003, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions;

amending s. 494.0031, F.S.; authorizing the Department of Financial Services to require information from applicants for licensure; specifying nontransferability of certain licenses; providing requirements for changes in certain ownerships or controlling interests; amending s. 494.0032, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements; providing for third party administration of certain tests; authorizing the department to waive an examination requirement for certain individuals under certain circumstances; authorizing the department to assess a fee; amending s. 494.0034, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0036, F.S.; clarifying a provision for issuance of a mortgage brokerage business branch office license; amending s. 494.006, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0061, F.S.; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the department to waive an examination requirement for certain individuals under certain circumstances; authorizing the department to assess a fee; amending s. 494.0062, F.S.; authorizing the department to require information from applicants for licensure; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the department to waive an examination requirement for certain individuals under certain circumstances; authorizing the department to assess a fee; amending s. 494.0064, F.S.; providing for electronic filing of certain license renewal forms; clarifying certain professional education provisions as continuing education; providing for cancellation and reinstatement of certain licenses; amending s. 494.0065, F.S.; clarifying application of certain accounting principles; providing education and testing requirements for principal representatives; authorizing the department to waive an examination requirement for certain individuals under certain circumstances; authorizing the department to assess a fee; requiring mortgage lenders to designate a principal representative for certain purposes; requiring department notification of designation and education of principal representatives; providing for cancellation and reinstatement of certain licenses; amending s. 494.0066, F.S.; providing for cancellation and reinstatement of certain licenses; amending s. 494.0067, F.S.; clarifying certain professional education provisions as continuing education; amending ss. 494.0016, 516.12, 520.997, and 537.009, F.S.; revising the department's authority to regulate certain licensees; authorizing the department to provide by rule requirements for destruction of certain information; clarifying department authority to prescribe by rule certain minimum information to be shown in certain documents; amending s. 517.12, F.S.; specifying an additional depository for certain fees and documents required for registration of certain securities licensees; providing an effective date.

The Committee on Commerce recommended the following:

HB 577 CS—A bill to be entitled An act relating to financial services; revising provisions relating to mortgage brokerage and mortgage lending; amending s. 494.0029, F.S.; specifying nontransferability of certain permits; providing requirements for changes in certain ownerships or controlling interests; providing for cancellation and reinstatement of certain permits; amending s. 494.00295, F.S.; clarifying certain professional education provisions as continuing education; amending s. 494.003, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0031, F.S.; authorizing the Financial Services Commission or the Office of Financial Institutions and Securities Regulation to require information from applicants for licensure; specifying nontransferability of certain licenses; providing requirements for changes in certain ownerships or controlling interests; amending s. 494.0032, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0034, F.S.; providing for electronic filing of certain license renewal forms; providing for

cancellation and reinstatement of certain licenses; amending s. 494.0036, F.S.; clarifying a provision for issuance of a mortgage brokerage business branch office license; amending s. 494.006, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0061, F.S.; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0062, F.S.; authorizing the commission or office to require information from applicants for licensure; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0064, F.S.; providing for electronic filing of certain license renewal forms; clarifying certain professional education provisions as continuing education; providing for cancellation and reinstatement of certain licenses; amending s. 494.0065, F.S.; clarifying application of certain accounting principles; providing education and testing requirements for principal representatives; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; requiring mortgage lenders to designate a principal representative for certain purposes; requiring office notification of designation and education of principal representatives; providing for cancellation and reinstatement of certain licenses; amending s. 494.0066, F.S.; providing for cancellation and reinstatement of certain licenses; amending s. 494.0067, F.S.; clarifying certain professional education provisions as continuing education; amending ss. 494.0016, 516.12, 520.997, and 537.009, F.S.; revising the commission's authority to regulate certain licensees; authorizing the commission to provide by rule requirements for destruction of certain information; clarifying commission authority to prescribe by rule certain minimum information to be shown in certain documents; amending s. 517.12, F.S.; specifying an additional depository for certain fees and documents required for registration of certain securities licensees; revising terminology relating to the Department of Financial Services, the Financial Services Commission, and the Office of Financial Institutions and Securities Regulation; providing an effective date.

—was read the second time by title.

Representative Stargel offered the following:

(Amendment Bar Code: 877905)

Amendment 1 (with title amendment)—Between lines 674 and 675, insert:

Section 21. Paragraph (c) of subsection (1) of section 627.679, Florida Statutes, is amended to read:

627.679 Amount of insurance; disclosure.--

(1)

(c) Before any credit life insurance may be sold in connection with a specific installment loan, the creditor agent or agent shall obtain a separate written acknowledgment with respect to each of the following:

1. That the borrower understands that he or she has the option of assigning any other policy or policies the borrower owns or may procure for the purpose of covering such loan and that the policy need not be purchased from the creditor agent in order to obtain the loan.

2. That the borrower understands that the credit life coverage may be deferred if, at the time of application, the borrower is unable to engage in employment or unable to perform normal activities of a person of like age and sex, if the proposed credit life insurance policy contains this restriction.

3. That the borrower understands that the benefits under the policy will terminate when the borrower reaches a certain age and that the borrower's age is accurately represented on the application or policy.

This paragraph does not apply to credit life insurance relating to open-end or revolving credit agreements. In lieu of the required written acknowledgments set forth in this paragraph and s. 626.9551(2)(a), if the sale of credit life insurance is solicited or consummated telephonically, the creditor agent or

agent shall provide written disclosures of such options to the borrower within 30 days from the date the coverage takes effect. The borrower must be notified that he or she has 30 days from the date the disclosures are received to rescind the credit life insurance coverage.

Remove line 90, and insert:

Regulation; amending s. 627.679, F.S.; providing limitations on sales of credit life insurance; providing an effective date.

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

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.

HB 579 was taken up. On motion by Rep. Kendrick, CS for SB 1994 was substituted for HB 579. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 1994—A bill to be entitled An act relating to road and bridge designations; designating a portion of Interstate 75 as Purple Heart Memorial Highway; designating Dr. Martin Luther King, Jr., Memorial Highway in Hamilton County; designating Nott Circle Roundabout in Suwannee County; designating the Dr. Martin Luther King, Jr., Memorial Highway in Gadsden County; designating the Jim Deaton Memorial Bridge in Duval County; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 50 in Orange County as Martin L. King, Jr., Drive; directing the Department of Transportation to erect suitable markers; designating the Darce Taylor Crist Boulevard in Pasco County; directing the Department of Transportation to erect suitable markers; designating the Purple Heart Highway; directing the Department of Transportation to erect suitable markers; designating the Steven Cranman Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Ethel Beckford Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Phicol Williams Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating Arthur Mays Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the Judge Steve Levine Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Consideration of **HB 711** was temporarily postponed under Rule 11.10.

Consideration of **HB 1395** was temporarily postponed under Rule 11.10.

HB 1575—A bill to be entitled An act relating to agency reorganization; transferring the Division of Retirement and its powers, duties, functions, components, and assets from the Department of Management Services to the State Board of Administration; amending s. 110.205, F.S.; providing status of division personnel under the Career Service System; amending ss. 20.22, 20.28, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.625, 112.63, 112.64, 112.658, 112.661, 112.665, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.081, 121.085, 121.091, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 121.4501, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, 175.032, 175.1215, 185.02, 185.105, 215.20, 215.28, 215.50, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, and 650.02, F.S., to conform to such transfer; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1575 CS—A bill to be entitled An act relating to agency reorganization; transferring the Division of Retirement and its powers, duties, functions, components, and assets from the Department of Management

Services to the State Board of Administration; amending s. 110.205, F.S.; providing status of division personnel under the Career Service System; amending ss. 20.22, 20.28, 112.05, 112.3173, 112.352, 112.354, 112.356, 112.358, 112.361, 112.362, 112.363, 112.625, 112.63, 112.64, 112.658, 112.661, 112.665, 121.021, 121.025, 121.031, 121.051, 121.0511, 121.0515, 121.052, 121.055, 121.081, 121.085, 121.091, 121.095, 121.101, 121.111, 121.133, 121.135, 121.136, 121.1815, 121.1905, 121.192, 121.193, 121.22, 121.23, 121.24, 121.30, 121.35, 121.40, 121.45, 121.4501, 121.403, 121.591, 121.5911, 121.72, 121.73, 121.74, 175.032, 175.121, 175.1215, 175.341, 185.02, 185.10, 185.105, 185.23, 215.20, 215.28, 215.44, 215.50, 215.52, 238.01, 238.02, 238.03, 238.05, 238.07, 238.08, 238.09, 238.10, 238.11, 238.12, 238.14, 238.15, 238.171, 238.181, 238.32, 650.02, 650.06, 122.02, 122.03, 122.05, 122.06, 122.07, 122.08, 122.09, 122.10, 122.12, 122.13, 122.15, 122.16, 122.23, 122.30, 122.34, 122.351, F.S., to conform to such transfer; providing duties of the Department of Financial Services with respect to issuing benefit payments under retirement plans; providing for the request and transfer of appropriations; providing an effective date.

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

HB 633 was taken up. On motion by Rep. Slosberg, CS for CS for SB 52 was substituted for HB 633. Under Rule 5.13, the House bill was laid on the table and—

CS for CS for SB 52—A bill to be entitled An act relating to driver's licenses; amending s. 322.18, F.S.; requiring vision tests for certain applicants for license renewal; prohibiting those applicants from renewing by telephone or electronic means; requiring the department to study the effects of aging on driving ability; providing an effective date.

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

HB 1405—A bill to be entitled An act relating to water policy; amending s. 373.0693, F.S.; redrawing the boundaries of certain water basins; providing for the transfer of assets between such water basins; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water and management plans and programs; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; exempting the approval process for such plans from the rule adoption requirements of chapter 120, F.S.; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; deleting cross references; providing an effective date.

The Committee on Natural Resources recommended the following:

HB 1405 CS—A bill to be entitled An act relating to water management districts; amending s. 373.0693, F.S.; authorizing basin board boundaries within the Southwest Florida Water Management District to be amended by governing board resolution; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain

purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water and management plans and programs; providing that the South Florida Water Management District shall give priority to the restoration needs of the Lake Worth Lagoon; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; deleting cross references; providing an effective date.

—was read the second time by title.

Representative Attkisson offered the following:

(Amendment Bar Code: 756939)

Amendment 1 (with title amendment)—Between lines 304 and 305, insert:

Section 6. Subsection (5) of section 373.079, Florida Statutes, is amended to read:

373.079 Members of governing board; oath of office; staff.--

(5) ~~The executive director governing board~~ may employ a legal staff for the purposes of:

(a) Providing legal counsel to ~~the governing board on matters relating to the exercise of its powers and duties and to~~ the executive director and district staff on matters relating to the day-to-day operations of the district;

(b) Representing ~~the district~~ # in all proceedings of an administrative or judicial nature; and

(c) Otherwise assisting in the administration of the provisions of this chapter.

Attorneys employed by the ~~governing board district~~ must represent the legal interest or position of the governing board.

Remove line 45, and insert:

management plans and programs; amending s. 373.079, F.S.; relating to the hiring of legal staff in the water management districts; amending ss. 259.101

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

Representative Attkisson offered the following:

(Amendment Bar Code: 316221)

Amendment 2 (with title amendment)—Between line(s) 454 and 456, and insert:

Section 10. Subsection (1) of section 373.2295, Florida Statutes, is amended and subsection (14) is added to said section to read:

373.2295 Interdistrict transfers of groundwater.--

(1) As used in this section, ~~the term~~ "interdistrict transfer and use" means a consumptive water use ~~that which~~ involves the withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district, ~~but does not include a withdrawal and use within the same county.~~

(14) ~~In case of withdrawal of groundwater from a point within one water management district for use outside the boundaries of that district but within~~

~~the same county, the provisions of subsections (4), (11), and (13) shall apply, and the district considering a permit application for such a consumptive use shall apply the applicable provisions of this chapter, and its rules to the withdrawal and use.~~

Section 11. ~~Any agreements between water management districts entered into before the effective date of this act pursuant to s. 373.046, Florida Statutes, authorizing the issuance of permits for the interdistrict withdrawal and use of water within a county are validated and shall continue in effect until otherwise rescinded.~~

Remove line 47, and insert:

references; amending s. 373.2295, F.S.; redefining the term "interdistrict transfer and use" to exclude transfers of water within a single county; providing for criteria for the issuance of permits for transfer of water from one water management district to another within a single county; validating and providing continued effect of agreements between water management districts which were entered into before the effective date of the act; providing an effective date.

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

Representative Bowen offered the following:

(Amendment Bar Code: 711445)

Amendment 3 (with title amendment)—Between line(s) 454 and 455, insert:

Section 10. Paragraphs (c) and (d) of subsection (2) of section 373.069, Florida Statutes, are amended to read:

373.069 Creation of water management districts.--

(2) Notwithstanding the provisions of any other special or general act to the contrary, the boundaries of the respective districts named in subsection (1) shall include the areas within the following boundaries:

(c) *St. Johns River Water Management District.*--Begin at the intersection of the south boundary of Indian River County with the Atlantic Ocean; thence west along the Indian River-St. Lucie County line to the intersection of the west boundary of St. Lucie County; thence south along the Okeechobee-St. Lucie County line to the southeast corner of Section 1, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 10, Township 34 South, Range 36 East; thence south along the section line to the southeast corner of Section 9, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 18, Township 34 South, Range 36 East; thence south along the range line between Ranges 35 and 36 East to the southeast corner of Section 12, Township 34 South, Range 35 East; thence west along the section line to the northwest corner of Section 13, Township 34 South, Range 35 East; thence south along the section line to the southeast corner of Section 35, Township 34 South, Range 35 East; thence west along the township line between Townships 34 and 35 south to the southwest corner of Section 35, Township 34 South, Range 34 East; thence north along the section line to the Okeechobee-Osceola County line; thence west along the Okeechobee-Osceola County line to the southwest corner of Section 34, Township 32 South, Range 33 East; thence north along the section line to the northwest corner of Section 3, Township 31 South, Range 33 East; thence east along the township line between Townships 30 and 31 South to the southeast corner of Section 36, Township 30 South, Range 33 East; thence north along the range line between Ranges 33 and 34 East to the northeast corner of Section 1, Township 30 South, Range 33 East; thence west along the township line between Townships 29 and 30 south to the southwest corner of Section 31, Township 29 South, Range 33 East; thence north along the range line between Ranges 32 and 33 East to the northwest corner of Section 6, Township 28 South, Range 33 East; thence east along the township line between Townships 27 and 28 south to the southeast corner of Section 36, Township 27 South, Range 32 East; thence north along the range line between Ranges 32 and 33 East to the northeast corner of Section 1, Township 26 South, Range 32 East; thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 33, Township 25 South, Range 32 East; thence north along the section line to the Orange-Osceola County line; thence westerly along the Orange-Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence north along the range line to the intersection with the northerly

right-of-way line of State Road 528, also known as the Bee Line Expressway; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the Northeast corner of Section 25, Township 22 South, Range 28 East; thence south along the range line between Ranges 28 and 29 East to the Southeast corner of Section 36, Township 22 South, Range 28 East; thence west along the township line between Townships 22 and 23 South to the Northeast corner of Section 2, Township 23 South, Range 27 East; thence south to the Southeast corner of Section 11, Township 23 South, Range 27 East; thence west along the section lines to the Southwest corner of Section 7, Township 23 South, Range 27 East, also being the Lake-Orange County line; thence south along the range line between Ranges 26 and 27 East to the southwest corner of Section 18, Township 26 South, Range 27 East; thence east along the section line to the northeast corner of Section 19, township 26 South, Range 27 East; thence south along the section line to the southwest corner of Section 32, Township 26 South, Range 27 East; thence east along the township line between Townships 26 and 27 South to the northeast corner of Section 5, Township 27 South, Range 27 East; thence south along the section lines to the southerly right of way line of State Road 600; thence westerly along the southerly right of way line of said State Road No. 600 to the west boundary of Section 27, Township 27 South, Range 26 East; thence north along the section lines to the northeast corner of Section 16, Township 25 South, Range 26 East; thence west along the section line to the southwest corner of Section 9, Township 25 South, Range 26 East; thence north along the section lines to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East, also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24 East, to the northeast corner of Section 1, Township 18 South, Range 23 East, and the Marion County line; thence west along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East, and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 18 East; thence north along the range line between Ranges 18 and 19 East to the northwest corner of Section 19, Township 9 South, Range 19 East; thence east along the section line to the southeast corner of Section 13, Township 9 South, Range 19 East; thence north along the range line between Ranges 19 and 20 East to the northwest corner of Section 6, Township 9 South, Range 20 East; thence easterly along the township line between Townships 8 and 9 South to the southeast corner of Section 36, Township 8 South, Range 20 East; thence north along the range line between Ranges 20 and 21 East to the northwest corner of Section 18, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 15, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of Section 23, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 26, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of the north $\frac{1}{2}$ of Section 25, Township 8 South, Range 21 East; thence east to the northeast corner of the

south $\frac{1}{2}$ of Section 25, Township 8 South, Range 21 East; thence south along the range line between Ranges 21 and 22 East to the southwest corner of Section 30, Township 8 South, Range 22 East; thence east along the section line to the northeast corner of Section 32, Township 8 South, Range 22 East; thence south along the section line to the southwest corner of Section 16, Township 9 South, Range 22 East; thence eastward along the section line to the southeast corner of the west $\frac{1}{8}$ of Section 18, Township 9 South, Range 23 East; thence northward to the northeast corner of the west $\frac{1}{8}$ of Section 18, Township 9 South, Range 23 East; thence west to the southwest corner of Section 7, Township 9 South, Range 23 East; thence northward along the Bradford-Clay County line to the northeast corner of Section 36, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of the east $\frac{1}{2}$ of Section 25, Township 8 South, Range 22 East; thence north to the northeast corner of the west $\frac{1}{2}$ of Section 24, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of Section 13, Township 8 South, Range 22 East; thence north along the section line to the northwest corner of Section 25, Township 7 South, Range 22 East; thence east along the section line to the Bradford-Clay County line; thence north along the Bradford-Clay County line to the intersection of the south boundary of Baker County; thence west along the Baker-Bradford County line to the intersection of the east boundary of Union County; thence west along the Baker-Union County line to the southwest corner of Section 18, Township 4 South, Range 20 East; thence north along the range line between Ranges 19 and 20 East to the northeast corner of Section 1, Township 3 South, Range 19 East; thence west along the township line between Townships 2 and 3 South to the Baker-Columbia County line; thence north along the Baker-Columbia County line to the north boundary line of the State of Florida; thence easterly along the Florida-Georgia line to the Atlantic Ocean; thence southerly along the Atlantic Ocean, including the waters of said ocean within the jurisdiction of the State of Florida to the point of beginning.

(d) *Southwest Florida Water Management District.*--Begin at the intersection of the north boundary of Lee County with the Gulf of Mexico; thence eastward along the Lee-Charlotte County line to the Southeast corner of Section 33, Township 42 South, Range 24 East; thence North into Charlotte County, along the section lines to the Northeast corner of Section 4, Township 42 South, Range 24 East; thence East along the township line between Townships 41 and 42 South to the Southeast corner of Section 36, Township 41 South, Range 25 East; thence north along the section line to the northwest corner of Section 6, Township 41 South, Range 26 East; thence east along the section line to the southeast corner of Section 36, Township 40 South, Range 26 East; thence North along the range line between Ranges 26 and 27 to the Northeast corner of Section 1, Township 40 South, Range 26 East, and the Charlotte-Desoto County line; thence east along the Charlotte-Desoto County line to the southeast corner of Section 36, Township 39 South, Range 27 East; thence north along the DeSoto-Highlands County line to the intersection of the South boundary of Hardee County; thence north along the Hardee-Highlands County line to the southwest corner of Township 35 South, Range 28 East; thence east along the north boundary of Township 36 South to the northeast corner of Section 1, Township 36 South, Range 28 East; thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East; thence east along the section line to the northeast corner of Section 15, Township 37 South, Range 29 East; thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East; thence east along the township line to the northeast corner of Section 1, Township 38 South, Range 29 East; thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East; thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East; thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East; thence east along the township line to the southeast corner of the west $\frac{1}{4}$ of Section 35, Township 38 South, Range 30 East; thence north along the $\frac{1}{4}$ -section line of Sections 35, 26, and 23, Township 38 South, Range 30 East to the northeast corner of the west $\frac{1}{4}$ section of Section 23, Township 38 South, Range 30 East; thence west along the section line to the northwest corner of Section 23, Township 38 South, Range 30 East; thence north along the section line to the northwest corner of Section 2, Township 37 South, Range 30 East; thence west along the township line to the southwest corner of Section 34, Township 36 South, Range 30 East; thence north along the section line to the northwest corner of Section 3, Township 36 South, Range 30 East; thence west along the township line to the southwest corner of Section 31, Township 35 South,

Range 30 East; thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands-Polk County line; thence west along the Highlands-Polk County line to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west $\frac{1}{2}$ of Section 17, Township 30 South, Range 29 East; thence north along the $\frac{1}{2}$ -section line to the northeast corner of the west $\frac{1}{2}$ of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 28, Township 28 South, Range 28 East; thence east along the $\frac{1}{4}$ -section line to the intersection of said $\frac{1}{4}$ -section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the $\frac{1}{2}$ -section line of Section 28, Township 28 South, Range 28 East; thence north on the $\frac{1}{2}$ -section line to the northwest corner of the southeast $\frac{1}{4}$ of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast $\frac{1}{4}$ of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 37 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; ~~thence south along the range line between Ranges 26 and 27 East to the southwest corner of Section 18 in Township 26 South, Range 27 East; thence east along the section line to the southeast corner of said Section 18; thence south along the section lines to the southwest corner of Section 32 in Township 26 South, Range 27 East; thence east along the section line to the southeast corner of said Section 32; thence south along the section lines to the southerly right of way line of State Road 600 (U.S. Route 17 and 92) in Township 27 South, Range 27 East; thence westerly along the southerly right of way line of said State Road No. 600 to the West boundary of Section 27, Township 27 South, Range 26 East; thence north along the section line to the northeast corner of Section 16, Township 25 South, Range 26 East; thence west along the section line to the southwest corner of Section 9, Township 25 South, Range 26 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township~~

24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24, to the northeast corner of Section 1, Township 18 South, Range 23 East and the Marion County line; thence west, along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 17 East; thence north along the Levy-Alachua County line, also being the range line between Ranges 17 and 18 East, to the southerly right-of-way line of State Road No. 24; thence southwestly along said southerly right-of-way line to the easterly right-of-way line of State Road No. 337; thence southerly, along said easterly right-of-way line of State Road No. 337, to the south line of Section 35, Township 14 South, Range 17 East; thence west along the section line to the northwest corner of Section 3, Township 15 South, Range 17 East; thence south along the section lines to the southwest corner of Section 27, Township 15 South, Range 17 East; thence west to the Gulf of Mexico; thence south along the Gulf of Mexico, including the waters of said gulf within the jurisdiction of the State of Florida, to the point of beginning.

Remove line 47, and insert:
references; amending s. 373.069, F.S.; revising boundaries of the St. Johns River and Southwest Florida Water Management Districts; providing an effective date.

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

Representative Bowen offered the following:

(Amendment Bar Code: 609231)

Amendment 4 (with title amendment)—Remove lines 455 and 456, and insert:

Section 10. Subsection (2) of section 373.0691, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to said section, to read:

373.0691 Transfer of areas.--

(2) Effective at 12:01 a.m. on July 1, 2003, that portion of Polk County formerly within the St. Johns River Water Management District as set forth in s. 373.069 is transferred to the Southwest Florida Water Management District. With respect to the area transferred and at the time of change of boundaries, all contractual obligations of the St. Johns River Water Management District, all real property interests owned by the St. Johns River Water Management District, all regulatory responsibilities of the St. Johns River Water Management District, all equipment and other personal property used solely by the St. Johns River Water Management District in that area, and all records of the St. Johns River Water Management District shall be transferred and delivered to the Southwest Florida Water Management District.

Section 11. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Remove line 47, and insert:
references; amending s. 373.0691, F.S.; providing for the transfer of land and other incidentals from the St. Johns River Water Management District to the

Southwest Florida Water Management District; providing effective dates.

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

Rep. Machek moved that a late-filed amendment be allowed for consideration, which was agreed to by the necessary two-thirds vote.

Further consideration of **HB 1405** was temporarily postponed under Rule 11.10.

HB 1511—A bill to be entitled An act relating to community colleges; amending s. 1000.21, F.S.; revising the names of Chipola Junior College and Miami-Dade Community College; providing an effective date.

The Committee on Education K-20 recommended the following:

HB 1511 CS—A bill to be entitled An act relating to colleges; amending s. 1000.21, F.S.; changing the names of Chipola Junior College and Miami-Dade Community College to Chipola College and Miami-Dade College, respectively; amending ss. 288.8175 and 1002.35, F.S.; conforming provisions; amending s. 1004.73, F.S.; requiring Miami-Dade College and Chipola College to seek accreditation as baccalaureate degree granting colleges; providing requirements relating to mission, policies, student fees, degrees, governance, employment, facilities, and funding; amending s. 1004.76, F.S., relating to the Florida Martin Luther King, Jr., Institute for Nonviolence; deleting a provision relating to the establishment of said institute at Miami-Dade Community College; providing an effective date.

—was read the second time by title.

Representative Kilmer offered the following:

(Amendment Bar Code: 762111)

Amendment 1 (with title amendment)—Remove line(s) 66-376, and insert:

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

Remove line(s) 15-24, and insert:
F.S.; conforming provisions; providing an effective date.

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

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.

Motion

On motion by Rep. Smith, by the required two-thirds vote, **HB 1695** and its companion measure **CS for SB 2624** were removed from today's Special Order Calendar and added to the Special Order Calendar for May 1.

On motion by Rep. Smith, by the required two-thirds vote, **HB 1407**, **HB 1893**, **CS for SB 626**, **HB 1075**, **HB 1621**, **HB 1103**, and **SB 614** were added to the end of today's Special Order Calendar.

HB 711 was taken up. On motion by Rep. Machek—

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1754 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Agriculture and Senator Argenziano—

CS for SB 1754—A bill to be entitled An act relating to soil and water

conservation; amending s. 582.06, F.S.; increasing membership of the Soil and Water Conservation Council; specifying qualifications for members; amending ss. 582.10 and 582.30, F.S.; revising provisions relating to the creation and discontinuance of soil and water conservation districts; authorizing the Commissioner of Agriculture to dissolve or discontinue a district; providing an effective date.

—was taken up, read the first time by title, and substituted for HB 711. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Machek, the rules were waived and CS for SB 1754 was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1395 was taken up. On motion by Rep. McInvalde—

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2238, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Regulated Industries and Senator Constantine—

CS for CS for SB 2238—A bill to be entitled An act relating to real estate appraisers; amending s. 475.611, F.S.; revising and providing definitions applicable to regulation of real estate appraisers; providing that licenses for the category of licensed appraiser shall not be issued after a specified date; redesignating registered assistant appraisers as registered trainee appraisers; amending s. 475.612, F.S.; conforming terminology; authorizing real estate brokers, broker-salespersons, and salespersons to provide valuation services without being regulated as appraisers; authorizing brokers and salespersons to give price opinions without being regulated as appraisers; removing authorization for graduate students in appraising to be supervised by licensed brokers; amending s. 475.613, F.S.; granting the Florida Real Estate Appraisal Board power by rule to establish standards for and regulate supervisory appraisers; removing obsolete language; amending s. 475.6147, F.S.; clarifying applicability of fee provisions to certification and registration; amending s. 475.617, F.S.; clarifying experience requirements for certification of residential and general appraisers; conforming terminology; creating s. 475.6175, F.S.; requiring postlicensure education for registered trainee appraisers to maintain registration; requiring completion of such education prior to the second renewal following initial registration; requiring requalification for subsequent registration as a trainee appraiser; authorizing a physical hardship extension; amending s. 475.618, F.S.; revising continuing education requirements to authorize and provide for certification of distance learning courses by independent certification organizations; conforming terminology; amending s. 475.6221, F.S.; requiring a registered trainee appraiser to perform appraisal services under the direct supervision of a licensed or certified appraiser; providing that a registered trainee appraiser may only receive compensation through or from the primary supervisory appraiser; creating s. 475.6222, F.S.; providing requirements for supervision of registered trainee appraisers; amending s. 475.6295, F.S.; clarifying authority to inspect appraisers and appraisal offices; creating s. 475.631, F.S.; providing for reciprocity for nonresident appraisers; requiring an irrevocable consent to suits and actions and providing for service of process or pleading; requiring resident appraisers who become nonresidents to notify the board and comply with nonresident requirements; providing penalties; authorizing the board to adopt rules for regulation of nonresident appraisers; amending ss. 475.01, 475.011, 475.615, 475.619, 475.620, 475.622, 475.624, 475.626, and 475.627, F.S.; conforming terminology; amending s. 475.001, F.S.; conforming terminology; amending s. 475.01, F.S.; redesignating "broker-salespersons" as "broker associates" and "salespersons" as "sales associates"; expanding the definition of "transaction broker"; amending s. 475.011, F.S.; conforming terminology; amending ss. 475.02 and 475.04, F.S.; conforming terminology; creating s. 475.161, F.S.; providing for licensing of broker associates and sales associates; amending s. 475.17, F.S.; revising qualifications for practice; authorizing additional subjects for postlicensure education; restricting approval of distance learning courses to instances of

hardship; conforming terminology; amending s. 475.175, F.S.; revising requirements to take the license examination; revising requirements with respect to notice of completion of educational requirements; amending s. 475.181, F.S.; conforming terminology; amending s. 475.182, F.S.; providing guidelines for approving specialty courses; conforming terminology; amending s. 475.215, F.S.; conforming terminology; amending s. 475.22, F.S.; revising requirements with respect to brokers' signs; amending s. 475.23, F.S.; providing for notice of change of address; conforming terminology; amending s. 475.25, F.S.; revising duties of licensees with respect to escrowed property; allowing a broker to place personal or brokerage funds in property management and sales escrow accounts; providing penalties; providing a time limit on filing complaints against a licensee; providing for referral of criminal violations to prosecuting authorities; conforming terminology; amending s. 475.2755, F.S.; conforming terminology; amending s. 475.278, F.S.; revising provisions relating to authorized brokerage relationships; providing a presumption of transaction brokerage; revising disclosure requirements; amending s. 475.31, F.S.; providing effect of revocation or suspension of a broker's license; conforming terminology; amending ss. 475.37 and 475.41, F.S.; conforming terminology; amending s. 475.42, F.S.; providing an additional ground for disciplinary action relating to false or misleading information on real estate located in the state; providing penalties; conforming terminology; amending s. 475.43, F.S.; conforming terminology; amending s. 475.451, F.S.; revising prerequisites for renewal of an instructor permit; removing an exemption from instructor examination requirements; conforming terminology; repealing s. 475.4511(4) and (5), F.S., relating to the prohibition against a school advertising in conjunction with an affiliated broker and publishing a "pass/fail" ratio; amending ss. 475.453 and 475.455, F.S.; conforming terminology; amending s. 475.482, F.S.; increasing the maximum amount that may be in the Real Estate Recovery Fund; conforming terminology; amending s. 475.483, F.S.; revising guidelines for payment of attorney's fees with respect to recovery from the fund; conforming terminology; amending ss. 475.484 and 475.5017, F.S.; increasing maximum amounts payable from the fund; conforming terminology; amending s. 475.612, F.S.; conforming terminology; amending s. 689.25, F.S.; prescribing facts and conditions the existence of which need not be disclosed in a real estate transaction; repealing s. 475.421, F.S., relating to publication of false or misleading information on real estate located in the state; repealing s. 475.422, F.S., relating to disclosure of termite and roof inspection reports; amending ss. 83.49, 440.02, 443.036, 501.604, 687.14, 721.20, and 760.29, F.S.; conforming terminology; providing an effective date.

—was taken up, read the first time by title, and substituted for HB 1395. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. McInvale, the rules were waived and CS for CS for SB 2238 was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Special Orders

Special Order Calendar

HB 1049—A bill to be entitled An act relating to engineering; amending ss. 471.013 and 471.015, F.S.; revising provisions relating to the examinations required to practice in this state as an engineer; amending s. 471.023, F.S.; requiring certification of any business organization offering engineering services to the public; amending s. 471.033, F.S.; revising provisions relating to disciplinary penalties to increase the administrative fine and authorize the imposition of restitution; amending s. 471.038, F.S.; declaring the Board of Professional Engineers and the Florida Engineers Management Corporation a separate budget entity independent of the Department of Business and Professional Regulation; delegating certain duties of the department to the board; requiring the board to contract with the management corporation to provide certain services; providing an effective date.

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

Representative Stargel offered the following:

(Amendment Bar Code: 417295)

Amendment 1 (with title amendment)—Remove line(s) 505-515

Remove line(s) 33-36, and insert:
complaints and prosecute cases; providing an effective date.

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

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

CS for SB 1164—A bill to be entitled An act relating to property rights; amending s. 70.001, F.S., the "Bert J. Harris, Jr., Private Property Rights Protection Act"; providing for the state land planning agency to receive notice of claims; amending procedures for determining a governmental entity's final decision identifying the allowable uses for a property; providing that enactment of a law or adoption of a regulation does not constitute applying the law or regulation; providing for a waiver of sovereign immunity for liability; providing legislative findings with respect to loss of property values due to the proximity of a regional water reservoir; authorizing a cause of action for a property owner; specifying a period during which a property owner may present a claim for compensation to the regional water supply authority that constructs, operates, and maintains the reservoir; providing requirements for the offer of compensation by a regional water supply authority; providing for judicial review under the Bert J. Harris, Jr., Private Property Rights Protection Act; providing for an award of costs and attorney's fees; providing for future repeal of the section; providing severability; providing an effective date.

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

Reconsideration

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

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.

On motion by Rep. Spratt, the House moved to the consideration of HB 1893 on Special Orders.

HB 1893 was taken up. On motion by Rep. Spratt, CS for SB 626 was substituted for HB 1893. Under Rule 5.13, the House bill was laid on the table and—

CS for SB 626—A bill to be entitled An act relating to the Everglades Forever Act; amending s. 373.4592, F.S.; providing definitions; re-naming the Everglades Swim Plan as the Everglades Long-Term Plan; establishing legislative findings and providing legislative intent; providing that revisions to the Long-Term Plan be incorporated into the plan; requiring implementation of the initial phase of the Long-Term Plan; providing for review by the Department of Environmental Protection of certain projects and incremental phosphorus reduction measures; requiring that the initial phase of the Long-Term Plan achieve water quality standards relating to phosphorus criterion in the Everglades Protection Area; providing for the use of ad valorem tax proceeds; providing a schedule for enhancements to the Everglades Construction Project; deleting obsolete provisions; providing that rules adopting phosphorus criterion may include moderating provisions; requiring that permits issued by the department be based on best available phosphorus reduction technology and include technology-based effluent limitations; providing for computation of the Everglades Agricultural Area privilege tax; implementing the provisions of s. 7(b), Art. II of the State Constitution; providing for the computation of the C-139 agricultural privilege tax; providing permit requirements for long-term compliance permits; repealing s. 3 of chapter 96-412, Laws of Florida; repealing s. 84 of chapter 96-321, Laws of Florida; providing an effective date.

—was read the second time by title. On motion by Rep. Spratt, the rules were waived and the bill was read the third time by title.

REPRESENTATIVE MURMAN IN THE CHAIR

THE SPEAKER IN THE CHAIR

On passage, the vote was:

Session Vote Sequence: 267

Speaker Byrd in the Chair.

Yeas—96

Adams	Culp	Homan	Pickens
Altman	Davis, D.	Jennings	Planas
Ambler	Davis, M.	Johnson	Prieguez
Anderson	Dean	Jordan	Quinones
Antone	Detert	Justice	Reagan
Arza	Domino	Kallinger	Richardson
Attkisson	Evers	Kendrick	Ritter
Ausley	Fields	Kilmer	Rivera
Barreiro	Fiorentino	Kottkamp	Roberson
Baxley	Galvano	Kravitz	Ross
Bean	Garcia	Kyle	Rubio
Bendross-Mindingall	Gardiner	Littlefield	Russell
Bense	Gibson, A.	Llorente	Sansom
Benson	Gibson, H.	Machek	Seiler
Berfield	Goodlette	Mack	Simmons
Bowen	Green	Mahon	Smith
Brandenburg	Greenstein	McInvale	Sorensen
Brummer	Harper	Meadows	Spratt
Brutus	Harrell	Mealor	Stansel
Bullard	Harrington	Murman	Stargel
Byrd	Hasner	Murzin	Troutman
Cantens	Henriquez	Needelman	Vana
Clarke	Hogan	Patterson	Waters
Cretul	Holloway	Paul	Zapata

Nays—18

Bilirakis	Gannon	Negron	Sobel
Bucher	Gelber	Peterman	Wiles
Carassas	Gottlieb	Rich	Wishner
Cusack	Joyner	Ryan	
Farkas	Kosmas	Slosberg	

Votes after roll call:

Yeas—Allen, Mayfield
Yeas to Nays—Justice

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

HB 999—A bill to be entitled An act relating to out-of-state group, blanket, and franchise health insurance policies; amending s. 627.6515, F.S.; revising certain criteria relating to nonapplication of certain provisions to certain group health insurance policies; specifying application; providing exceptions; requiring certain policies, forms, and rates to be filed and approved before providing or renewing coverage of certain persons; requiring review by the Office of Insurance Regulation; requiring combination of certain insurer experience under certain circumstances; providing for enforcement authority of the office; providing requirements, limitations, and prohibitions relating to insurers, policies, and coverage; requiring the office to adopt rules; authorizing the office to exempt certain policies, documents, or forms from certain provisions under certain circumstances; specifying application; providing an effective date.

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

Reconsideration

On motion by Rep. Negron, the House reconsidered the vote by which **Amendment 1** was adopted. The question recurred on the adoption of the amendment, which was withdrawn.

Reconsideration

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

Representative Negron offered the following:

(Amendment Bar Code: 071361)

Amendment 3 (with title amendment)—Remove line(s) 136-327, and insert:

Section 2. Paragraph (g) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

(g) *Unfair discrimination*.--

1. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

2. Knowingly making or permitting any unfair discrimination between individuals of the same actuarially supportable class, as determined at the original time of issuance of the coverage, and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability, or health insurance, in the benefits payable thereunder, in any of the terms or conditions of such contract, or in any other manner whatever.

3. For a health insurer, life insurer, disability insurer, property and casualty insurer, automobile insurer, or managed care provider to underwrite a policy, or refuse to issue, reissue, or renew a policy, refuse to pay a claim, cancel or otherwise terminate a policy, or increase rates based upon the fact that an insured or applicant who is also the proposed insured has made a claim or sought or should have sought medical or psychological treatment in the past for abuse, protection from abuse, or shelter from abuse, or that a claim was caused in the past by, or might occur as a result of, any future assault, battery, or sexual assault by a family or household member upon another family or household member as defined in s. 741.28. A health insurer, life insurer, disability insurer, or managed care provider may refuse to underwrite, issue, or renew a policy based on the applicant's medical condition, but shall not consider whether such condition was caused by an act of abuse. For purposes of this section, the term "abuse" means the occurrence of one or more of the following acts:

- a. Attempting or committing assault, battery, sexual assault, or sexual battery;
- b. Placing another in fear of imminent serious bodily injury by physical menace;
- c. False imprisonment;
- d. Physically or sexually abusing a minor child; or
- e. An act of domestic violence as defined in s. 741.28.

This subparagraph does not prohibit a property and casualty insurer or an automobile insurer from excluding coverage for intentional acts by the insured if such exclusion does not constitute an act of unfair discrimination as defined in this paragraph.

Section 3. Subsection (2) of section 627.6515, Florida Statutes, is amended, and subsections (9) and (10) are added to said section, to read:

627.6515 Out-of-state groups.--

(2) Except as provided in this part, this part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

- (a) The policy is issued to an employee group the composition of which is

substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group that is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; and

(c) The policy provides the benefits specified in ss. 627.419, 627.6574, 627.6575, 627.6579, 627.6612, 627.66121, 627.66122, 627.6613, 627.667, 627.6675, 627.6691, and 627.66911; and

(d) Applications for certificates of coverage offered to residents of this state contain in contrasting color and not less than 12-point type the following statement on the same page as the applicant signature: "This policy is primarily governed by the laws of {insert state where the master policy is filed}. As a result, all of the rating laws applicable to policies filed in Florida do not apply to this coverage, which may result in increases in your premium at renewal that would not be permissible under a Florida-approved policy. Any purchase of individual health insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Florida-approved policy, consult your agent or the Florida Department of Financial Services". The provisions of this paragraph only apply to group certificates providing health insurance coverage which require individual underwriting to determine coverage eligibility for an individual or premium rates to be charged to an individual except for the following:

1. Policies issued to provide coverage to groups of persons all of whom are in the same or functionally related licensed professions, and providing coverage only to such licensed professionals, their employees or their dependents;

2. Policies providing coverage to small employers as defined by s. 627.6699. Such policies shall be subject to, and governed by, the provisions of s. 627.6699;

3. Policies issued to a bona fide association, as defined by s.627.6571(5), provided that there is a person or board acting as a fiduciary for the benefit of the members; such association is not owned, controlled by, or otherwise associated with the insurance company; or

4. Any accidental death, accidental death and dismemberment, accident-only, vision-only, dental-only, hospital indemnity-only, hospital accident-only, cancer, specified disease, Medicare supplement, products that supplement Medicare, long-term care, or disability income insurance, similar supplemental plans provided under a separate policy, certificate, or contract of insurance, which cannot duplicate coverage under an underlying health plan, coinsurance, or deductibles; coverage issued as a supplement to workers' compensation or similar insurance; or automobile medical-payment insurance.

(9) Any insured shall be able to terminate membership or affiliation with the group to whom the master policy is issued. An insured that elects to terminate his membership or affiliation with the group, shall provide written notice to the insurer. Upon providing such notice, the member shall be entitled to the rights and options provided by s. 627.6675.

(10) Any pricing structure that results or is reasonably expected to result in rate escalations resulting in a death spiral, which is a rate escalation caused by segmenting healthy and unhealthy lives resulting in an ultimate pool of primarily less healthy insureds is considered a predatory pricing structure and constitutes unfair discrimination as provided in s. 626.9541(1)(g). The Financial Services Commission may, by rule, define other unfairly discriminatory or predatory health insurance rating practices.

Remove line(s) 13-24, and insert:
exemptions; amending s. 626.9541, F.S.; relating to unfair discrimination;

amending s. 627.6515, F.S.; providing for disclosure and exceptions thereto and clarifies applicability to out-of-state group policies; prohibits predatory pricing; authorizes Office of Insurance Regulation to adopt rules; clarifies applicability of group conversion provisions; providing an effective date.

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

Representative Negron offered the following:

(Amendment Bar Code: 362051)

Amendment 4 (with title amendment)—Between lines 327 and 328, insert:

Section 3. Subsection (2) and paragraph (d) of subsection (3) of section 641.31, Florida Statutes, are amended to read:

641.31 Health maintenance contracts.--

(2) The rates charged by any health maintenance organization to its subscribers shall not be excessive, inadequate, or unfairly discriminatory or follow a rating methodology that is inconsistent, indeterminate, or ambiguous or encourages misrepresentation or misunderstanding. A law restricting or limiting deductibles, coinsurance, copayments, or annual or lifetime maximum payments shall not apply to any health maintenance organization contract offered or delivered to an individual or a group of 51 or more persons that provides coverage as described in s.641.31071(5)(a)2, department, in accordance with generally accepted actuarial practice as applied to health maintenance organizations, may define by rule what constitutes excessive, inadequate, or unfairly discriminatory rates and may require whatever information it deems necessary to determine that a rate or proposed rate meets the requirements of this subsection.

(3)

(d) Any change in rates charged for the contract must be filed with the department not less than 30 days in advance of the effective date. At the expiration of such 30 days, the rate filing shall be deemed approved unless prior to such time the filing has been affirmatively approved or disapproved by order of the department. The approval of the filing by the department constitutes a waiver of any unexpired portion of such waiting period. The department may extend by not more than an additional 15 days the period within which it may so affirmatively approve or disapprove any such filing, by giving notice of such extension before expiration of the initial 30-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such filing shall be deemed approved. This paragraph does not apply to group health contracts effectuated and delivered in this state insuring groups of 51 or more persons, except for Medicare supplement insurance, long-term care insurance, and any coverage under which the increase in claims costs over the lifetime of the contract due to advancing age or duration is refunded in the premium.

Remove line(s) 24, and insert:
circumstances; amending s. 641.31, F.S.; specifying nonapplication of certain health maintenance contract filing requirements to certain group health insurance policies, with exceptions; providing an effective date.

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

Representative Negron offered the following:

(Amendment Bar Code: 184075)

Amendment 5 (with title amendment)—Remove line(s) 28-135, and insert:

Section 1. Paragraph (e) of subsection (1) of section 627.411, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

627.411 Grounds for disapproval.--

(1) The department shall disapprove any form filed under s. 627.410, or withdraw any previous approval thereof, only if the form:

(e) Is for health insurance and:

1. Provides benefits ~~that which~~ are unreasonable in relation to the premium charged;:

2. Contains provisions ~~that which~~ are unfair or inequitable or contrary to the public policy of this state or ~~that which~~ encourage misrepresentation; or

3. Contains provisions ~~that which~~ apply rating practices ~~that which result in premium escalations that are not viable for the policyholder market or result~~

in unfair discrimination pursuant to s. 626.9541(1)(g)2. ~~in sales practices.~~

(3)(a) For health insurance coverage as described in s. 627.6561(5)(a)2, the minimum loss ratio standard of incurred claims to earned premium for the form shall be 65 percent.

(b) Incurred claims are claims occurring within a fixed period, whether or not paid during the same period, under the terms of the policy period.

1. Claims include scheduled benefit payments, or services provided by a provider or through a provider network for dental, vision, disability, and similar health benefits.

2. Claims do not include state assessments, taxes, company expenses, or any expense incurred by the company for the cost of adjusting and settling a claim, including the review, qualification, oversight, management, or monitoring of a claim or incentives or compensation to providers for other than the provisions of health care services.

3. A company may at its discretion include costs that are demonstrated to reduce claims, such as fraud intervention programs or case management costs, which are identified in each filing, are demonstrated to reduce claims costs, and do not result in increasing the experience period loss ratio by more than 5 percent.

4. For scheduled claim payments, such as disability income or long-term care, the incurred claims shall be the present value of the benefit payments discounted for continuance and interest.

Remove line(s) 11-13, and insert:

An act relating to health insurance; amending s. 627.411, F.S.; providing conditions for disapproval of health insurance forms by the Office of Insurance Regulation; amending s. 627.6515, F.S.; revising

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

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.

HB 1621—A bill to be entitled An act relating to adult protective services; amending s. 415.1045, F.S.; requiring the Department of Children and Family Services to enter into certain working agreements with local law enforcement agencies by September 1, 2003; requiring a report; providing an effective date.

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

HB 1621 CS—A bill to be entitled An act relating to adult protective services; amending s. 415.1045, F.S.; requiring the Department of Children and Family Services to enter into certain working agreements with local law enforcement agencies; requiring a review of the efficacy of such agreements by the Office of Program Policy Analysis and Government Accountability; requiring a report by the department regarding its compliance with certain recommendations made by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—was read the second time by title.

Representative Green offered the following:

(Amendment Bar Code: 872331)

Amendment 1 (with directory and title amendments)—Between line(s) 68 and 69, insert:

Section 3. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.--There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) The Secretary of Elderly Affairs shall appoint the executive director,

who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor. The executive director must be a member of The Florida Bar, knowledgeable of licensed attorney with a background in guardianship law and knowledge of the social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the Secretary Governor.

(2) The executive director Statewide Public Guardianship Office shall, within available resources, have oversight responsibilities for all public guardians.

(a) The executive director office shall review the current public guardian programs in Florida and other states.

(b) The executive director office, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The executive director office shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the executive director office shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. By January 1, 2004, and by January 1 of each year thereafter, the executive director office shall provide a status report and provide further recommendations to the Secretary that address the need for public guardianship services and related issues.

(e) The executive director office may provide assistance to local governments or entities in pursuing grant opportunities. The executive director office shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The executive director office shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The executive director, in consultation with the Florida Guardianship Foundation office shall develop a guardianship training program curriculum that. The training program may be offered to all guardians whether public or private. The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.

(3) The executive director office may conduct or contract for demonstration projects authorized by the Department of Elderly Affairs, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The Department of Elderly Affairs office has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

Remove line 20, and insert:

Policy Analysis and Government Accountability; amending s. 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; providing

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

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.

Consideration of **HB 1103** was temporarily postponed under Rule 11.10.

Recessed

On motion by Rep. Murman, the House stood in recess at 6:46 p.m., to reconvene at 8:00 p.m., or upon the call of the Chair.

Reconvened

The House was called to order by the Speaker at 8:07 p.m. A quorum was present [Session Vote Sequence: 268].

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

Bills and Joint Resolutions on Third Reading

HB 165—A bill to be entitled An act relating to homeowners’ associations; amending s. 702.09, F.S.; redefining the term “mortgage” to include liens created pursuant to a homeowners’ association as defined in s. 712.01, F.S.; amending s. 718.111, F.S.; revising language with respect to official records of the condominium association authorizing the association to provide certain information to prospective purchasers or lienholders under certain circumstances; providing for immunity from liability; authorizing fees; establishing insurance requirements for condominium associations and individual unit owners; amending s. 718.112, F.S.; revising language with respect to condominium bylaws to allow the use of limited proxies for votes taken to waive certain financial reporting requirements; prohibiting the requirement of retrofitting condominiums for enhanced fire protection systems under certain circumstances; providing for voting conditions; providing for notice; amending s. 718.303, F.S.; providing that certain actions with respect to the obligation of condominium owners shall not be deemed actions for specific performance; amending s. 719.104, F.S.; revising language with respect to official records of the cooperative association authorizing the association to provide certain information to prospective purchasers or lienholders under certain circumstances; providing for immunity from liability; authorizing fees; amending s. 719.303, F.S.; providing that certain actions with respect to the obligation of cooperative owners shall not be deemed actions for specific performance; amending s. 720.302, F.S.; providing that corporations not for profit that operate residential homeowners’ associations shall be governed by and subject to the provisions of ch. 617, F.S.; amending s. 719.1055, F.S.; prohibiting the requirement of retrofitting cooperatives for enhanced fire protection under certain circumstances; providing for voting conditions; providing for notice; requiring certain reports; providing an effective date.

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

Session Vote Sequence: 269

Speaker Byrd in the Chair.

Yeas—66

Allen	Davis, M.	Johnson	Pickens
Arza	Dean	Jordan	Planas
Barreiro	Detert	Justice	Prieguez
Baxley	Domino	Kallinger	Quinones
Bense	Fields	Kilmer	Rich
Benson	Gardiner	Kosmas	Rivera
Berfield	Goodlette	Kottkamp	Robaina
Bowen	Green	Littlefield	Ross
Brown	Greenstein	Machek	Rubio
Brummer	Harrell	Mack	Russell
Byrd	Harrington	Mahon	Sorensen
Cantens	Hasner	Meadows	Spratt
Carassas	Henriquez	Mealor	Stargel
Clarke	Hogan	Murman	Troutman
Cretul	Holloway	Murzin	Wishner
Culp	Homan	Patterson	
Davis, D.	Jennings	Paul	

Nays—28

Anderson	Cusack	Joyner	Richardson
Ausley	Evers	Kendrick	Ryan
Bilirakis	Farkas	Kravitz	Smith
Brandenburg	Fiorentino	Kyle	Stansel
Brutus	Gannon	McInvale	Vana
Bucher	Gelber	Needelman	Waters
Bullard	Gibson, H.	Peterman	Wiles

Votes after roll call:

Yeas—Adams, Altman, Bean, Galvano, Gottlieb, Llorente, Reagan, Sansom, Sobel, Zapata

Nays—Bendross-Mindingall, A. Gibson, Harper, Roberson, Seiler

Yeas to Nays—Fields, Justice, Rich

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

HB 1149—A bill to be entitled An act relating to economic development; amending s. 288.125, F.S.; expanding applicability of the definition of the term “entertainment industry”; creating s. 288.1254, F.S.; creating a program under which certain persons producing, or providing services for the production of, filmed entertainment are eligible for state financial incentives for activities in or relocated to this state; prescribing powers and duties of the Office of Tourism, Trade, and Economic Development and the Office of Film and Entertainment with respect to the program; defining terms; providing an application procedure and approval process; prescribing limits on reimbursement; requiring documentation for requested reimbursement; providing for policies and procedures; providing penalties for fraudulent claims for reimbursement; requiring a report; providing that funding is subject to appropriation; providing an effective date.

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

Session Vote Sequence: 270

Speaker Byrd in the Chair.

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Attkisson, Galvano, Garcia

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

CS for SB 2378—A bill to be entitled An act relating to veterans' affairs; amending s. 1.01, F.S.; revising the definition of the term "veteran"; providing preference eligibility to veterans who served in a campaign or expedition for which a campaign badge has been authorized; providing an end date to the Persian Gulf War; amending s. 295.07, F.S.; excluding active duty for training from criteria for eligibility for veterans' appointment and retention preference; amending s. 295.182, F.S.; deleting timeframe for authorization to receive contributions from public bodies to the Florida World War II Veterans Memorial Matching Trust Fund; amending s. 296.10, F.S.; authorizing the automatic adjustment in contributions to support a resident whenever there is an increase in benefit amounts payable under Title II of the Social Security Act; providing an effective date.

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

Session Vote Sequence: 271

Speaker Byrd in the Chair.

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Berfield, Galvano, Murman

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

HB 1363—A bill to be entitled An act relating to phosphate mining; amending s. 211.3103, F.S.; revising the distribution of the excise tax on the severance of phosphate rock; setting the tax rate for specified periods; revising provisions with respect to application of the tax to the total production of the producer; revising dates with respect to calculation of the base rate adjustment

for phosphate rock; setting a minimum base-rate limit; providing for review of the distribution of the tax by a specified date; amending s. 373.414, F.S.; revising conditions under which wetlands reclamation activities for phosphate and heavy minerals mining are considered appropriate mitigation under pt. IV of ch. 373, F.S.; requiring the Department of Environmental Protection to study cumulative impacts of changes in landform and hydrology in the Peace River Basin; providing study requirements; requiring the department to prepare and adopt a resource management plan for the Peace River Basin; providing plan requirements; providing for submission of the plan by a specified date; authorizing the department to use specified funds from the Nonmandatory Land Reclamation Trust Fund to prepare the study and plan; authorizing the department to establish a technical advisory committee for specified purposes; amending s. 378.021, F.S.; requiring the Department of Environmental Protection to amend the master reclamation plan that provides guidelines for the reclamation of specified lands mined or disturbed by the severance of phosphate rock and not subject to mandatory reclamation; providing additional criteria to be included in the amended master reclamation plan; amending s. 378.031, F.S.; clarifying provisions with respect to legislative intent to provide economic incentives for reclamation or acquisition of nonmandatory lands; amending s. 378.035, F.S.; revising provisions relating to the use of funds in the Nonmandatory Land Reclamation Trust Fund; deleting obsolete provisions; deleting provisions relating to the deposit and use of funds derived from registration fees under the phosphogypsum management program; revising the date after which the Department of Environmental Protection may not accept applications for nonmandatory land reclamation programs; eliminating requirements with respect to a specified report of the Bureau of Mine Reclamation; authorizing the department to petition the State Board of Administration for the issuance of bonds; setting a limit on the total amount of such bonds; providing for use of revenues derived from such bonds; amending s. 378.036, F.S.; authorizing specified entities to form a nonprofit corporation the purpose of which includes creating plans for and assisting in the development of recreational opportunities on lands mined for phosphate; providing composition, organization, and responsibilities of the corporation; requiring a report; providing for dissolution of the corporation; providing for reversion of funds and tangible assets of the corporation; amending s. 378.101, F.S.; requiring the Florida Institute of Phosphate Research to conduct a specified bench and pilot scale study; providing an appropriation to fund the study; amending s. 378.212, F.S.; providing an additional reason for the granting of a variance from pt. III of ch. 378, F.S., relating to phosphate land reclamation; creating s. 403.0613, F.S., the "Environmental Good Samaritan Act"; providing immunity from civil liability for specified persons and entities in the event of a declared actual or impending environmental emergency; providing applicability; creating s. 403.162, F.S.; providing civil remedy to the Department of Environmental Protection in the event that an owner or operator fails to abate a release or threatened release of any hazardous substance, pollutant, or contaminant, or abate an imminent danger to the environment or to public health, and the department expends a specified amount on such abatement; providing procedure and requirements with respect thereto; amending s. 403.4154, F.S.; providing a third degree felony penalty for willfully, knowingly, or with reckless indifference or gross carelessness making specified distributions prior to correction of noncompliance with departmental rules requiring demonstration of financial responsibility with respect to closure of a phosphogypsum stack or stack system; providing a specified fine and term of imprisonment; providing that the failure of an owner or operator of a phosphogypsum stack system to comply with department rules requiring demonstration of financial responsibility with respect to closure may be considered by the department as evidence that a phosphogypsum stack poses an imminent hazard for purposes of initiating actions to abate or reduce the hazard; deleting provisions that provide for the refund of specified fee payments to the owner of a closed phosphogypsum stack; requiring the Department of Environmental Protection, by a specified date, to initiate rulemaking to require that phosphogypsum stack system operation plans be amended to add an interim stack system management plan; providing plan requirements; requiring the department, by a specified date, to initiate rulemaking to require that general plans and schedules for the closure of phosphogypsum stack systems include specified components; requiring the department to revise specified administrative rules to require the owner or operator of a phosphogypsum stack system to demonstrate financial responsibility for the costs of terminal closure in a

manner that protects the environment and the public health and safety; amending s. 403.4155, F.S.; requiring the Department of Environmental Protection to revise specified administrative rules to require the owner or operator of a phosphogypsum stack system to demonstrate financial responsibility for the costs of terminal closure of the phosphogypsum stack system in a manner that protects the environment and the public health and safety; providing minimum requirements for such rules; providing severability; providing effective dates.

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

Session Vote Sequence: 272

Speaker Byrd in the Chair.

Yeas—110

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

Nays—1

Mack

Votes after roll call:

Yeas—Galvano, Garcia

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

On motion by Rep. Reagan, consideration of **HB 1373** was temporarily postponed under Rule 11.10.

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.

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

Session Vote Sequence: 273

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Galvano, Garcia

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

Consideration of **SB 1862** was temporarily postponed under Rule 11.10.

HB 1905—A bill to be entitled An act relating to a public records and public meetings exemption for the Health Care Professional Liability Insurance Facility; creating s. 627.3576, F.S.; creating exemptions from public records requirements for underwriting files, open claims files, records obtained or generated by an internal auditor for a specified time, licensed proprietary information made confidential by contract, employee assistance program records, information relating to negotiations for financing, reinsurance, or contractual services for a specified time, minutes of closed meetings regarding confidential and exempt underwriting files, and minutes of closed meetings regarding confidential and exempt claims files for a specified time, held by the facility; creating an exemption from public meetings requirements for Health Care Professional Liability Insurance Facility meetings during which confidential and exempt underwriting files or confidential and exempt claims files are discussed; providing requirements regarding such closed meetings and records thereof; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 274

Speaker Byrd in the Chair.

Yeas—111

Adams	Ambler	Arza	Barreiro
Allen	Anderson	Attkisson	Baxley
Altman	Antone	Ausley	Bean

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

Machek	Patterson	Rivera	Sobel
Mack	Paul	Robaina	Sorensen
Mahon	Peterman	Roberson	Spratt
Mayfield	Pickens	Rubio	Stansel
McInvale	Planas	Russell	Stargel
Meadows	Prieguez	Ryan	Troutman
Mealor	Quinones	Sansom	Vana
Murman	Reagan	Seiler	Waters
Murzin	Rich	Simmons	Wiles
Needelman	Richardson	Slosberg	Wishner
Negron	Ritter	Smith	Zapata

Nays—None

Votes after roll call:
Yeas—Garcia

Explanation of Vote for Sequence Number 275

This vote was entered inadvertently. I expressly abstain from this vote (just as I abstained from the vote on SB 2700) since I have a client who is interested in this matter.

*Rep. David Simmons
District 37*

Nays—2

Carassas Rubio

Votes after roll call:
Yeas—Garcia
Nays—Goodlette
Yeas to Nays—Justice

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

HB 1917—A bill to be entitled An act relating to statutes of limitation; amending s. 95.031, F.S.; clarifying that the statute of limitations for actions founded upon fraud include actions founded on constructive fraud; providing that such amendments are remedial in nature and have retroactive effect; providing an effective date.

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

Session Vote Sequence: 275

Speaker Byrd in the Chair.

Yeas—116

Adams	Brandenburg	Evers	Henriquez
Allen	Brown	Farkas	Hogan
Altman	Brummer	Fields	Holloway
Ambler	Brutus	Fiorentino	Homan
Anderson	Bucher	Galvano	Jennings
Antone	Bullard	Gannon	Johnson
Arza	Byrd	Gardiner	Jordan
Attkisson	Cantens	Gelber	Joyner
Ausley	Carassas	Gibson, A.	Justice
Barreiro	Clarke	Gibson, H.	Kallinger
Baxley	Cretul	Goodlette	Kendrick
Bean	Culp	Gottlieb	Kilmer
Bendross-Mindingall	Cusack	Green	Kosmas
Bense	Davis, D.	Greenstein	Kottkamp
Benson	Davis, M.	Harper	Kravitz
Berfield	Dean	Harrell	Kyle
Bilirakis	Detert	Harrington	Littlefield
Bowen	Domino	Hasner	Llorente

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

CS for SB 1958—A bill to be entitled An act relating to road designations; designating Steven Cranman Boulevard, Ethel Beckford Boulevard, Phicol Williams Boulevard, Arthur Mays Boulevard, and Judge Steve Levine Boulevard in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating "Toussaint L'Ouverture Boulevard" in Miami-Dade County; designating Darce Taylor Crist Highway in New Port Richey; providing an effective date.

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

Session Vote Sequence: 276

Speaker Byrd in the Chair.

Yeas—116

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

Smith	Spratt	Troutman	Wiles
Sobel	Stansel	Vana	Wishner
Sorensen	Stargel	Waters	Zapata

Nays—None

Votes after roll call:
Yeas—Garcia

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

HB 439—A bill to be entitled An act relating to guardians ad litem; providing legislative intent; creating the Statewide Guardian Ad Litem Office within the Justice Administrative Commission; providing for the appointment of an executive director; providing for duties; providing oversight responsibility for local guardian ad litem and attorney ad litem programs; providing for the transfer of the attorney ad litem pilot program and the funds and positions associated with the Guardian Ad Litem Program to the Statewide Guardian Ad Litem Office; providing an effective date.

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

Session Vote Sequence: 277

Speaker Byrd in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Garcia

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

HB 57 was taken up. On motion by Rep. Gannon—

CS for SB 1588—A bill to be entitled An act relating to drug abuse

prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intention to sell, manufacture, or deliver, within 1,000 feet of certain educational institutions, described housing facilities, and any state, county, or municipal park or publicly owned recreational facility or community center; providing a definition; providing penalties; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was substituted for HB 57 and read the second time by title. Under Rule 5.13, the House bill was laid on the table.

On motion by Rep. Gannon, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 278

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Garcia, Zapata

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

HB 85—A bill to be entitled An act relating to law enforcement; creating the Law Enforcement Agency Consolidation Task Force; providing for the appointment of members; providing for duties; providing for a report addressing the effects of the consolidation of all sworn law enforcement positions in the state; providing for future repeal; providing an effective date.

—was read the third time by title.

Representative Brutus offered the following:

(Amendment Bar Code: 180239)

Amendment 3 (with directory and title amendments)—Between line(s)

75 and 76, insert:

6. Determine whether the salaries of law enforcement personnel are adequate and are equitable when compared to other states. The task force shall make recommendations to address the pay of personnel that are underpaid in comparison to other law enforcement agencies.

Remove line(s) 7, and insert:
the state; providing for review of salaries of law enforcement personnel; providing for recommendations regarding salaries; providing for future repeal; providing an

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

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.

HB 325—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; providing for waiver of local matching requirement under certain circumstances; authorizing the Division of Library and Information Services to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing for severability; providing an effective date.

—was read the third time by title.

Representative Garcia offered the following:

(Amendment Bar Code: 490081)

Amendment 2 (with title amendment)—Between line(s) 114 and 115, insert:

Section 3. Section 257.17, Florida Statutes, is amended to read:

257.17 Operating grants.--A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(1) Eligible political subdivisions include:

(a) A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality or nonprofit library corporation or association within such county;

(b) A county that joins with one or more counties to establish or maintain a library or contracts with another county, a special district, a special tax district, or one or more municipalities in another county to receive free library service;

(c) A special district or special tax district that establishes or maintains a library and provides free library service; or

(d) A municipality ~~with a population of 200,000 or more~~ that establishes or maintains a library or that and gives or receives free library service by contract with a nonprofit library corporation or association within the municipality.

(2) The library established or maintained by such political subdivision shall:

(a) Be operated under a single administrative head who is an employee of the single library administrative unit and who has completed a library education program accredited by the American Library Association. The single administrative head shall have at least 2 years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week.
~~and~~

(b) Expend its funds centrally;⁵

~~(b) Have an operating budget of at least \$20,000 per year from local~~

~~sources; and~~

~~(c) Provide reciprocal borrowing and other library services pursuant to interlocal agreement. Give free library service to all residents of all political subdivisions within the county which receive operating grants from the state of the county or residents of the special district or special tax district.~~

~~(d) Have at least one library or branch library open for 40 or more hours per week.~~

~~(e) Have a long-range plan, an annual plan of service, and an annual budget.~~

~~(f) Engage in joint planning for coordination of library services within the county or counties that receive operating grants from the state.~~

(3) Any political subdivision establishing public library service for the first time shall submit a certified copy of its appropriation for library service, and its eligibility to receive an operating grant shall be based upon such appropriation.

~~(4)(a) A municipality with a population of 200,000 or more that establishes or maintains a library is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that municipality during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:~~

~~1. The municipal library is operated under a single administrative head and expends its funds centrally;~~

~~2. The municipal library has an operating budget of at least \$20,000 per year from local sources; and~~

~~3. The municipal library provides free library service to all residents of the municipality.~~

~~(b) This subsection is repealed on July 1, 2002.~~

Section 4. Section 257.22, Florida Statutes, is amended to read:

257.22 Division of Library and Information Services; allocation of funds.-Any moneys that may be appropriated for use by a county, a municipality, a special district, or a special tax district for the maintenance of a library or library service shall be administered and allocated by the Division of Library and Information Services in the manner prescribed by law. On or before December 1 of each year, the division shall certify to the Comptroller the amount to be paid to each county, municipality, special district, or special tax district, and the Comptroller shall issue warrants to the eligible political subdivisions ~~respective boards of county commissioners or chief municipal executive authorities for the amount so allocated.~~

Section 5. Section 257.23, Florida Statutes, is amended to read:

257.23 Application for grant.--

~~(4) The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or a special tax district desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. ~~The application, which shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district the board of county commissioners shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.~~~~

~~(2) The chief municipal executive authority of any municipality desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. In the application, which shall be signed by the chief municipal executive officer and attested by the clerk of the circuit court, the chief municipal executive authority shall agree to observe the standards established by the division as authorized in s. 257.15, shall certify the annual tax income and the rate of tax or the annual appropriation for the free library, and shall furnish such other pertinent information as the division may require.~~

Section 6. Section 257.19, Florida Statutes, is repealed.

Remove line(s) 16, and insert:

amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; providing for severability; providing an effective date.

Rep. Garcia moved the adoption of the amendment.

Further consideration of **Amendment 2** was temporarily postponed under Rule 11.10.

Representative Bean offered the following:

(Amendment Bar Code: 532933)

Amendment 3 (with title amendment)—Between line(s) 114 and 115, insert:

Section 3. Section 257.17, Florida Statutes, is amended to read:

257.17 Operating grants.--A political subdivision that has been designated by a county or municipality as the single library administrative unit is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that political subdivision during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:

(1) Eligible political subdivisions include:

(a) A county that establishes or maintains a library or that gives or receives free library service by contract with a municipality or nonprofit library corporation or association within such county;

(b) A county that joins with one or more counties to establish or maintain a library or contracts with another county, a special district, a special tax district, or one or more municipalities in another county to receive free library service;

(c) A special district or special tax district that establishes or maintains a library and provides free library service; or

(d) A municipality ~~with a population of 200,000 or more~~ that establishes or maintains a library ~~or that and gives or receives~~ free library service ~~by contract with a nonprofit library corporation or association within the municipality.~~

(2) The library established or maintained by such political subdivision shall:

(a) Be operated under a single administrative head ~~who is an employee of the single library administrative unit and who has completed a library education program accredited by the American Library Association. The single administrative head shall have at least 2 years of full-time paid professional experience, after completing the library education program, in a public library that is open to the public for a minimum of 40 hours per week, and~~

(b) Expend its funds centrally;

~~(b) Have an operating budget of at least \$20,000 per year from local sources; and~~

(c) ~~Provide reciprocal borrowing, and other library services pursuant to interlocal agreement. Give free library service to all residents of all political subdivisions within the county which receive operating grants from the state of the county or residents of the special district or special tax district.~~

(d) ~~Have at least one library or branch library open for 40 or more hours per week.~~

(e) ~~Have a long-range plan, an annual plan of service, and an annual budget.~~

(f) ~~Engage in joint planning for coordination of library services within the county or counties that receive operating grants from the state.~~

(3) Any political subdivision establishing public library service for the first time shall submit a certified copy of its appropriation for library service, and its eligibility to receive an operating grant shall be based upon such appropriation.

~~(4)(a) A municipality with a population of 200,000 or more that establishes or maintains a library is eligible to receive from the state an annual operating grant of not more than 25 percent of all local funds expended by that~~

~~municipality during the second preceding fiscal year for the operation and maintenance of a library, under the following conditions:~~

~~1. The municipal library is operated under a single administrative head and expends its funds centrally;~~

~~2. The municipal library has an operating budget of at least \$20,000 per year from local sources; and~~

~~3. The municipal library provides free library service to all residents of the municipality.~~

~~(b) This subsection is repealed on July 1, 2002.~~

Section 4. Section 257.22, Florida Statutes, is amended to read:

257.22 Division of Library and Information Services; allocation of funds.--Any moneys that may be appropriated for use by a county, a municipality, a special district, or a special tax district for the maintenance of a library or library service shall be administered and allocated by the Division of Library and Information Services in the manner prescribed by law. On or before December 1 of each year, the division shall certify to the Comptroller the amount to be paid to each county, municipality, special district, or special tax district, and the Comptroller shall issue warrants to the eligible political subdivisions ~~respective boards of county commissioners or chief municipal executive authorities for the amount so allocated.~~

Section 5. Section 257.23, Florida Statutes, is amended to read:

257.23 Application for grant.--

~~(1) The board of county commissioners of any county, the chief executive officer of a municipality, or the governing body of a special district or a special tax district desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. In the application, which shall be signed by the chair of the board of county commissioners and attested by the clerk of the circuit court or the appropriate officer in a charter county, by the chief executive officer of a municipality and attested by the clerk of the municipality, or by the chair of the governing body and attested by the chief financial officer of a special district or a special tax district. The county, municipality, special district, or special tax district the board of county commissioners shall agree to observe the standards established by the division as authorized in s. 257.15. On or before December 1 each year, the applicant shall certify the annual tax income and the rate of tax or the annual appropriation for the free library or free library service, and shall furnish such other pertinent information as the division may require.~~

~~(2) The chief municipal executive authority of any municipality desiring to receive a grant under the provisions of ss. 257.14-257.25 shall apply therefor to the Division of Library and Information Services on or before October 1 of each year on a form to be provided by the division. In the application, which shall be signed by the chief municipal executive officer and attested by the clerk of the circuit court, the chief municipal executive authority shall agree to observe the standards established by the division as authorized in s. 257.15, shall certify the annual tax income and the rate of tax or the annual appropriation for the free library, and shall furnish such other pertinent information as the division may require.~~

Section 6. Section 257.19, Florida Statutes, is repealed.

Remove line(s) 16, and insert:

amending s. 257.17, F.S.; authorizing municipalities to receive operating grants; establishing minimum standards for receipt of funds; removing minimum population requirement for municipalities to be eligible to receive funds; amending s. 257.22, F.S.; permitting eligible political subdivisions to receive warrants; amending s. 257.23, F.S.; requiring certification of annual tax income by a specified date; clarifying authority with regard to applications for grants; repealing s. 257.19, F.S., relating to library construction grants; providing for severability; providing an effective date.

Rep. Bean moved the adoption of the amendment.

Further consideration of **HB 325**, with pending amendments, was temporarily postponed under Rule 11.10.

HB 475 was taken up. On motion by Rep. Murman—

CS for CS for SB 1454—A bill to be entitled An act relating to social services; creating the "Local Funding Revenue Maximization Act"; providing

legislative intent; defining the term "agency" for purposes of the act; providing requirements for state agencies that provide health services, social services, or human services; providing requirements for the use of certain public revenues as local matching funds and for the uses of federal reimbursements received as a result of the certification of local matching funds; providing for agreements between agencies and local political subdivisions; requiring agencies and local political subdivisions to cooperate in modifying state plans and in seeking and implementing any necessary federal waivers; providing for administrative costs; providing for interest on certain unpaid funds; requiring agencies to submit annual reports to the Governor and to legislative leaders; amending s. 39.202, F.S.; clarifying a right to access to records for certain attorneys and providing a right to access for employees and agents of educational institutions; authorizing the Department of Children and Family Services and specified law enforcement agencies to release certain information when a child is under investigation or supervision; providing an exception; providing that persons releasing such information are not subject to civil or criminal penalty for the release; providing for an additional circumstance for release of otherwise confidential records; amending s. 402.305, F.S.; directing the Department of Children and Family Services to adopt a rule related to child care definition; amending s. 402.40, F.S.; removing Tallahassee Community College as the sole contract provider for child welfare training academies; providing for development of core competencies; providing for advanced training; modifying requirements for the establishment of training academies; providing for modification of child welfare training; creating s. 402.401, F.S.; creating the Child Welfare Student Loan Forgiveness Program; providing for eligibility requirements; providing terms of repayment; amending s. 409.1451, F.S.; providing duties for the Independent Living Services Workgroup; making an exception for personal property of independent living clients; amending s. 409.1671, F.S.; deleting the requirement for contracts for legal services in certain counties; providing for the continuation of privatization of foster care and related services; providing for a readiness assessment and written certification; deleting certain termination of services notice requirements; requiring the payment of certain administrative costs incurred by lead community-based providers; deleting an obsolete effective date; providing for independent financial audits; amending s. 409.16745, F.S.; changing eligibility requirements for participation in the community partnership matching grant program; amending s. 409.175, F.S.; providing for an assessment by a family services counselor and approval by a supervisor, rather than a comprehensive behavioral health assessment, of children in certain family foster homes; amending s. 409.953, F.S.; providing the Department of Children and Families authority to administer the Refugee Assistance Program; providing for custody determination and placement of unaccompanied refugee minors; amending s. 937.021, F.S.; providing for the filing of police reports for missing children in the county or municipality where the child was last seen; providing for an evaluation of child welfare legal services by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

—was substituted for HB 475 and read the second time by title. Under Rule 5.13, the House bill was laid on the table.

On motion by Rep. Murman, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 279

Speaker Byrd in the Chair.

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Garcia, McInvale

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

HB 723—A bill to be entitled An act relating to health insurance; amending s. 408.909, F.S.; revising a definition; authorizing health flex plans to limit coverage under certain circumstances; authorizing a small business purchasing arrangement to limit enrollment to certain residents; extending an expiration date; creating s. 627.6042, F.S.; requiring policies of insurers offering coverage of dependent children to maintain such coverage until a child reaches age 25, under certain circumstances; providing application; creating s. 627.60425, F.S.; providing limitations on certain binding arbitration requirements; amending s. 627.6044, F.S.; providing for payment of claims to nonnetwork providers under specified conditions; providing a definition; requiring the method used for determining payment of claims to be included in filings; providing for disclosure; amending s. 627.6415, F.S.; deleting an 18th birthday age limitation on application of certain dependent coverage requirements; amending s. 627.6475, F.S.; revising risk-assuming carrier election requirements and procedures; revising certain criteria and limitations under the individual health reinsurance program; amending s. 627.651, F.S.; correcting a cross reference; amending s. 627.662, F.S.; revising a list of provisions applicable to group, blanket, or franchise health insurance to include use of specific methodology for payment of claims provisions; amending s. 627.667, F.S.; deleting a limitation on application of certain extension of benefits provisions; amending s. 627.6692, F.S.; increasing a time period for payment of premium to continue coverage under a group health plan; amending s. 627.6699, F.S.; revising definitions; revising coverage enrollment eligibility criteria for small employers; revising small employer carrier election requirements and procedures; revising certain criteria and limitations under the small employer health reinsurance program; amending ss. 627.911 and 627.9175, F.S.; applying certain information reporting requirements to health maintenance organizations; revising health insurance information requirements and criteria; authorizing the department to adopt rules; deleting an annual report requirement; amending s. 627.9403, F.S.; deleting an exemption for limited benefit policies from a long-term care insurance restriction relating to nursing home care; amending s. 641.185, F.S.; correcting a cross reference; amending s. 641.31, F.S.; specifying nonapplication to certain contracts; requiring health maintenance organizations offering coverage of dependent children to maintain such coverage until a child reaches age 25, under certain circumstances; providing application; providing requirements for contract termination and denial of a claim related to limiting age attainment; amending s. 641.3101, F.S.; providing a compliance requirement for health maintenance contracts using a specific payment of claims methodology; creating s. 641.31025, F.S.; requiring specific reasons for denial of coverage under a health maintenance

organization contract; creating s. 641.31075, F.S.; imposing compliance requirements upon health maintenance organization replacements of other group health coverage with organization coverage; amending s. 641.3111, F.S.; deleting a limitation on certain extension of benefits provisions upon group health maintenance contract termination; imposing additional extension of benefits requirements upon such termination; amending ss. 627.651, 641.2018, 641.3107, and 641.513, F.S.; correcting cross references; providing an effective date.

—was read the third time by title.

Representative Llorente offered the following:

(Amendment Bar Code: 182827)

Amendment 10 (with title amendment)—Remove line(s) 1215-1227:

Remove line(s) 59-62, and insert:
claim related to limiting age attainment; creating s. 641.31025, F.S.; requiring

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

Representative Llorente offered the following:

(Amendment Bar Code: 707333)

Amendment 11 (with directory and title amendments)—Remove line(s) 1228-1240, and insert:

Remove line(s) 52-54, and insert:

attainment; creating

Rep. Llorente moved the adoption of the amendment.

On motion by Rep. Llorente, further consideration of **HB 723**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 847—A bill to be entitled An act relating to violations of citizens' right to honest government; providing a popular name; amending s. 838.014, F.S.; revising, providing, and deleting definitions; amending s. 838.015, F.S.; revising the definition of "bribery" and increasing the penalty therefor; amending s. 838.016, F.S.; increasing the penalty for unlawful compensation for official behavior; creating ss. 838.022, 838.21, and 838.22, F.S.; providing criminal penalties for official misconduct, disclosure or use of confidential criminal justice information, and bid tampering; providing definitions; providing status of confidential informants and confidential sources; amending s. 921.0022, F.S.; deleting specified felonies from and adding specified felonies to the Criminal Punishment Code offense severity ranking chart; repealing s. 839.25, F.S., relating to official misconduct; amending ss. 112.534 and 117.01, F.S.; conforming cross references to changes made by the act; providing an effective date.

—was read the third time by title.

The Subcommittee on Rules offered the following:

(Amendment Bar Code: 871267)

Technical Amendment 3—Remove line(s) 11 and 12, and insert:
tampering; providing definitions; amending s.

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

The question recurred on the passage of HB 847. The vote was:

Session Vote Sequence: 280

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Garcia, Sobel

Explanation of Vote for Sequence Number 280

It is fitting that this bill bear the name of Paul Mendelson, an everyday warrior in the fight against public corruption. Paul grew up in Long Island, New York attending undergraduate school at Adelphi University and law school at the University of Miami. After a stint with the Florida Attorney General's Office he joined the Legal Division of the Dade County State Attorney's Office where he eventually became its Chief. Paul's belief that it was a prosecutor's job to make sure that justice was done, no matter the result earned him respect among prosecutors and among the judiciary and defense community. The impact of Paul's work went beyond the jurisdiction of the 11th Judicial Circuit. He was intimately involved with advising the Florida Constitution Revision Commission in 1998 and also helped draft the present Criminal Punishment Code. He was often consulted by the Senate and House Criminal Justice Committees when it came to reviewing and drafting criminal justice and public corruption legislation and advised many of the participants in the 1999 Commission that suggested this legislation. Paul is survived by his wife, Debra Caryl Mendelson, and his children, Rachel Ellen and Daniel Jacob.

*Rep. Dan Gelber
District 106*

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

HB 1721—A bill to be entitled An act relating to subdivision property; amending s. 197.502, F.S.; increasing a tax deed application fee; providing notification to legal titleholders of contiguous property which is included in a tax certificate for unpaid taxes; requiring a county to notify the legal titleholder of property contiguous to land available for taxes prior to sale under certain circumstances; amending s. 197.582, F.S.; excluding certain persons as beneficiaries of certain undistributed remainder funds; amending s.

197.522, F.S.; requiring notification to certain persons when an application for a tax deed is made; providing for a statement to accompany such notice; prohibiting the assessment of ad valorem taxes and non-ad valorem assessments by certain entities against property constituting the common elements of a subdivision; requiring that the property appraiser prorate the value of ad valorem taxes and non-ad valorem assessments against 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"; providing an effective date.

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

Session Vote Sequence: 281

Speaker Byrd in the Chair.

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Quinones, Sobel

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

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; specifying time limits to hold a child in secure detention while awaiting placement into a specific program or facility ordered by the court; 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.

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

Session Vote Sequence: 282

Speaker Byrd in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Quinones

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

HB 1745—A bill to be entitled An act relating to higher education finance policy; amending s. 1009.21, F.S.; revising provisions relating to determination of resident status for tuition purposes; providing for reclassification; providing for classification of certain graduate teaching assistants or graduate research assistants; amending s. 1009.23, F.S.; deleting provisions relating to fines assessed by community colleges; amending s. 1009.24, F.S.; revising provisions relating to undergraduate tuition and fees; authorizing a nonrefundable admissions deposit; amending s. 1009.25, F.S.; revising provisions relating to fee exemptions; amending s. 1009.53, F.S., relating to the Florida Bright Futures Scholarship Program; revising provisions relating to payment to postsecondary education institutions; providing for subsidies to institutions; specifying minimum hours for which students must be enrolled; amending s. 1009.531, F.S.; correcting a cross reference; revising initial eligibility criteria; providing eligibility period for students who enlist in the United States Armed Forces; providing for additional weighting for certain courses; amending s. 1009.532, F.S.; revising eligibility criteria to renew a Florida Bright Futures Scholarship; revising provisions relating to number of credit hours for which a scholarship may be received; amending s. 1009.534, F.S.; revising initial eligibility criteria for a Florida Academic Scholarship; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; providing exception to award amount for 2003-2004 fiscal year; amending s. 1009.535, F.S.; revising initial eligibility criteria for a Florida Medallion Scholarship; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; providing exception to award amount for 2003-2004 fiscal year; amending s. 1009.536, F.S.; revising the types of programs for which a Florida Gold Seal Vocational Scholarship may be used;

requiring the State Board of Education to identify such programs; revising provisions relating to the amount of a scholarship; authorizing cash payments; revising renewal criteria; revising provisions relating to number of credits for which a scholarship may be received; revising provisions relating to transfer to a Florida Medallion Scholarship; providing exception to award amount for 2003-2004 fiscal year; creating s. 1009.5365, F.S.; providing for subsidies to public postsecondary education institutions; providing requirements for establishing the amount of subsidies; providing legislative intent regarding the Florida Prepaid College Program; providing legislative findings; requiring a report by the Revenue Estimating Conference; repealing s. 1009.538, F.S., relating to calculation of awards for Florida Bright Futures Scholarship recipients attending nonpublic institutions; repealing s. 1009.539, F.S., relating to the Florida Bright Futures Scholarship Testing Program; requiring the State Board of Education to submit to the Legislature a plan regarding tuition and funding for excess hours; amending s. 1002.41, F.S.; correcting a cross reference; providing an effective date.

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

Session Vote Sequence: 283

Speaker Byrd in the Chair.

Yeas—75

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

Nays—41

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

Votes after roll call:

Nays—Ambler

Yeas to Nays—Brutus, Fields

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

HB 325—A bill to be entitled An act relating to public libraries; amending s. 257.191, F.S.; revising provisions relating to public library construction grants; providing for waiver of local matching requirement under certain circumstances; authorizing the Division of Library and Information Services

to administer certain funds; providing for eligibility for grant funding; providing for the adoption of rules; providing for effect contingent upon certain appropriations; amending s. 257.261, F.S.; revising provisions relating to confidentiality of public library registration and circulation records to authorize disclosure of information to the parent or guardian of a library patron under age 16, for the purpose of collecting fines or recovering overdue books or other materials; providing for severability; providing an effective date.

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

The question recurred on the adoption of **Amendment 2**, which was withdrawn.

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

The question recurred on the passage of HB 325. The vote was:

Session Vote Sequence: 284

Speaker Byrd in the Chair.

Yeas—117

Adams	Davis, D.	Jordan	Reagan
Allen	Davis, M.	Joyner	Rich
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Spratt
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	
Cusack	Johnson	Quinones	

Nays—None

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

Consideration of **HB 1911** was temporarily postponed under Rule 11.10.

Consideration of **HB 1105** was temporarily postponed under Rule 11.10.

HB 427—A bill to be entitled An act relating to the Health Care District of Palm Beach County; codifying, amending, and reenacting special acts relating to the District; providing a popular name; providing boundaries; providing for a governing board, rules of the board, and membership; providing powers and

duties of the board; providing for an ad valorem tax; providing for issuance of bonds; providing for an annual report; repealing chapters 87-450, 92-340, 93-382, 96-509, and 2000-489, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 285

Speaker Byrd in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Reagan

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

HB 1835 was taken up. On motion by Rep. Llorente,—

CS for CS for SB 686—A bill to be entitled An act relating to public transit; amending s. 343.51, F.S.; providing a short title; amending s. 343.52, F.S.; revising definitions; amending s. 343.53, F.S.; redesignating the Tri-County Rail Authority as the South Florida Regional Transportation Authority; revising provisions relating to appointment of the governing board of the authority; amending s. 343.54, F.S.; revising powers and duties of the authority; authorizing the authority to expand its service area into counties contiguous to the service area of the authority upon consent of the board of county commissioners; requiring that the authority obtain consent prior to operating an existing system owned by another entity; providing conditions for acquisition of an existing entity by the authority; authorizing the authority to expand its service area into counties contiguous to the service area of the authority under certain circumstances; providing funding requirements; amending ss. 343.55, 343.56, 343.57, F.S.; providing for the authority to issue and pay revenue bonds; providing that the bonds are not debts or pledges of credit of the state; amending ss. 112.3148 and 768.28, F.S.; conforming provisions to changes made by the act; creating s. 343.58, F.S.; providing for

county funding for the authority; requiring counties served by the authority to dedicate a specified amount of funding; authorizing a tax on motor vehicle registration; requiring approval by referendum for such tax; providing for distribution to the authority of moneys received for the tax; providing a statement of important state interest; providing an effective date.

—was substituted for HB 1835 and read the second time by title. Under Rule 5.13, the House bill was laid on the table.

On motion by Rep. Llorente, the rules were waived and CS for CS for SB 686 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 286

Speaker Byrd in the Chair.

Yeas—117

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Stansel
Brummer	Greenstein	Murman	Stargel
Brutus	Harper	Murzin	Troutman
Bucher	Harrell	Needelman	Vana
Bullard	Harrington	Negron	Waters
Byrd	Hasner	Patterson	Wiles
Cantens	Henriquez	Paul	Wishner
Carassas	Hogan	Peterman	Zapata
Clarke	Holloway	Pickens	
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	

Nays—None

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

HB 1277—A bill to be entitled An act relating to contracting; amending ss. 489.128 and 489.532, F.S.; clarifying that the prohibition on enforcement of construction contracts extends only to enforcement by the unlicensed contractor; clarifying the specific licensure status required and timing of licensure for purposes of determining the enforceability of a construction contract; clarifying the effect of an unenforceable contract on other contracts and obligations; clarifying that unlicensed contractors have no lien or bond rights; clarifying that sureties of unlicensed contractors have continuing bond obligations; amending s. 713.02, F.S., relating to liens for unlicensed contractors, subcontractors, or sub-subcontractors, to conform; amending s. 489.113, F.S.; requiring certain swimming pool work to be subcontracted; revising provisions for the scope of work that a licensed general contractor may perform; amending s. 489.117, F.S.; specifying conditions under which a person may perform specialty contracting services without obtaining a local professional license; amending ss. 489.119 and 489.521, F.S.; revising license requirements for certain business organizations engaging in contracting; providing for retroactive application; providing legislative intent; providing

severability; providing an effective date.

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

Session Vote Sequence: 287

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Meadows

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

HB 1833—A bill to be entitled An act relating to airport transportation facilities; creating s. 332.14, F.S.; creating the "Secure Airports for Florida's Economy Act" or "SAFE Act"; creating the SAFE Council to recommend transportation facility projects to the Legislature; providing for membership, organization, and staff support; providing for a master plan of goals and objectives and specific project recommendations; providing for annual plan updates and submission of plan; providing for project review by the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development; providing criteria for such reviews; providing for certain costs and expenditure of described funds; providing for joint participation agreements to be executed by the airport and the Department of Transportation for projects; requiring monitoring; providing an effective date.

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

Session Vote Sequence: 288

Speaker Byrd in the Chair.

Yeas—118

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Spratt
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	

Nays—None

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

HB 953—A bill to be entitled An act relating to weight-loss pills; defining the term "weight-loss pill"; prohibiting the sale or other transfer of weight-loss pills to minors; providing a defense; requiring establishments selling such pills at retail to post notice that such sale is unlawful; providing penalties; providing an effective date.

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

Session Vote Sequence: 289

Speaker Byrd in the Chair.

Yeas—111

Adams	Brutus	Gannon	Justice
Allen	Bucher	Garcia	Kallinger
Altman	Bullard	Gardiner	Kendrick
Ambler	Byrd	Gelber	Kilmer
Anderson	Cantens	Gibson, H.	Kosmas
Antone	Carassas	Goodlette	Kottkamp
Arza	Clarke	Gottlieb	Kravitz
Ausley	Cretul	Green	Kyle
Barreiro	Culp	Greenstein	Llorente
Baxley	Cusack	Harper	Machek
Bean	Davis, D.	Harrell	Mack
Bendross-Mindingall	Davis, M.	Harrington	Mahon
Bense	Dean	Hasner	Mayfield
Benson	Detert	Henriquez	McInvale
Berfield	Domino	Holloway	Meadows
Bilirakis	Evers	Homan	Mealor
Bowen	Farkas	Jennings	Murman
Brandenburg	Fields	Johnson	Murzin
Brown	Fiorentino	Jordan	Needelman
Brummer	Galvano	Joyner	Patterson

Paul	Rivera	Seiler	Stargel
Peterman	Robaina	Simmons	Troutman
Prieguez	Roberson	Slosberg	Vana
Quinones	Ross	Smith	Waters
Reagan	Rubio	Sobel	Wiles
Rich	Russell	Sorensen	Wishner
Richardson	Ryan	Spratt	Zapata
Ritter	Sansom	Stansel	

Nays—None

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

SB 2082—A bill to be entitled An act relating to the disposition of fetal remains; creating s. 383.33625, F.S.; providing a popular name; providing that where a health practitioner has custody of fetal remains following a spontaneous fetal demise, the health practitioner must notify the mother of her option of burial or cremation of the fetal remains; providing requirements with respect to notification; directing the Department of Health to develop forms for health practitioners; providing that where a facility has custody of fetal remains following a spontaneous fetal demise, the facility must notify the mother of her option of burial or cremation of the fetal remains, as well as procedures pertaining thereto; directing the Agency for Health Care Administration to develop forms for facilities; providing an effective date.

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

Session Vote Sequence: 291

Speaker Byrd in the Chair.

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Brutus, Patterson

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

HB 95—A bill to be entitled An act relating to Hernando County; providing for the relief of John W. Martz; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of Hernando County; providing an effective date.

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

Nays—4

Attkisson	Littlefield	Negron	Pickens
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Votes after roll call:

Yeas to Nays—Brown, Mack

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

Consideration of **HB 1573** was temporarily postponed under Rule 11.10.

CS for SB 2526—A bill to be entitled An act relating to public records; creating s. 63.541, F.S.; creating an exemption from public-records requirements for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health; providing for exceptions to the exemption; providing that the database is confidential and exempt from public disclosure; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 290

Speaker Byrd in the Chair.

Yeas—116

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

Session Vote Sequence: 292

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Brutus

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

HB 185—A bill to be entitled An act relating to the Key Largo Wastewater Treatment District, Monroe County; amending ch. 2002-337, Laws of Florida; removing district from requirements of ch. 120, Florida Statutes; providing an effective date.

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

Session Vote Sequence: 293

Speaker Byrd in the Chair.

Yeas—116

Adams	Bense	Carassas	Fiorentino
Allen	Benson	Clarke	Galvano
Altman	Berfield	Cretul	Gannon
Ambler	Bilirakis	Culp	Garcia
Anderson	Bowen	Cusack	Gardiner
Antone	Brandenburg	Davis, D.	Gelber
Arza	Brown	Davis, M.	Gibson, A.
Attkisson	Brummer	Dean	Gibson, H.
Ausley	Brutus	Detert	Goodlette
Barreiro	Bucher	Domino	Gottlieb
Baxley	Bullard	Evers	Green
Bean	Byrd	Farkas	Greenstein
Bendross-Mindingall	Cantens	Fields	Harper

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

Nays—None

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

SB 1862—A bill to be entitled An act relating to community development districts; amending s. 190.011, F.S.; providing for such districts to collect ground rent from owners of long-term ground leases with governmental entities; authorizing contracts between a district and the county tax collector for collection of such ground rent; providing an effective date.

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

Session Vote Sequence: 294

Speaker Byrd in the Chair.

Yeas—116

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

Nays—1

Arza

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

Consideration of **HB 237** was temporarily postponed under Rule 11.10.

CS for SB 1218—A bill to be entitled An act relating to food safety; creating s. 500.033, F.S.; creating the Florida Food Safety and Food Security Advisory Council as a forum for evaluation of food safety and food security issues; providing membership; requiring reporting of findings and recommendations; providing for review of certain data; providing appropriations; providing an effective date.

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

Session Vote Sequence: 295

Speaker Byrd in the Chair.

Yeas—118

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Spratt
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	

Nays—None

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

CS for SB 2036—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 672.316, F.S.; revising provisions relating to implied warranties of merchantability and fitness in the procurement, processing, storage, distribution, or use of blood, plasma, blood products, and blood derivatives; providing an effective date.

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

Session Vote Sequence: 296

Speaker Byrd in the Chair.

Yeas—118

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Spratt
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	

Nays—None

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

HB 467—A bill to be entitled An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; providing an effective date.

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

Session Vote Sequence: 297

Speaker Byrd in the Chair.

Yeas—117

Adams	Brown	Fields	Homan
Allen	Brummer	Fiorentino	Jennings
Altman	Brutus	Galvano	Johnson
Ambler	Bucher	Gannon	Jordan
Anderson	Bullard	Garcia	Joyner
Antone	Byrd	Gardiner	Justice
Arza	Cantens	Gelber	Kallinger
Attkisson	Carassas	Gibson, A.	Kendrick
Ausley	Clarke	Goodlette	Kilmer
Barreiro	Cretul	Gottlieb	Kosmas
Baxley	Culp	Green	Kottkamp
Bean	Cusack	Greenstein	Kravitz
Bendross-Mindingall	Davis, D.	Harper	Kyle
Bense	Davis, M.	Harrell	Littlefield
Benson	Dean	Harrington	Llorente
Berfield	Detert	Hasner	Machek
Bilirakis	Domino	Henriquez	Mack
Bowen	Evers	Hogan	Mahon
Brandenburg	Farkas	Holloway	Mayfield

McInvale	Planas	Rubio	Stansel
Meadows	Prieguez	Russell	Stargel
Mealor	Quinones	Ryan	Troutman
Murman	Reagan	Sansom	Vana
Murzin	Rich	Seiler	Waters
Needelman	Richardson	Simmons	Wiles
Negron	Ritter	Slosberg	Wishner
Patterson	Rivera	Smith	Zapata
Paul	Robaina	Sobel	
Peterman	Roberson	Sorensen	
Pickens	Ross	Spratt	

Nays—None

Votes after roll call:
Yeas—Stansel

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

CS for SB 680—A bill to be entitled An act relating to Florida Gulf Coast University; authorizing a bachelor of science in human performance degree program with a concentration in athletic training at the university; providing an effective date.

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

Session Vote Sequence: 299

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

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

SB 312—A bill to be entitled An act relating to the Department of Juvenile Justice; amending s. 985.407, F.S.; requiring the department to adopt by rule procedures for changing policies that affect certain contracted services and programs; requiring procedures for notice, public comment, assessment of fiscal impact, and response by the department; providing an effective date.

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

Session Vote Sequence: 300

Speaker Byrd in the Chair.

Yeas—117

Nays—None

Votes after roll call:
Yeas—H. Gibson

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

CS for CS for SB 296—A bill to be entitled An act relating to retirement communities; amending s. 400.235, F.S., relating to the Gold Seal Program; amending standards for evidence of financial soundness and stability of certain nursing home facilities; amending s. 400.141, F.S.; amending prerequisites that certain nursing homes must fulfill to qualify for sharing programming and staff with other entities that are part of a retirement community; authorizing the Agency for Health Care Administration to adopt rules; amending ss. 651.081, 651.085, F.S.; providing for the establishment of a residents' organization; providing for the purposes of such an organization; requiring notice of a meeting or ballot election to select a designated representative to represent a residents' organization before the governing body of a continuing care provider; providing an effective date.

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

Session Vote Sequence: 298

Speaker Byrd in the Chair.

Yeas—115

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

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

Nays—1

Arza

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

HB 1243—A bill to be entitled An act relating to timeshare plans; amending s. 721.02, F.S.; revising language with respect to legislative purpose under the Florida Vacation Plan and Timesharing Act; amending s. 721.03, F.S.; revising language with respect to the scope of the act to include reference to personal property timeshare plans; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising language with respect to contracts for purchase of timeshare interests to include provisions with respect to personal property timeshare interests; amending s. 721.065, F.S.; revising language with respect to resale purchase agreements to include reference to certain real property and personal property timeshare plans; amending s. 721.07, F.S.; revising language with respect to public offering statements; amending s. 721.075, F.S.; revising language with respect to incidental benefits, requiring purchasers to execute a statement indicating the source of the benefit; amending s. 721.08, F.S.; revising language with respect to escrow accounts; amending s. 721.09, F.S.; revising language with respect to reservation agreements; amending s. 721.11, F.S.; revising language with respect to advertising materials; correcting cross references; amending s. 721.12, F.S.; providing for required recordkeeping by the seller of a personal property timeshare plan; amending s. 721.13, F.S.; revising language with respect to management; amending s. 721.14, F.S.; providing that a section of law governing the discharge of the managing entity shall not apply with respect to personal property timeshare plans; amending s. 721.15, F.S.; revising language with respect to assessments for common expenses; amending s. 721.16, F.S.; providing that a section of law governing certain liens does not apply to personal property timeshare plans; amending s. 721.17, F.S.; revising language with respect to transfer of interest; amending s. 721.18, F.S.; revising language with respect to exchange programs; amending s. 721.19, F.S.; including reference to personal property timeshare interests; amending s. 721.20, F.S., relating to licensing requirements; providing for the application of certain provisions to personal property timeshare plans; amending s. 721.24, F.S.; exempting accommodations and facilities of personal property timeshare plans from a provision of law governing

firesafety; amending s. 721.26, F.S.; revising language with respect to regulation by the division; amending s. 721.52, F.S.; redefining the term "multisite timeshare plan" and defining the terms "nonspecific multisite timeshare plan" and "specific multisite timeshare plan"; amending s. 721.53, F.S.; revising language with respect to subordination instruments; amending s. 721.54, F.S.; correcting a cross reference; amending s. 721.55, F.S.; providing reference to filed rather than registered public offering statements; providing reference to multisite timeshare plans; amending s. 721.551, F.S.; providing for reference to filed rather than registered public offering statements; amending s. 721.552, F.S.; providing reference to multistate timeshare plans; amending s. 721.56, F.S.; providing reference to personal property timeshare plans; amending s. 721.57, F.S.; revising language with respect to timeshare estates in multisite timeshare plans; amending s. 721.84, F.S.; revising language with respect to appointment of a registered agent; amending ss. 721.96 and 721.97, F.S.; including reference to personal property timeshare interests; amending ss. 475.011 and 718.103, F.S.; correcting cross references; providing for applicability; providing an effective date.

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

Session Vote Sequence: 301

Speaker Byrd in the Chair.

Yeas—115

Adams	Cusack	Jennings	Prieguez
Allen	Davis, D.	Johnson	Quinones
Altman	Davis, M.	Jordan	Reagan
Ambler	Dean	Joyner	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
Bendross-Mindingall	Garcia	Llorente	Ryan
Bense	Gardiner	Machek	Sansom
Benson	Gelber	Mack	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bowen	Goodlette	McInvale	Smith
Brandenburg	Gottlieb	Meadows	Sobel
Brown	Green	Mealor	Sorensen
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Culp	Homan	Planas	

Nays—1

Justice

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

HB 1265—A bill to be entitled An act relating to Osceola County; creating an independent special district known as Tohopekaliga Water Authority; providing legislative findings and intent; providing definitions; describing the district boundaries; providing for service areas subject to the approval of affected general purpose local governments; providing that the purpose of the

district shall be for the planning, acquisition, development, operation, and maintenance of water and wastewater management systems within the district and its service area; limiting the provision of district services and facilities to only those areas authorized by affected general purpose local governments; providing for an appointed governing body of the district composed of five supervisors and setting forth their authority, terms of office, qualifications, compensation, and method of appointment; providing for the filling of vacancies in office; providing district powers, functions, and duties; providing for the acquisition of land; providing for the levy and collection of rates, fees, assessments, and other charges for the provision of capital facilities or use of district services or payment of operating and financing costs; providing for borrowing money and issuing bonds, certificates, obligations, or other evidence of indebtedness; prohibiting the creation of state, county, or municipal debt; providing for the collection of unpaid rates, fees, assessments, and other charges; providing for the adoption of a master plan; providing for enforcement and penalties; providing for merger and dissolution; providing severability; providing an effective date.

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

Session Vote Sequence: 302

Speaker Byrd in the Chair.

Yeas—116

Adams	Cusack	Jennings	Prieguez
Allen	Davis, D.	Johnson	Quinones
Altman	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	Kosmas	Roberson
Barreiro	Fiorentino	Kottkamp	Ross
Baxley	Galvano	Kravitz	Rubio
Bean	Gannon	Kyle	Russell
Bendross-Mindingall	Garcia	Littlefield	Ryan
Bense	Gardiner	Llorente	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Brandenburg	Goodlette	McInvale	Smith
Brown	Gottlieb	Meadows	Sobel
Brummer	Green	Mealor	Sorensen
Brutus	Greenstein	Murman	Spratt
Bucher	Harper	Murzin	Stansel
Bullard	Harrell	Needelman	Stargel
Byrd	Harrington	Negron	Troutman
Cantens	Hasner	Patterson	Vana
Carassas	Henriquez	Paul	Waters
Clarke	Hogan	Peterman	Wiles
Cretul	Holloway	Pickens	Wishner
Culp	Homan	Planas	Zapata

Nays—None

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

CS for CS for SB 1712—A bill to be entitled An act relating to governmental reorganization; conforming the Florida Statutes to the amendment of Article IV, Section 4 of the State Constitution, in which the functions of the former positions of Comptroller and Treasurer were combined into the office of Chief Financial Officer, and chapter 2002-404, Laws of

Florida, which reorganized certain executive-branch duties and functions to implement such constitutional amendment; amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 14.057, 14.058, 14.203, 15.09, 16.10, 17.001, 17.002, 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, F.S.; transferring and amending ss. 18.01, 18.02, 18.021, 18.05, 18.06, 18.07, 18.08, 18.091, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S.; amending ss. 20.04, 20.055, 20.121, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.34, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.49, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 103.091, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228, 110.123, 110.125, 110.181, 110.2037, 110.205, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.051, 121.061, 121.133, 122.35, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.055, 163.3167, 166.111, 175.032, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.412, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.31, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054, 213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.20, 215.22, 215.23, 215.24, 215.25, 215.26, 215.29, 215.31, 215.32, 215.3206, 215.3208, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.222, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.321, 218.325, 220.151, 220.187, 220.62, 220.723, 238.11, 238.15, 238.172, 238.173, 250.22, 250.24, 250.25, 250.26, 250.34, 252.62, 252.87, 253.025, 255.03, 255.052, 255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.059, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.901, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.20, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 385.207, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.1837, 403.706, 403.724, 403.8532, 404.111, 406.58, 408.040, 408.05, 408.08, 408.18, 408.50, 408.7056, 408.902, 408.909, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.0005, 420.0006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.015, 440.02, 440.05, 440.09, 440.10, 440.1025, 440.103, 440.105, 440.1051, 440.106, 440.107, 440.13, 440.134, 440.14, 440.17, 440.20, 440.24, 440.38, 440.381, 440.385, 440.386, 440.40, 440.44, 440.49, 440.50, 440.51, 440.515, 440.52, 440.525, 440.591, 443.131, 443.191, 443.211, 445.0325, 447.12, 450.155, 468.392, 468.529, 473.3065, 475.045, 475.484, 475.485, 489.114, 489.144, 489.145, 489.510, 489.533, 494.001, 494.0011, 494.0012, 494.00125, 494.0013, 494.0014, 494.0016, 494.00165, 494.0017, 494.0021, 494.0025, 494.0028, 494.0029, 494.00295, 494.0031, 494.0032, 494.0033, 494.0034, 494.0035, 494.0036, 494.0038, 494.004, 494.0041, 494.00421, 494.0061, 494.0062, 494.0064, 494.0065, 494.0066, 494.0067, 494.0069, 494.0072, 494.00721, 494.0076, 494.0079, 494.00795, 494.00797, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 498.025, 498.049, 499.057, 501.212, 507.03,

509.215, 513.055, 516.01, 516.02, 516.03, 516.031, 516.05, 516.07, 516.11, 516.12, 516.22, 516.221, 516.23, 516.32, 516.33, 516.35, 517.021, 517.03, 517.051, 517.061, 517.07, 517.075, 517.081, 517.082, 517.101, 517.111, 517.12, 517.1201, 517.1203, 517.1204, 517.121, 517.131, 517.141, 517.151, 517.161, 517.181, 517.191, 517.201, 517.2015, 517.221, 517.241, 517.301, 517.302, 517.313, 517.315, 517.32, 518.115, 518.116, 518.15, 518.151, 518.152, 519.101, 520.02, 520.03, 520.07, 520.31, 520.32, 520.34, 520.52, 520.61, 520.63, 520.73, 520.76, 520.81, 520.83, 520.90, 520.994, 520.995, 520.996, 520.9965, 520.997, 520.998, 520.998, 526.141, 537.003, 537.004, 537.005, 537.006, 537.008, 537.009, 537.011, 537.013, 537.016, 537.017, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 552.161, 552.21, 552.26, 553.72, 553.73, 553.74, 553.79, 553.88, 554.1021, 554.105, 554.111, 559.10, 559.543, 559.544, 559.545, 559.546, 559.548, 559.55, 559.553, 559.555, 559.563, 559.725, 559.730, 559.785, 559.928, 559.9232, 560.102, 560.103, 560.105, 560.106, 560.107, 560.1073, 560.108, 560.109, 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.119, 560.121, 560.123, 560.125, 560.126, 560.127, 560.128, 560.129, 560.202, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.211, 560.302, 560.305, 560.306, 560.307, 560.308, 560.309, 560.310, 560.402, 560.403, 560.404, 560.4041, 560.407, 560.408, 561.051, 562.44, 567.08, 569.205, 569.215, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.01, 624.05, 624.07, 624.09, 624.11, 624.124, 624.129, 624.155, 624.19, 624.302, 624.303, 624.307, 624.308, 624.310, 624.3102, 624.311, 624.312, 624.313, 624.314, 624.315, 624.316, 624.3161, 624.317, 624.318, 624.319, 624.320, 624.321, 624.322, 624.324, 624.33, 624.34, 624.401, 624.4031, 624.404, 624.4072, 624.4085, 624.40851, 624.4094, 624.4095, 624.410, 624.411, 624.412, 624.413, 624.4135, 624.414, 624.415, 624.416, 624.418, 624.420, 624.421, 624.4211, 624.422, 624.423, 624.424, 624.4241, 624.4243, 624.4245, 624.430, 624.4361, 624.437, 624.438, 624.439, 624.4392, 624.44, 624.441, 624.4411, 624.4412, 624.442, 624.443, 624.4431, 624.444, 624.445, F.S.; amending and renumbering s. 624.4435, F.S.; amending ss. 624.45, 624.4621, 624.4622, 624.464, 624.466, 624.468, 624.470, 624.473, 624.4741, 624.476, 624.477, 624.480, 624.482, 624.484, 624.486, 624.487, 624.501, 624.5015, 624.502, 624.506, 624.509, 624.5091, 624.5092, 624.516, 624.517, 624.519, 624.521, 624.523, 624.6012, 624.605, 624.607, 624.609, 624.610, 624.80, 624.81, 624.82, 624.83, 624.84, 624.85, 624.86, 624.87, 625.01115, 625.012, 625.041, 625.051, 625.061, 625.071, 625.081, 625.091, 625.101, 625.121, 625.131, 625.141, 625.151, 625.161, 625.172, 625.181, 625.303, 625.305, 625.317, 625.322, 625.324, 625.325, 625.326, 625.330, 625.331, 625.332, 625.333, 625.338, 625.52, 625.53, 625.55, 625.56, 625.57, 625.58, 625.62, 625.63, 625.75, 625.765, 625.78, 625.79, 625.80, 625.82, 625.83, 626.015, F.S.; creating s. 626.016, F.S.; prescribing powers and duties of the Department of Financial Services, Financial Services Commission, and Office of Insurance Regulation; amending ss. 626.025, 626.112, 626.161, 626.171, 626.181, 626.191, 626.201, 626.202, 626.211, 626.221, 626.231, 626.241, 626.251, 626.261, 626.266, 626.271, 626.281, 626.2815, 626.2817, 626.291, 626.292, 626.301, 626.322, 626.361, 626.371, 626.381, 626.431, 626.451, 626.461, 626.471, 626.511, 626.521, 626.541, 626.551, 626.561, 626.591, 626.592, 626.601, 626.611, 626.621, 626.631, 626.641, 626.661, 626.681, 626.691, 626.692, 626.7315, 626.732, 626.742, 626.7451, 626.7454, 626.7491, 626.7492, 626.752, 626.7845, 626.7851, 626.8305, 626.8311, 626.8427, 626.8463, 626.8467, 626.847, 626.8473, 626.8582, 626.8584, 626.859, 626.861, 626.863, 626.865, 626.866, 626.867, 626.869, 626.8695, 626.8696, 626.8697, 626.8698, 626.870, 626.871, 626.872, 626.873, 626.8732, 626.8734, 626.8736, 626.8738, 626.874, 626.878, 626.88, 626.8805, 626.8809, 626.8814, 626.884, 626.89, 626.891, 626.892, 626.894, 626.895, 626.896, 626.897, 626.898, 626.899, 626.901, 626.906, 626.907, 626.909, 626.910, 626.912, 626.914, 626.916, 626.917, 626.918, 626.919, 626.921, 626.931, 626.932, 626.936, 626.9361, 626.937, 626.938, 626.9511, 626.9541, 626.9545, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 626.9611, 626.9621, 626.9631, 626.9641, 626.9651, 626.989, 626.9892, 626.99, 626.9911, 626.9912, 626.9913, 626.9914, 626.9915, 626.9916, 626.9919, 626.9921, 626.9922, 626.99235, 626.99245, 626.9925, 626.9926, 626.9927, 626.99272, 626.99285, 626.99295, 627.031, 627.0612, 627.0613, 627.062, 627.0625, 627.0628, 627.0629, 627.0645, 627.06501, 627.0651, 627.0652, 627.0653, 627.06535, 627.066, 627.072, 627.091, 627.0915, 627.0916, 627.092, 627.096, 627.101, 627.111, 627.141, 627.151,

627.171, 627.192, 627.211, 627.212, 627.215, 627.221, 627.231, 627.241, 627.281, 627.291, 627.301, 627.311, F.S.; transferring and amending s. 627.3111, F.S.; amending ss. 627.314, 627.318, 627.331, 627.351, 627.3511, 627.3512, 627.3513, 627.3515, 627.3517, 627.357, 627.361, 627.371, 627.381, 627.4035, 627.410, 627.4101, 627.4105, 627.411, 627.412, 627.413, 627.4145, 627.417, 627.418, 627.4234, 627.4236, 627.4238, 627.427, 627.429, 627.452, 627.458, 627.462, 627.464, 627.476, 627.479, 627.480, 627.481, 627.482, 627.502, 627.503, 627.510, 627.5515, 627.5565, 627.558, 627.602, 627.604, 627.605, 627.6131, 627.618, 627.622, 627.623, 627.624, 627.625, 627.640, 627.6425, 627.643, 627.647, 627.6472, 627.6475, 627.6482, 627.6484, 627.6487, 627.6488, 627.649, 627.6494, 627.6498, 627.6499, 627.6515, 627.6561, 627.6571, 627.6675, 627.6685, 627.6692, 627.6699, 627.673, 627.6735, 627.674, 627.6741, 627.6742, 627.6744, 627.6745, 627.678, 627.6785, 627.682, 627.6844, 627.6845, 627.701, 627.7011, 627.7012, 627.7015, 627.7017, 627.702, 627.706, 627.727, 627.7275, 627.728, 627.7282, 627.7295, 627.736, 627.739, 627.7401, 627.744, 627.758, 627.7711, 627.777, 627.7773, 627.780, 627.782, 627.783, 627.7843, 627.7845, 627.786, 627.7865, 627.791, 627.793, 627.798, 627.805, 627.8055, 627.828, 627.829, 627.832, 627.833, 627.834, 627.836, 627.838, 627.840, 627.8405, 627.848, 627.849, 627.912, 627.9122, 627.9126, 627.913, 627.914, 627.915, 627.917, 627.9175, 627.918, 627.919, 627.9403, 627.9404, 627.9405, 627.9406, 627.9407, 627.94072, 627.94074, 627.9408, 627.942, 627.943, 627.944, 627.948, 627.950, 627.951, 627.952, 627.954, 627.971, 627.972, 627.973, 627.974, 627.986, 627.987, 628.051, 628.061, 62.071, 628.091, 628.101, 628.111, 628.152, 628.161, 628.171, 628.221, 628.251, 628.255, 628.261, 628.271, 628.281, 628.341, 628.351, 628.371, 628.391, 628.401, 628.411, 628.421, 628.431, 628.441, 628.451, 628.461, 628.4615, 628.471, 628.481, 628.491, 628.501, 628.511, 628.520, 628.525, 628.530, 628.535, 628.6013, 628.6014, 628.6017, 628.705, 628.707, 628.711, 628.713, 628.715, 628.717, 628.719, 628.721, 628.725, 628.729, 628.730, 628.733, 628.801, 628.802, 628.803, 628.905, 628.911, 628.913, 628.917, 629.081, 629.101, 629.121, 629.131, 629.161, 629.171, 629.181, 629.231, 629.241, 629.261, 629.281, 629.291, 629.301, 629.401, 629.520, 630.021, 630.031, 630.051, 630.071, 630.081, 630.091, 630.101, 630.131, 630.151, 630.161, 631.021, 631.025, 631.031, 631.051, 631.081, 631.152, 631.221, 631.231, 631.391, 631.392, 631.398, 631.54, 631.55, 631.56, 631.57, 631.59, 631.62, 631.66, 631.714, 631.72, 631.722, 631.723, 631.727, 631.813, 631.814, 631.818, 631.820, 631.821, 631.823, 631.825, 631.904, 631.911, 631.912, 631.917, 631.918, 631.931, 632.611, 632.612, 632.614, 632.615, 632.616, 632.621, 632.622, 632.627, 632.628, 632.629, 632.631, 632.632, 632.633, 632.637, 633.01, 633.022, 633.025, 633.052, 633.061, 633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 633.802, 633.811, 633.814, 634.011, 634.021, 634.031, 634.041, 634.044, 634.045, 634.052, 634.053, 634.061, 634.081, 634.095, 634.101, 634.111, 634.121, 634.1213, 634.1216, 634.137, 634.141, 634.151, 634.161, 634.181, 634.191, 634.211, 634.221, 634.231, 634.242, 634.253, 634.261, 634.282, 634.283, 634.284, 634.285, 634.286, 634.287, 634.288, 634.289, 634.301, 634.302, 634.303, 634.304, 634.305, 634.306, 634.307, 634.3077, 634.3078, 634.308, 634.310, 634.311, 634.3112, 634.312, 634.3123, 634.3126, 634.313, 634.314, 634.320, 634.321, 634.324, 634.325, 634.327, 634.3284, 634.336, 634.337, 634.338, 634.339, 634.34, 634.341, 634.342, 634.343, 634.344, 634.345, 634.348, 634.401, 634.402, 634.403, 634.404, 634.405, 634.406, 634.4061, 634.4065, 634.407, 634.409, 634.411, 634.413, 634.414, 634.4145, 634.415, 634.416, 634.422, 634.423, 634.426, 634.427, 634.428, 634.430, 634.433, 634.437, 634.438, 634.439, 634.44, 634.441, 634.442, 634.443, 634.444, 635.011, 635.031, 635.041, 635.042, 635.071, 635.081, 636.003, 636.006, 636.007, 636.008, 636.009, 636.015, 636.016, 636.017, 636.018, 636.025, 636.029, 636.036, 636.037, 636.038, 636.039, 636.043, 636.045, 636.046, 636.047, 636.048, 636.049, 636.052, 636.053, 636.055, 636.056, 636.057, 636.058, 636.062, 636.063, 636.064, 636.067, 641.185, 641.19, 641.2017, 641.2018, 641.21, 641.215, 641.22, 641.225, 641.227, 641.228, 641.23, 641.234, 641.2342, 641.25, 641.255, 641.26, 641.27, 641.28, 641.281, 641.284, 641.285, 641.29, 641.3007, 641.305, 641.31, 641.3105, 641.31071, 641.31074, 641.315, 641.3154, 641.3155, 641.316, 641.35, 641.36, 641.365, 641.385, 641.39001, 641.3903, 641.3905, 641.3907, 641.3909, 641.3911, 641.3913, 641.3917, 641.3922, 641.402, 641.403, 641.405, 641.406, 641.4065, 641.407, 641.409, 641.41, 641.412, 641.418, 641.42, 641.421, 641.424, 641.437, 641.443,

641.444, 641.445, 641.446, 641.447, 641.448, 641.45, 641.452, 641.453, 641.454, 641.455, 641.457, 641.48, 641.49, 641.495, 641.511, 641.512, 641.52, 641.54, 641.55, 641.58, 642.015, 642.017, 642.021, 642.022, 642.023, 642.025, 642.027, 642.029, 642.031, 642.0331, 642.0334, 642.0338, 642.041, 642.043, 642.047, 642.0475, 648.25, 648.26, 648.33, 648.34, 648.35, 648.355, 648.365, 648.386, 648.44, 648.442, 648.571, 650.06, 651.011, 651.012, 651.013, 651.014, 651.015, 651.018, 651.019, 651.021, 651.022, 651.023, 651.0235, 651.026, 651.0261, 651.028, 651.033, 651.035, 651.051, 651.055, 651.083, 651.085, 651.091, 651.095, 651.105, 651.106, 651.107, 651.108, 651.1081, 651.111, 651.114, 651.1151, 651.118, 651.119, 651.121, 651.123, 651.125, 651.134, 655.001, 655.005, 655.012, 655.015, 655.016, 655.031, 655.032, 655.0321, 655.0322, 655.033, 655.034, 655.037, 655.0385, 655.0386, 655.0391, 655.041, 655.043, 655.044, 655.045, 655.047, 655.049, 655.057, 655.059, 655.061, 655.071, 655.411, 655.412, 655.414, 655.416, 655.418, 655.50, 655.60, 655.762, 655.89, 655.90, 655.922, 655.942, 655.943, 655.948, 655.949, 655.963, 657.002, 657.005, 657.0061, 657.008, 657.021, 657.026, 657.028, 657.031, 657.033, 657.0335, 657.038, 657.042, 657.043, 657.053, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, 658.12, 658.16, 658.165, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.285, 658.295, 658.2953, 658.296, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.53, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.84, 658.94, 658.95, 658.96, 658.995, 660.26, 660.265, 660.27, 660.28, 660.33, 660.40, 606.47, 660.48, 663.02, 663.04, 663.05, 663.055, 663.06, 663.061, 663.064, 663.065, 663.07, 663.08, 663.083, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.16, 663.17, 663.171, 663.172, 663.173, 663.174, 663.175, 663.176, 663.177, 663.178, 663.18, 663.181, 663.301, 663.302, 663.303, 663.304, 663.305, 663.306, 663.308, 663.309, 663.311, 663.312, 663.316, 663.319, 665.012, 665.013, 665.0315, 665.033, 665.0335, 665.034, 665.0345, 665.0711, 665.1001, 667.002, 667.003, 667.005, 667.006, 667.007, 667.008, 667.013, 687.13, 687.14, 687.141, 687.143, 687.144, 687.145, 687.148, 697.05, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.117, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.1115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 817.2341, 817.50, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 896.104, 903.09, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.5095, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, 1000.05, 1001.23, 1002.36, 1002.38, 1002.39, 1003.48, 1004.30, 1004.725, 1006.29, 1006.33, 1006.34, 1006.39, 1008.33, 1009.265, 1009.54, 1009.56, 1009.66, 1009.72, 1009.73, 1009.765, 1009.77, 1009.971, 1009.972, 1010.56, 1010.74, 1010.75, 1011.10, 1011.17, 1011.18, 1011.4105, 1011.57, 1011.94, 1012.59, 1012.79, 1013.79, F.S.; repealing s. 17.06, F.S., relating to items and accounts disallowed by the Comptroller; s. 18.03, F.S., relating to residence and office of the Treasurer; s. 18.09, F.S., relating to delivery to the Legislature of the annual report of the Treasurer; s. 18.22, F.S., relating to rulemaking authority of the Department of Banking and Finance; s. 20.12, F.S., relating to the Department of Banking and Finance; s. 20.13, F.S., relating to the Department of Insurance; s. 440.135, F.S., relating to pilot programs for medical and remedial care in workers' compensation; s. 624.305, F.S., relating to prohibited financial interests; s. 624.4071, F.S., relating to special purpose homeowner insurance companies; s. 624.463, F.S., relating to conversion of self-insurance funds; s. 627.0623, F.S., relating to restrictions on expenditures and solicitations of insurers and affiliates; s. 627.3516, F.S., relating to residential property insurance market coordinating council; s. 627.7825, F.S., relating to alternative rate adoption; s. 655.019, F.S., relating to campaign contribution limitations; s. 657.067, F.S., relating to conversion from federal to state charter and to requirements for application approval; and ss. 657.25-657.269, relating to the Florida Credit Union Guaranty Corporation, Inc.; providing for retroactive applicability; providing that this act and chapter 2002-404, Laws of Florida, do not affect the validity of certain administrative or judicial action prior to or pending on January 7, 2003; providing that filings or actions approved or authorized by the Department of Insurance or the Department of Banking and Finance prior to that date may continue to be used or be effective until otherwise successor agencies otherwise prescribe; providing an effective date.

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

Session Vote Sequence: 303

Speaker Byrd in the Chair.

Yeas—117

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

Nays—None

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

SB 88—A bill to be entitled An act relating to high occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing for a decal and registration certificate; providing for a fee; defining the term "hybrid vehicle"; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 304

Speaker Byrd in the Chair.

Yeas—117

Adams	Bean	Bucher	Dean
Allen	Bendross-Mindingall	Bullard	Detert
Altman	Bense	Byrd	Domino
Ambler	Benson	Cantens	Evers
Anderson	Berfield	Carassas	Farkas
Antone	Bilirakis	Clarke	Fields
Arza	Bowen	Cretul	Fiorentino
Attkisson	Brandenburg	Culp	Galvano
Ausley	Brown	Cusack	Gannon
Barreiro	Brummer	Davis, D.	Garcia
Baxley	Brutus	Davis, M.	Gardiner

Gelber	Justice	Needelman	Sansom	Kallinger	Meadows	Rich	Smith
Gibson, A.	Kallinger	Negron	Seiler	Kendrick	Mealor	Richardson	Sobel
Gibson, H.	Kendrick	Patterson	Simmons	Kilmer	Murman	Ritter	Sorensen
Goodlette	Kilmer	Paul	Slosberg	Kosmas	Murzin	Rivera	Spratt
Gottlieb	Kosmas	Peterman	Smith	Kottkamp	Needelman	Robaina	Stansel
Green	Kottkamp	Pickens	Sobel	Kravitz	Negron	Roberson	Stargel
Greenstein	Kravitz	Planas	Sorensen	Kyle	Patterson	Ross	Troutman
Harper	Kyle	Prieguez	Vana	Littlefield	Paul	Rubio	Vana
Harrell	Littlefield	Quinones	Stansel	Llorente	Peterman	Russell	Waters
Harrington	Llorente	Reagan	Stargel	Machek	Pickens	Ryan	Wiles
Hasner	Machek	Rich	Troutman	Mack	Planas	Sansom	Wishner
Henriquez	Mack	Richardson	Vana	Mahon	Prieguez	Seiler	Zapata
Hogan	Mahon	Ritter	Waters	Mayfield	Quinones	Simmons	
Holloway	Mayfield	Rivera	Wiles	McInvale	Reagan	Slosberg	
Homan	McInvale	Robaina	Wishner				
Jennings	Meadows	Roberson	Zapata				
Johnson	Mealor	Ross		Nays—None			
Jordan	Murman	Rubio					
Joyner	Murzin	Ryan					

Nays—None

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

HB 1685—A bill to be entitled An act relating to Liberty Fire District, Walton County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing for duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing an effective date.

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

Session Vote Sequence: 305

Speaker Byrd in the Chair.

Yeas—118

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

Nays—None

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

HB 1781—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.09515, F.S.; deleting provisions that require a thoroughbred horse permit to be voided and to escheat to the state for failure to operate performances; deleting provisions for the reissuance of such escheated permit; amending s. 550.5251, F.S.; revising provisions for application and issuance of certain thoroughbred horse permits; providing for penalties for failure to operate full schedule of performances by such permitholders; providing procedures for election not to operate live performances; providing that such election shall not affect the validity of a permit; exempting from penalties thoroughbred permitholders who failed to operate full schedule of performances during specified seasons; providing an effective date.

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

Session Vote Sequence: 306

Speaker Byrd in the Chair.

Yeas—103

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

Nays—13

Brummer	Gardiner	Needelman	Wishner
Cusack	Gottlieb	Peterman	
Evers	Johnson	Pickens	
Fiorentino	Kendrick	Rich	

Votes after roll call:

Yeas—Dean, Stansel
Yeas to Nays—Kosmas, Wiles

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

Consideration of **HB 1815** was temporarily postponed under Rule 11.10.

CS for CS for SB 1448—A bill to be entitled An act relating to unemployment compensation; amending ss. 45.031, 69.041, F.S., relating to judicial sales and disbursement of funds; providing for disbursements in conformance with changes made by the act; amending s. 120.80, F.S.; specifying that a judge adjudicating a claim under the unemployment compensation law is not an agency for purposes of chapter 120, F.S.; providing for the conduct of hearings; conforming provisions to the transfer of certain duties of the Department of Labor and Employment Security to the Agency for Workforce Innovation; exempting certain appeal proceedings from the uniform rules of procedure; amending s. 213.053, F.S.; clarifying duties of the Department of Revenue with respect to tax collection performed under a contract with the Agency for Workforce Innovation; amending s. 216.292, F.S.; clarifying procedures for transferring delinquent reimbursements due to the Unemployment Compensation Trust Fund; amending s. 220.191, F.S.; revising definitions for purposes of the capital investment tax credit; amending s. 222.15, F.S., relating to payments upon the death of an employee; conforming provisions; amending ss. 288.106, 288.107, 288.108, F.S.; revising definitions governing the tax-refund program for qualified target industry businesses, brownfield redevelopment bonus refunds, and high-impact businesses; conforming provisions; amending s. 440.15, F.S., relating to compensation for disability; conforming provisions; amending s. 440.381, F.S.; conforming provisions governing an employer's quarterly earning reports; amending ss. 443.011, 443.012, F.S., relating to the Unemployment Compensation Law and the Unemployment Appeals Commission; clarifying provisions; amending s. 443.031, F.S.; revising provisions governing construction of the Unemployment Compensation Law; amending ss. 443.0315, 443.036, 443.041, F.S., relating to subsequent proceedings, definitions, and certain waivers; clarifying and conforming provisions; providing a penalty; specifying that the term "employing unit" applies to a limited liability company; amending s. 443.051, F.S.; specifying additional duties of the Department of Revenue with respect to individuals who are obligated to pay child support; amending s. 443.061, F.S.; providing that the Unemployment Compensation Law does not create vested rights; amending s. 443.071, F.S.; revising penalties; amending s. 443.091, F.S., relating to benefit eligibility; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting obsolete provisions; requiring an individual to submit a valid social security number to be eligible for unemployment benefits; providing for verification of social security numbers; conforming provisions; amending s. 443.101, F.S.; clarifying and conforming provisions under which an individual may be disqualified for benefits; amending s. 443.111, F.S., relating to the payment of benefits; conforming provisions to changes made by the act and the transfer of duties to the Agency for Workforce Innovation; requiring claimants to continue reporting to certify for benefits regardless of any appeal; creating ss. 443.1115, 443.1116, F.S., relating to extended benefits and short-time compensation; providing definitions; providing for eligibility; providing payment amounts; providing for recovery of overpayments; amending s. 443.121, F.S., relating to employing units; conforming provisions in accordance with the tax collection services performed by the Department of Revenue; creating s. 443.1215, F.S.; specifying employing units that are subject to the Unemployment Compensation Law; creating s. 443.1216, F.S.; specifying types of services that constitute employment for purposes of the Unemployment Compensation Law; creating s. 443.1217, F.S.; specifying wages and payments that are subject to the Unemployment Compensation Law; amending s. 443.131, F.S.; providing for payment of contributions; providing contribution rates; providing benefit ratios; creating s. 443.1312, F.S.; providing for benefits paid

to employees of nonprofit organizations; creating s. 443.1313, F.S.; providing for benefits paid to employees of public employers; amending s. 443.1315, F.S., relating to Indian tribes; conforming provisions to changes made by the act; amending s. 443.1316, F.S.; revising requirements governing the duties of the Department of Revenue under its contract with the Agency for Workforce Innovation to provide tax collection services; creating s. 443.1317, F.S.; authorizing the Agency for Workforce Innovation and the state agency providing unemployment tax collection services to adopt rules to administer ch. 443, F.S.; amending s. 443.141, F.S., relating to the collection of contributions; conforming provisions; providing duties of the tax collection service provider; providing rulemaking authority; authorizing civil actions to enforce the collection of contributions, penalties, and interest; prohibiting the payment of interest on refunds or adjustments; amending s. 443.151, F.S., relating to procedures concerning claims; conforming provisions to the transfer of duties to the Agency for Workforce Innovation; deleting certain qualification requirements for appeals referees; amending s. 443.163, F.S., relating to reporting and remitting taxes; conforming provisions; revising requirements of electronic reporting and remitting for certain persons who prepare and report; revising penalties for persons who fail to report by electronic means; amending s. 443.171, F.S.; specifying duties of the Agency for Workforce Innovation with respect to administering ch. 443, F.S.; requiring the publication of acts and rules; deleting provisions creating the Unemployment Compensation Advisory Council; providing for employment stabilization to be under the direction of Workforce Florida, Inc.; conforming provisions governing records, reports, and subpoenas and governing the administration of ch. 443, F.S.; amending s. 443.1715, F.S., relating to the confidentiality of information; conforming provisions; deleting obsolete provisions; amending s. 443.181, F.S.; conforming provisions governing the public employment service in accordance with the duties transferred to the Agency for Workforce Innovation; amending ss. 443.191, 443.211, F.S., relating to the Unemployment Compensation Trust Fund and the Employment Security Administration Trust Fund; conforming provisions; specifying that the Unemployment Compensation Trust Fund is the sole source for paying unemployment compensation benefits; limiting the state's liability; deleting obsolete provisions; amending s. 443.221, F.S.; revising provisions governing reciprocal arrangements with other states and the Federal Government; conforming provisions; amending s. 445.009, F.S., relating to the one-stop delivery system operated under the Workforce Innovation Act; conforming provisions to the transfer of duties from the Department of Labor and Employment Security to the Agency for Workforce Innovation; amending ss. 468.529, 896.101, F.S.; conforming provisions governing employee leasing companies and the Florida Money Laundering Act; repealing s. 6 of ch. 94-347, Laws of Florida, relating to payment of benefits; repealing ss. 443.021, 443.161, 443.1716, 443.201, 443.231, 443.232, F.S., relating to public policy, administrative provisions, authorized access to employer information, the Florida Training Investment Program, and rulemaking; providing for retroactive application of provisions relating to electronic reporting and remitting of taxes; providing effective dates.

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

Session Vote Sequence: 307

Speaker Byrd in the Chair.

Yeas—118

Adams	Bendross-Mindingall	Byrd	Evers
Allen	Bense	Cantens	Farkas
Altman	Benson	Carassas	Fields
Ambler	Berfield	Clarke	Fiorentino
Anderson	Bilirakis	Cretul	Galvano
Antone	Bowen	Culp	Gannon
Arza	Brandenburg	Cusack	Garcia
Attkisson	Brown	Davis, D.	Gardiner
Ausley	Brummer	Davis, M.	Gelber
Barreiro	Brutus	Dean	Gibson, A.
Baxley	Bucher	Detert	Gibson, H.
Bean	Bullard	Domino	Goodlette

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

Nays—None

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

HB 1921—A bill to be entitled An act relating to the Department of Corrections; amending s. 944.279, F.S.; providing that disciplinary procedures for frivolous filings by a prisoner are applicable to a criminal proceeding or collateral criminal proceeding filed on or after a specified date; amending s. 944.7065, F.S.; revising requirements for the transition course required for inmates who are released from the Department of Corrections and reenter the community; providing an effective date.

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

Session Vote Sequence: 308

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

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

HB 1469—A bill to be entitled An act relating to public lodging establishments; amending s. 509.013, F.S.; defining the term "handbill"; creating s. 509.144, F.S.; prohibiting the distribution of handbills on the premises of public lodging establishments; providing penalties; providing an effective date.

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

Session Vote Sequence: 309

Speaker Byrd in the Chair.

Yeas—117

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

Nays—None

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

Consideration of **HB 1649** was temporarily postponed under Rule 11.10.

SB 1046—A bill to be entitled An act relating to the operation of motorcycles; amending s. 316.209, F.S.; providing that certain prohibitions concerning the operation of motorcycles do not apply to firefighters in the performance of their official duties; providing an effective date.

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

Session Vote Sequence: 310

Speaker Byrd in the Chair.

Yeas—118

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

Nays—None

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

Consideration of **HB 363** was temporarily postponed under Rule 11.10.

HB 483—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a first degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing penalties; reenacting s. 943.325(1), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made to s. 812.135, F.S., by this act in a reference thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, to conform; providing an effective date.

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

Session Vote Sequence: 311

Speaker Byrd in the Chair.

Yeas—115

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

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

Nays—1

Hogan

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

HB 1541—A bill to be entitled An act relating to the Cypress Creek Center Transportation Management District, Broward County; creating the Cypress Creek Center Transportation Management District; providing for the geographic boundaries of the District; providing for the purpose of the District; providing for the powers, functions, and duties of the District; providing for the creation of the governing board of the District to be known as the Cypress Creek Center Transportation Management Association; providing for membership, organization, compensation, and administrative duties of the governing board of the District; providing for the financial disclosure, noticing, and reporting requirements of the District; providing for the procedure for conducting any District elections or referenda; providing for planning requirements; providing for severability; providing an effective date.

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

Session Vote Sequence: 312

Speaker Byrd in the Chair.

Yeas—117

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

Spratt	Troutman	Wiles
Stansel	Vana	Wishner
Stargel	Waters	Zapata

Nays—1

Prieguez

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

HB 1567—A bill to be entitled An act relating to Broward County; amending chapter 2000-461, Laws of Florida, relating to the Children's Services Council of Broward County; increasing the membership of the council; revising requirements concerning delivery of the written budget to Broward County; revising procedures concerning levying of ad valorem taxes; exempting the council from payment of fees, taxes, or incremental tax revenues to community redevelopment agencies; providing expenditure authority and procedures for budgeted funds up to \$5,000; authorizing expenditures by electronic wire transfers under specified procedures; providing effective dates.

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

Session Vote Sequence: 313

Speaker Byrd in the Chair.

Yeas—116

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

Nays—1

Attkisson

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

SB 530—A bill to be entitled An act relating to anatomical gifts; creating the "Nick Oelrich Gift of Life Act"; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a

donor document is legally binding; authorizing specified persons to furnish a donor's medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; providing an effective date.

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

Session Vote Sequence: 314

Speaker Byrd in the Chair.

Yeas—91

Allen	Culp	Johnson	Reagan
Altman	Cusack	Jordan	Rich
Ambler	Davis, D.	Justice	Richardson
Anderson	Davis, M.	Kendrick	Ritter
Antone	Dean	Kilmer	Rivera
Arza	Detert	Kosmas	Robaina
Ausley	Domino	Kravitz	Ross
Barreiro	Farkas	Kyle	Rubio
Bendross-Mindingall	Fields	Littlefield	Russell
Benson	Gannon	Llorente	Ryan
Berfield	Garcia	Machek	Sansom
Bilirakis	Gelber	Mack	Simmons
Bowen	Gibson, A.	Mahon	Slosberg
Brandenburg	Gibson, H.	McInvalie	Sobel
Brown	Gottlieb	Mealor	Sorensen
Brummer	Greenstein	Murman	Spratt
Brutus	Harrell	Murzin	Stansel
Bullard	Harrington	Negron	Troutman
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Pickens	Wiles
Carassas	Hogan	Planas	Wishner
Clarke	Holloway	Prieguez	Zapata
Cretul	Jennings	Quinones	

Nays—24

Adams	Fiorentino	Joyner	Peterman
Attkisson	Galvano	Kallinger	Roberson
Baxley	Gardiner	Kottkamp	Seiler
Bean	Green	Meadows	Smith
Bucher	Harper	Needelman	Stargel
Evers	Homan	Paul	Vana

Votes after roll call:

Yeas—Mayfield

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

HB 425—bill to be entitled An act relating to Escambia County; amending chapter 2002-380, Laws of Florida; providing that referendum for approval of creation of the West Florida Regional Library District, an independent special district, and exercise of its powers to levy ad valorem taxes and to issue debt obligations payable from ad valorem taxes shall be permissive rather than mandatory; providing an effective date.

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

Session Vote Sequence: 315

Speaker Byrd in the Chair.

Yeas—116

Adams	Anderson	Ausley	Bendross-Mindingall
Allen	Antone	Barreiro	Bense
Altman	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield

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

Nays—2

Fiorentino Justice

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

HB 723—A bill to be entitled An act relating to health insurance; amending s. 408.909, F.S.; revising a definition; authorizing health flex plans to limit coverage under certain circumstances; authorizing a small business purchasing arrangement to limit enrollment to certain residents; extending an expiration date; creating s. 627.6042, F.S.; requiring policies of insurers offering coverage of dependent children to maintain such coverage until a child reaches age 25, under certain circumstances; providing application; creating s. 627.60425, F.S.; providing limitations on certain binding arbitration requirements; amending s. 627.6044, F.S.; providing for payment of claims to nonnetwork providers under specified conditions; providing a definition; requiring the method used for determining payment of claims to be included in filings; providing for disclosure; amending s. 627.6415, F.S.; deleting an 18th birthday age limitation on application of certain dependent coverage requirements; amending s. 627.6475, F.S.; revising risk-assuming carrier election requirements and procedures; revising certain criteria and limitations under the individual health reinsurance program; amending s. 627.651, F.S.; correcting a cross reference; amending s. 627.662, F.S.; revising a list of provisions applicable to group, blanket, or franchise health insurance to include use of specific methodology for payment of claims provisions; amending s. 627.667, F.S.; deleting a limitation on application of certain extension of benefits provisions; amending s. 627.6692, F.S.; increasing a time period for payment of premium to continue coverage under a group health plan; amending s. 627.6699, F.S.; revising definitions; revising coverage enrollment eligibility criteria for small employers; revising small employer carrier election requirements and procedures; revising certain criteria and limitations under the small employer health reinsurance program; amending ss. 627.911 and 627.9175, F.S.; applying certain information reporting requirements to health maintenance organizations; revising health insurance information requirements and criteria; authorizing the department to adopt rules; deleting an annual report requirement; amending s. 627.9403, F.S.; deleting an exemption for limited benefit policies from a long-term care insurance restriction relating to nursing home care; amending s. 641.185, F.S.; correcting a cross reference; amending s. 641.31, F.S.; specifying nonapplication to certain contracts; requiring health maintenance organizations offering coverage of dependent children to maintain such coverage until a child reaches age 25, under certain circumstances; providing application; providing requirements for contract termination and denial of a claim related to limiting age attainment; amending s. 641.3101, F.S.;

providing a compliance requirement for health maintenance contracts using a specific payment of claims methodology; creating s. 641.31025, F.S.; requiring specific reasons for denial of coverage under a health maintenance organization contract; creating s. 641.31075, F.S.; imposing compliance requirements upon health maintenance organization replacements of other group health coverage with organization coverage; amending s. 641.3111, F.S.; deleting a limitation on certain extension of benefits provisions upon group health maintenance contract termination; imposing additional extension of benefits requirements upon such termination; amending ss. 627.651, 641.2018, 641.3107, and 641.513, F.S.; correcting cross references; providing an effective date.

—was taken up, having been read the third time earlier today; now pending on motion by Rep. Llorente to adopt Amendment 11.

The question recurred on the adoption of **Amendment 11**, which was adopted by the required two-thirds vote.

Reconsideration

On motion by Rep. Llorente, by the required two-thirds vote, the House reconsidered the vote by which **Amendment 10** was adopted.

The question recurred on the adoption of the amendment, which was withdrawn.

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.

Recessed

On motion by Rep. Murman, the House recessed at 9:27 p.m., to reconvene at 9:45 p.m. today.

Reconvened

The House was called to order by the Speaker at 10:27 p.m. A quorum was present [Session Vote Sequence: 316].

On motion by Rep. Goodlette, the House returned to consideration of HB 1819.

Special Orders

Special Order Calendar

Consideration of **HB 1819** was temporarily postponed under Rule 11.10.

Motions Relating to Committee References

On motion by Rep. Cantens, by the required two-thirds vote, HB 1177 was withdrawn from all remaining committees of reference and placed on the Calendar of the House.

Motion

On motion by Rep. Cantens, by the required two-thirds vote, the rules were waived and **HB 1177** was added to the Special Order Calendar.

Special Orders

Special Order Calendar

HB 1177—A bill to be entitled An act relating to the safety of children; providing a popular name; providing legislative intent; requiring certain children to be enrolled in an early education or child care program; providing attendance and reporting responsibilities of the child's parent or guardian and

of the Family Safety Program Office of the Department of Children and Family Services; requiring law enforcement agencies to investigate certain reports; providing an effective date.

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

HB 1177 CS—A bill to be entitled An act relating to the safety of children; providing a popular name; providing legislative intent; requiring certain children to be enrolled in an early education or child care program; providing attendance and reporting responsibilities of the child's parent or caregiver and of the Family Safety Program Office of the Department of Children and Family Services and community-based lead agencies; requiring certain site visits under certain circumstances; requiring reports of missing children to be made to law enforcement authorities; requiring certain notices to parents, caregivers, and the courts; requiring the Department of Children and Family Services, in collaboration with the Agency for Workforce Innovation, to conduct a study relating to certain children being served by the department's Family Safety Program Office and community-based lead agencies; providing purposes of the study; requiring compilation of certain data; requiring the identification of certain children; requiring an analysis of the expansion required to cover certain additional children and the costs associated with such expansion; requiring the study of certain issues and recommendations resulting from such study; requiring a report; amending s. 411.01, F.S.; requiring that certain children be given first priority for participation in the school readiness program; providing an effective date.

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

Motion

On motion by Rep. Cantens, by the required two-thirds vote, the rules were waived and **HB 1925**; **HB 1915**; **HB 361**; **CS for SB 320**, if received; **HB 485**; **CS for SB 1986**, if received; **HB 1361**; **CS for SB 308**; and **HB 1245** were added to the Special Order Calendar after HB 1935.

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

Unfinished Business

Consideration of **SB 460** was temporarily postponed under Rule 11.10.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 79, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 79—A bill to be entitled An act relating to communications services; amending s. 812.15, F.S.; revising definition of "cable operator" and "cable system" and defining "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in doing so; prohibiting described communications devices for certain purposes and promotion of such devices; providing criminal and civil penalties; providing for actual and statutory damages; exempting described entities under certain circumstances; providing an effective date.

(Amendment Bar Code: 860268)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause

and insert:

Section 1. Section 812.15, Florida Statutes, is amended to read:

812.15 Unauthorized reception of communications cable television services; penalties.--

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

(a) "Cable operator" means a communications service provider who provides some or all of its communications services pursuant to a "cable television franchise" issued by a "franchising authority," as those terms are defined in 47 U.S.C. s. 522(9) and (10) (1992) "cable operator" as defined in 47 U.S.C. s. 522(4) (1988).

(b) "Cable system" means any communications service network, system, or facility owned or operated by a cable operator "cable system" as defined in 47 U.S.C. s. 522(6) (1988).

(c) "Communications device" means any type of electronic mechanism, transmission line or connections and appurtenances thereto, instrument, device, machine, equipment, or software that is capable of intercepting, transmitting, acquiring, decrypting, or receiving any communications service, or any part, accessory, or component thereof, including any computer circuit, splitter, connector, switches, transmission hardware, security module, smart card, software, computer chip, electronic mechanism, or other component, accessory, or part of any communications device which is capable of facilitating the interception, transmission, retransmission, acquisition, decryption, or reception of any communications service.

(d) "Communications service" means any service lawfully provided for a charge or compensation by any cable system or by any radio, fiber optic, photooptical, electromagnetic, photoelectronic, satellite, microwave, data transmission, Internet-based, or wireless distribution network, system, or facility, including, but not limited to, any electronic, data, video, audio, Internet access, microwave, and radio communications, transmissions, signals, and services, and any such communications, transmissions, signals, and services lawfully provided for a charge or compensation, directly or indirectly by or through any of those networks, systems, or facilities.

(e) "Communications service provider" means:

1. Any person or entity owning or operating any cable system or any fiber optic, photooptical, electromagnetic, photoelectronic, satellite, wireless, microwave, radio, data transmission, or Internet-based distribution network, system, or facility.

2. Any person or entity providing any lawful communications service, whether directly or indirectly, as a reseller or licensee, by or through any such distribution network, system, or facility.

(f) "Manufacture, development, or assembly of a communications device" means to make, produce, develop, or assemble a communications device or any part, accessory, or component thereof, or to modify, alter, program, or reprogram any communications device so that it is capable of facilitating the commission of a violation of this section.

(g) "Multipurpose device" means any communications device that is capable of more than one function and includes any component thereof.

(2)(a) A No person may not knowingly shall intercept, or receive, decrypt, disrupt, transmit, retransmit, or acquire access to or assist in intercepting or receiving any communications service without the express authorization of the offered over a cable system, unless specifically authorized to do so by a cable operator or other communications service provider, or as stated in a contract or may otherwise, with the intent to defraud the cable operator or communications service provider, or to knowingly assist others in doing those acts with the intent to defraud the cable operator or other communications provider be specifically authorized by law. For the purpose of this section, the term "assist others" includes:

1. The sale, transfer, license, distribution, deployment, lease, manufacture, development, or assembly of a communications device for the purpose of facilitating the unauthorized receipt, acquisition, interception, disruption, decryption, transmission, retransmission, or access to any communications service offered by a cable operator or any other communications service provider; or

2. The sale, transfer, license, distribution, deployment, lease, manufacture, development, or assembly of a communications device for the purpose of defeating or circumventing any effective technology, device, or software, or any component or part thereof, used by a cable operator or other communications service provider to protect any communications service from unauthorized receipt, acquisition, interception, disruption, access, decryption, transmission, or retransmission. in intercepting or receiving" shall include the

~~manufacture of or distribution of equipment intended by the manufacturer or distributor, as the case may be, for unauthorized reception of any communications service offered over a cable system in violation of this section.~~

(b) Any person who willfully violates this subsection ~~commits shall be guilty~~ of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Any person who willfully violates paragraph (2)(a), paragraph (4)(a), or subsection (5) and who has been previously convicted of any such provision ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who willfully and for purposes of direct or indirect commercial advantage ~~or private financial gain~~ violates paragraph (2)(a), paragraph (4)(a), or subsection (5) ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) Any person who intentionally possesses a ~~communications device equipment~~, knowing or having reason to know that the design of such ~~device equipment~~ renders it primarily useful for the purpose of ~~committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications service offered over a cable system, shall be guilty~~ of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who intentionally possesses five or more ~~communications devices or pieces of equipment~~ and knows or has reason to know that the design of such ~~devices or pieces of equipment~~ renders them primarily useful for ~~committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications services offered over a cable system is guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who intentionally possesses fifty or more ~~communications devices or pieces of equipment~~ and knows or has reason to know that the design of such ~~devices or equipment~~ renders them primarily useful for ~~committing, or assisting others in committing, a violation of paragraph (2)(a) commits the unauthorized reception of any communications services offered over a cable system is guilty~~ of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, including any electronic medium, any advertisement that, in whole or in part, promotes the sale of a ~~communications device equipment~~, if the person placing the advertisement knows or has reason to know that the ~~device equipment~~ is designed to be primarily useful for ~~committing, or assisting others in committing, a violation of paragraph (2)(a) the unauthorized reception of any communications service offered over a cable system~~. Any person who violates this subsection shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) All fines shall be imposed as provided in s. 775.083 for each ~~communications device involved in the prohibited activity or for each day a defendant is in violation of this section.~~

(7) The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution as authorized by law.

(8) Upon conviction of a defendant for violating this section, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any ~~communications device in the defendant's possession or control which was involved in the violation for which the defendant was convicted.~~

(9) A violation of paragraph (2)(a) may be deemed to have been committed at any place where the defendant manufactures, develops, or assembles any ~~communications devices involved in the violation, or assists others in these acts, or any place where the communications device is sold or delivered to a purchaser or recipient. It is not a defense to a violation of paragraph (2)(a) that some of the acts constituting the violation occurred outside the state.~~

(10)(6)(a) Any person aggrieved by any violation of this section may bring a civil action in a circuit court or in any other court of competent jurisdiction.

(b) The court may:

1. Grant temporary and final injunctions on ~~such~~ terms as it ~~finds~~ may

~~deem~~ reasonable to prevent or restrain violations of this section in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that a ~~no~~ showing of special or irreparable damages to the person ~~need not shall have to be made.~~

2. At any time while the action is pending, order the impounding, on reasonable terms, of any communications device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of this section, and may grant other equitable relief, including the imposition of a constructive trust, as the court considers reasonable and necessary.

~~3.2. Award damages pursuant to paragraphs (c), (d), and (e); and~~

~~4.2. Direct the recovery of full costs, including awarding reasonable attorney's fees, to an aggrieved party who prevails.~~

5. As part of a final judgment or decree finding a violation of this section, order the remedial modification or destruction of any ~~communications device, or any other device or equipment, involved in the violation which is in the custody or control of the violator or has been impounded under subparagraph 2.~~

(c) Damages awarded by any court under this section shall be computed in accordance with ~~subparagraph 1. or subparagraph 2. either of the following:~~

1. The party aggrieved may recover the actual damages suffered by him or her as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages;

a. Actual damages include the retail value of all communications services to which the violator had unauthorized access as a result of the violation and the retail value of any communications service illegally available to each person to whom the violator directly or indirectly provided or distributed a communications device. In proving actual damages, the party aggrieved must prove only that the violator manufactured, distributed, or sold a communications device and is not required to prove that any such device was actually used in violation of this section.

b. In determining the violator's profits, the party aggrieved ~~must shall be required~~ to prove only the violator's gross revenue, and the violator ~~must is required~~ to prove his or her deductible expenses and the elements of profit attributable to factors other than the violation; ~~or~~

2. Upon election of such damages at any time before final judgment is entered, the party aggrieved may recover an award of statutory damages for each ~~communications device violation~~ involved in the action, in a sum of not less than \$250 or more than \$10,000 for each such device, as the court considers just.

(d) In any case in which the court finds that the violation was committed willfully and for purposes of commercial advantage ~~or financial gain~~, the court in its discretion may increase the award of damages, whether actual or statutory under this section, by an amount of not more than \$50,000 for each ~~communications device involved in the action and for each day the defendant is in violation of this section violation.~~

(e) In any case in which the court finds that the violator was not aware and had no reason to believe that his or her acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than \$100.

(11) This section shall not be construed to impose any criminal or civil liability upon any state or local law enforcement agency; any state or local government agency, municipality, or authority; or any communications service provider unless such entity is acting knowingly and with intent to defraud a communications service provider as defined in this section.

(12) A person that manufactures, produces, assembles, designs, sells, distributes, licenses, or develops a multipurpose device shall not be in violation of this section unless that person acts knowingly and with an intent to defraud a communications services provider and the multipurpose device:

(a) Is manufactured, developed, assembled, produced, designed, distributed, sold, or licensed for the primary purpose of committing a violation of this section;

(b) Has only a limited commercially significant purpose or use other than for the commission of any violation of this section; or

(c) Is marketed by that person or another acting in concert with that person with that person's knowledge for the purpose of committing any violation of this section.

(13) Nothing in this section shall require that the design of, or design and selection of parts, software code, or components for, a communications device

provide for a response to any particular technology, device, or software, or any component or part thereof, used by the provider, owner, or licensee of any communications service or of any data, audio or video programs, or transmissions, to protect any such communications, data, audio or video service, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or retransmission.

Section 2. This act shall take effect October 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to communications services; amending s. 812.15, F.S.; redefining the terms "cable operator" and "cable system"; defining the terms "communications device," "communications service," "communications service provider," and "manufacture, development, or assembly of a communications device"; defining the term "multipurpose device"; prohibiting certain interception, reception, decryption, disruption, transmission, retransmission, or acquisition of access to described communications services and prohibiting assisting others in these acts; prohibiting the advertisement of communications devices for certain unlawful purposes; providing criminal and civil penalties; providing for actual and statutory damages; providing exceptions; providing an effective date.

On motion by Rep. Mack, the House concurred in Senate Amendment 1.

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 Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 287, with an amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 287—A bill to be entitled An act relating to specialty license plates; creating s. 320.08068, F.S.; creating a specialty license plate for motorcycles; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

(Amendment Bar Code: 622498)

Senate Amendment 1— On lines 33-43, delete those lines and insert:

(a) Twenty-five percent to the Brain and Spinal Cord Injury Program Trust Fund.

(b) Twenty-five percent to Prevent Blindness Florida.

(c) Twenty-five percent to the Foundation for Vocational Rehabilitation to support the Personal Care Attendant Program pursuant to s. 413.402.

(d) Twenty-five percent to the Florida Association of Centers for Independent Living for the purpose of setting up Direct-Support Organizations for each center, and for programs and activities serving disabled Floridians. Each center participating in the development of a direct-support organization shall be eligible to apply through the Association for a start-up grant of up to \$50,000. Thereafter, to the extent that funds are available, each participating center may apply for funds in the form of matching grants. The first year, the centers shall provide 25 cents for each dollar requested. The second year, the center shall provide 50 cents to each dollar requested, and thereafter, the center shall provide a dollar for dollar match for each dollar requested. The match shall be from private, nongovernmental sources.

On motion by Rep. Cretul, the House concurred in Senate Amendment 1.

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.

Consideration of **CS for SB 308** was temporarily postponed under Rule 11.10.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 513, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 513—A bill to be entitled An act relating to insurance claims and premium payments; amending s. 627.4035, F.S.; providing for the payment of insurance premiums by a debit or credit card, automatic electronic funds transfer, or payroll deduction plan; amending s. 627.7015, F.S.; defining "claim" for purposes of alternative procedures for resolution of disputed property insurance claims; amending s. 627.901, F.S.; revising limits on service charges for premium financing; providing an effective date.

(Amendment Bar Code: 540672)

Senate Amendment 1 (with title amendment)—Between lines 71 and 72,

insert:

Section 4. Section 624.04, Florida Statutes, is amended to read:

624.04 "Person" defined.--"Person" includes an individual, insurer, company, association, organization, Lloyds, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, ~~sollicitor~~, service representative, adjuster, and every legal entity.

Section 5. Subsection (2) of section 624.303, Florida Statutes, is amended to read:

624.303 Seal; certified copies as evidence.--

(2) All certificates executed by the department, other than licenses of agents, ~~sollicitors~~, or adjusters or similar licenses or permits, shall bear its seal.

Section 6. Paragraph (a) of subsection (2) of section 624.313, Florida Statutes, is amended to read:

624.313 Publications.--

(2) The department may prepare and have printed and published in pamphlet or book form the following:

(a) As needed, questions and answers for the use of persons applying for an examination for licensing as agents ~~or sollicitors~~ for property, casualty, surety, health, and miscellaneous insurers.

Section 7. Subsection (2) of section 624.317, Florida Statutes, is amended to read:

624.317 Investigation of agents, adjusters, administrators, service companies, and others.--If it has reason to believe that any person has violated or is violating any provision of this code, or upon the written complaint signed by any interested person indicating that any such violation may exist, the department shall conduct such investigation as it deems necessary of the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of any:

(2) Insurance agent ~~or~~ customer representative, ~~or sollicitor~~, subject to the requirements of s. 626.601.

Section 8. Section 624.34, Florida Statutes, is amended to read:

624.34 Authority of Department of Law Enforcement to accept fingerprints of, and exchange criminal history records with respect to, certain persons.--

(1) The Department of Law Enforcement may accept fingerprints of organizers, incorporators, subscribers, officers, stockholders, directors, or any other persons involved, directly or indirectly, in the organization, operation, or management of:

(a) Any insurer or proposed insurer transacting or proposing to transact insurance in this state.

(b) Any other entity which is examined or investigated or which is eligible to be examined or investigated under the provisions of the Florida Insurance Code.

(2) The Department of Law Enforcement may accept fingerprints of individuals who apply for a license as an agent, customer representative, adjuster, service representative, or managing general agent or the fingerprints of the majority owner, sole proprietor, partners, officers, and directors of a corporation or other legal entity that applies for licensure with the department under the provisions of the Florida Insurance Code.

(3) The Department of Law Enforcement may, to the extent provided for by federal law, exchange state, multistate, and federal criminal history records with the department and the office for the purpose of the issuance, denial, suspension, or revocation of a certificate of authority, certification, or license to operate in this state.

(4) The Department of Law Enforcement may accept fingerprints of any other person required by statute or rule to submit fingerprints to the department or office or any applicant or licensee regulated by the department or office who is required to demonstrate that he or she has not been convicted of or pled guilty or nolo contendere to a felony or a misdemeanor.

(5) The Department of Law Enforcement shall, upon receipt of fingerprints from the department or office, submit the fingerprints to the Federal Bureau of Investigation to check federal criminal history records.

(6) Statewide criminal records obtained through the Department of Law Enforcement, federal criminal records obtained through the Federal Bureau of Investigation, and local criminal records obtained through local law enforcement agencies shall be used by the department and office for the purpose of issuance, denial, suspension, or revocation of certificates of authority, certifications, or licenses issued to operate in this state.

Section 9. Paragraph (b) of subsection (6) of section 624.501, Florida Statutes, is amended, and subsection (28) is added to that section, to read:

624.501 Filing, license, appointment, and miscellaneous fees.--The department shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

(6) Insurance representatives, property, marine, casualty, and surety insurance.

(b) ~~Solicitors or~~ Customer representative's original appointment and biennial renewal or continuation thereof:

Appointment fee....\$42.00
State tax....12.00
County tax....6.00
Total....\$60.00

(28) Late filing of appointment renewals for agents, adjusters, and other insurance representatives, each appointment....\$20.00

Section 10. Section 624.504, Florida Statutes, is amended to read:

624.504 Liability for state, county tax.--

(4) Each authorized insurer that uses insurance agents in this state shall be liable for and shall pay the state and county taxes required therefor under s. 624.501 or s. 624.505.

~~(2) Each insurance agent in this state that uses solicitors shall be liable for and shall pay the state and county taxes required therefor under s. 624.501.~~

Section 11. Subsection (1) of section 624.506, Florida Statutes, is amended to read:

624.506 County tax; deposit and remittance.--

(1) The Insurance Commissioner and Treasurer shall deposit in the ~~Agents and Solicitors~~ County Tax Trust Fund all moneys accepted as county tax under this part. She or he shall keep a separate account for all moneys so collected for each county and, after deducting therefrom the service charges provided for in s. 215.20, shall remit the balance to the counties.

Section 12. Subsection (1) of section 624.521, Florida Statutes, is amended to read:

624.521 Deposit of certain tax receipts; refund of improper payments.--

(1) The Department of Insurance shall promptly deposit in the State Treasury to the credit of the Insurance Commissioner's Regulatory Trust Fund all "state tax" portions of agents' ~~and solicitors'~~ licenses collected under s. 624.501 necessary to fund the Division of Insurance Fraud. The balance of the tax shall be credited to the General Fund. All moneys received by the Department of Insurance not in accordance with the provisions of this code or not in the exact amount as specified by the applicable provisions of this code shall be returned to the remitter. The records of the department shall show the date and reason for such return.

Section 13. Section 626.015, Florida Statutes, is amended to read:

626.015 Definitions.--As used in this part:

(1) "Adjuster" means a public adjuster as defined in s. 626.854,

independent adjuster as defined in s. 626.855, or company employee adjuster as defined in s. 626.856.

~~(2) "Administrative agent" means a life agent or health agent who:~~

~~(a) Is employed by a full-time licensed life agent or health agent who shall supervise and be accountable for the actions of the administrative agent.~~

~~(b) Performs primarily administrative functions.~~

~~(c) Receives no insurance commissions.~~

~~(d) Does not solicit or transact business outside of the confines of an insurance agency office.~~

~~(2)(3)~~ "Agent" means a general lines agent, life agent, health agent, or title agent, or all such agents, as indicated by context. The term "agent" includes an insurance producer or producer, but does not include a customer representative, limited customer representative, or service representative.

~~(3)(4)~~ "Appointment" means the authority given by an insurer or employer to a licensee to transact insurance or adjust claims on behalf of an insurer or employer.

~~(4)(5)~~ "Customer representative" means an individual appointed by a general lines agent or agency to assist that agent or agency in transacting the business of insurance from the office of that agent or agency.

~~(5)(6)~~ "Department" means the Department of Insurance.

~~(6)(7)~~ "General lines agent" means an agent transacting any one or more of the following kinds of insurance:

(a) Property insurance.

(b) Casualty insurance, including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund as defined in s. 624.462, or a workers' compensation self-insurance fund established pursuant to s. 624.4621.

(c) Surety insurance.

(d) Health insurance, when transacted by an insurer also represented by the same agent as to property or casualty or surety insurance.

(e) Marine insurance.

~~(7)(8)~~ "Health agent" means an agent representing a health maintenance organization or, as to health insurance only, an insurer transacting health insurance.

~~(8)(9)~~ "Home state" means the District of Columbia and any state or territory of the United States in which an insurance agent maintains his or her principal place of residence and is licensed to act as an insurance agent.

~~(9)(10)~~ "Insurance agency" means a business location at which an individual, firm, partnership, corporation, association, or other entity, other than an employee of the individual, firm, partnership, corporation, association, or other entity and other than an insurer as defined by s. 624.03 or an adjuster as defined by subsection (1), engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed insurance agent.

~~(10)(11)~~ "License" means a document issued by the department authorizing a person to be appointed to transact insurance or adjust claims for the kind, line, or class of insurance identified in the document.

~~(11)(12)~~ "Life agent" means an individual representing an insurer as to life insurance and annuity contracts, including agents appointed to transact life insurance, fixed-dollar annuity contracts, or variable contracts by the same insurer.

~~(12)(13)~~ "Limited customer representative" means a customer representative appointed by a general lines agent or agency to assist that agent or agency in transacting only the business of private passenger motor vehicle insurance from the office of that agent or agency. A limited customer representative is subject to the Florida Insurance Code in the same manner as a customer representative, unless otherwise specified.

~~(13)(14)~~ "Limited lines insurance" means those categories of business specified in ss. 626.321 and 635.011.

~~(14)(15)~~ "Line of authority" means a kind, line, or class of insurance an agent is authorized to transact.

~~(15)(16)(a)~~ "Managing general agent" means any person managing all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office, and acting as an agent for that insurer, whether known as a managing general agent, manager, or other similar term, who, with or without authority, separately or together with affiliates, produces directly or indirectly, or underwrites an amount of gross direct written premium equal to or more than 5 percent of the policyholder surplus as reported in the last annual statement of the insurer in any single quarter or year and also does one or more of the following:

1. Adjusts or pays claims.
2. Negotiates reinsurance on behalf of the insurer.
- (b) The following persons shall not be considered managing general agents:
 1. An employee of the insurer.
 2. A United States manager of the United States branch of an alien insurer.
 3. An underwriting manager managing all the insurance operations of the insurer pursuant to a contract, who is under the common control of the insurer subject to regulation under ss. 628.801-628.803, and whose compensation is not based on the volume of premiums written.
 4. Administrators as defined by s. 626.88.
 5. The attorney in fact authorized by and acting for the subscribers of a reciprocal insurer under powers of attorney.

~~(16)(47)~~ "Resident" means an individual domiciled and residing in this state.

~~(17)(48)~~ "Service representative" means an individual employed by an insurer or managing general agent for the purpose of assisting a general lines agent in negotiating and effecting insurance contracts when accompanied by a licensed general lines agent. A service representative shall not be simultaneously licensed as a general lines agent in this state. This subsection does not apply to life insurance.

~~(18)(49)~~ "Uniform application" means the uniform application of the National Association of Insurance Commissioners for nonresident agent licensing, effective January 15, 2001, or subsequent versions adopted by rule by the department.

Section 14. Subsection (1) of section 626.022, Florida Statutes, is amended to read:

626.022 Scope of part.--

(1) This part applies as to insurance agents, ~~solicitors~~, service representatives, adjusters, and insurance agencies; as to any and all kinds of insurance; and as to stock insurers, mutual insurers, reciprocal insurers, and all other types of insurers, except that:

(a) It does not apply as to reinsurance, except that ss. 626.011-626.031, ss. 626.102-626.181, ss. 626.191-626.211, ss. 626.291-626.301, s. 626.331, ss. 626.342-626.521, ss. 626.541-626.591, and ss. 626.601-626.711 shall apply as to reinsurance intermediaries as defined in s. 626.7492.

(b) The applicability of this chapter as to fraternal benefit societies shall be as provided in chapter 632.

(c) It does not apply to a bail bond agent, as defined in s. 648.25, except as provided in chapter 648 or chapter 903.

(d) This part does not apply to a certified public accountant licensed under chapter 473 who is acting within the scope of the practice of public accounting, as defined in s. 473.302, provided that the activities of the certified public accountant are limited to advising a client of the necessity of obtaining insurance, the amount of insurance needed, or the line of coverage needed, and provided that the certified public accountant does not directly or indirectly receive or share in any commission or referral fee, or ~~solicitor's fee~~.

Section 15. Paragraph (a) of subsection (7) of section 626.112, Florida Statutes, is amended to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.--

(7)(a) No individual, firm, partnership, corporation, association, or any other entity shall act in its own name or under a trade name, directly or indirectly, as an insurance agency, when required to be licensed by this subsection, unless it complies with s. 626.172 with respect to possessing an insurance agency license for each place of business at which it engages in any activity which may be performed only by a licensed insurance agent ~~or solicitor~~.

Section 16. Paragraph (a) of subsection (2) and subsection (5) of section 626.171, Florida Statutes, are amended to read:

626.171 Application for license.--

(2) In the application, the applicant shall set forth:

(a) His or her full name, age, social security number, residence ~~address, and place of business address, and mailing address.~~

(5) An application for a license as an agent, customer representative, adjuster, insurance agency, service representative, managing general agent, or reinsurance intermediary must be accompanied by a set of the individual applicant's fingerprints, or, if the applicant is not an individual, by a set of the

fingerprints of the sole proprietor, majority owner, partners, officers, and directors, on a form adopted by rule of the department and accompanied by the fingerprint processing fee set forth in s. 624.501. Fingerprints shall be used to investigate the applicant's qualifications pursuant to s. 626.201. The fingerprints shall be taken certified by a law enforcement agency or other department-approved entity officer.

Section 17. Subsection (1) of section 626.175, Florida Statutes, is amended to read:

626.175 Temporary licensing.--

(1) The department may issue a nonrenewable temporary license for a period not to exceed 6 months authorizing appointment of a general lines insurance agent or a life agent, or an industrial fire or burglary agent, subject to the conditions described in this section. The fees paid for a temporary license and appointment shall be as specified in s. 624.501. Fees paid shall not be refunded after a temporary license has been issued.

(a) An applicant for a temporary license must be:

1. A natural person at least 18 years of age.

2. A United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service.

~~(b)(a)~~1. In the case of a general lines agent, the department may issue a temporary license to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has died or become unable to perform his or her duties because of military service or illness or other physical or mental disability, subject to the following conditions:

a. No other individual connected with the agent's business may be licensed as a general lines agent.

b. The proposed temporary licensee shall be qualified for a regular general lines agent license under this code except as to residence, examination, education, or experience.

c. Application for the temporary license shall have been made by the applicant upon statements and affidavit filed with the department on forms prescribed and furnished by the department.

d. Under a temporary license and appointment, the licensee shall not represent any insurer not last represented by the agent being replaced and shall not be licensed or appointed as to any additional kind, line, or class of insurance other than those covered by the last existing agency appointments of the replaced agent. If an insurer withdraws from the agency during the temporary license period, the temporary licensee may be appointed by another similar insurer but only for the period remaining under the temporary license.

2. A regular general lines agent license may be issued to a temporary licensee upon meeting the qualifications for a general lines agent license under s. 626.731.

~~(c)(b)~~ In the case of a life agent, the department may issue a temporary license:

1. To the executor or administrator of the estate of a deceased individual licensed and appointed as a life agent at the time of death;

2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified; however, any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.7851 and has successfully sat for the required examination prior to termination of such 6-month period. The department may issue this temporary license only in the case of a life agent to represent an insurer of the industrial or ordinary-combination class.

~~(d)(e)~~ In the case of a limited license authorizing appointment as an industrial fire or burglary agent, the department may issue a temporary license to an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.732 and has successfully sat for the required examination prior to termination of the 6-month period.

Section 18. Section 626.202, Florida Statutes, is amended to read:

626.202 Fingerprinting requirements.--If there is a change in ownership or control of any entity licensed under this chapter, or if a new partner, officer, or director is employed or appointed, a set of fingerprints of the new owner, partner, officer, or director must be filed with the department within 30 days after the change. The acquisition of 10 percent or more of the voting securities

of a licensed entity is considered a change of ownership or control. The fingerprints must be ~~taken~~ certified by a law enforcement ~~agency or other department-approved entity officer~~ and be accompanied by the fingerprint processing fee in s. 624.501.

Section 19. Section 626.201, Florida Statutes, is amended to read:

626.201 Investigation.--

(1) The department may propound any reasonable interrogatories in addition to those contained in the application, to any applicant for license or appointment, or on any renewal, reinstatement, or continuation thereof, relating to his or her qualifications, residence, prospective place of business, and any other matter which, in the opinion of the department, is deemed necessary or advisable for the protection of the public and to ascertain the applicant's qualifications.

(2) The department may, upon completion of the application, make such further investigation as it may deem advisable of the applicant's character, experience, background, and fitness for the license or appointment. Such an inquiry or investigation shall be in addition to any examination required to be taken by the applicant as hereinafter in this chapter provided.

(3) An inquiry or investigation of the applicant's qualifications, character, experience, background, and fitness must include submission of the applicant's fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation and consideration of any state criminal records, federal criminal records, or local criminal records obtained from these agencies or from local law enforcement agencies.

Section 20. Paragraphs (e), (f), (g), and (k) of subsection (2) of section 626.221, Florida Statutes, are amended to read:

626.221 Examination requirement; exemptions.--

(2) However, no such examination shall be necessary in any of the following cases:

(e) An individual who qualified as a managing general agent, service representative, customer representative, or all-lines adjuster by passing a general lines agent's examination and subsequently was licensed and appointed and has been actively engaged in all lines of property and casualty insurance may, upon filing an application for appointment, be licensed and appointed as a general lines agent for the same kinds of business without taking another examination if he or she holds any such currently effective license referred to in this paragraph or held the license within 48 ~~24~~ months prior to the date of filing the application with the department.

(f) A person who has been licensed and appointed by the department as a public adjuster or independent adjuster, or licensed and appointed either as an agent or company adjuster as to all property, casualty, and surety insurances, may be licensed and appointed as a company adjuster as to any of such insurances, or as an independent adjuster or public adjuster, without additional written examination if an application for appointment is filed with the department within 48 ~~24~~ months following the date of cancellation or expiration of the prior appointment.

(g) A person who has been licensed by the department as an adjuster for motor vehicle, property and casualty, workers' compensation, and health insurance may be licensed as such an adjuster without additional written examination if his or her application for appointment is filed with the department within 48 ~~24~~ months after cancellation or expiration of the prior license.

(k) An applicant for license as a customer representative who has the designation of Accredited Advisor in Insurance (AAI) from the Insurance Institute of America, the designation of Certified Insurance Counselor (CIC) from the Society of Certified Insurance Service Counselors, the designation of Accredited Customer Service Representative (ACSR) from the Independent Insurance Agents of America, the designation of Certified Professional Service Representative (CPSR) from the National Foundation for Certified Professional Service Representatives Association of Professional Insurance Agents, the designation of Certified Insurance Service Representative (CISR) from the Society of Certified Insurance Service Representatives. Also, an applicant for license as a customer representative who has the designation of Certified Customer Service Representative (CCSR) from the Florida Association of Insurance Agents, or the designation of Registered Customer Service Representative (RCSR) from a regionally accredited postsecondary institution in this state, or the designation of Professional Customer Service Representative (PCSR) from the Professional Career Institute, whose curriculum has been approved by the department and whose curriculum includes comprehensive analysis of basic property and casualty lines of

insurance and testing at least equal to that of standard department testing for the customer representative license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 21. Paragraphs (a), (c), and (d) of subsection (3), paragraphs (a), (b), (c), (d), (g), (h), and (i) of subsection (4), and paragraph (b) of subsection (6) of section 626.2815, Florida Statutes, are amended to read:

626.2815 Continuing education required; application; exceptions; requirements; penalties.--

(3)(a) Each person subject to the provisions of this section must, except as set forth in paragraphs (b) and (c), complete a minimum of 24 ~~28~~ hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department. Each person subject to the provisions of this section must complete, as part of his or her ~~the~~ required number of continuing education hours, 3 hours of continuing education, approved by the department, every 2 years on the subject matter of ethics and a minimum of 2 hours of continuing education, approved by the department, every 2 years on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities shall include the Florida Nonprofit Multiple Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof.

(c) A licensee who has been licensed for 25 years or more and is a CLU or a CPCU or has a Bachelor of Science degree in risk management or insurance with evidence of 18 or more semester hours in upper-level insurance-related courses must complete 12 ~~44~~ hours of continuing education courses every 2 years in courses prescribed by this section or in other courses approved by the department, except, for compliance periods beginning January 1, 1998, the licensees described in this paragraph shall be required to complete 10 hours of continuing education courses every 2 years.

(d) Any person who holds a license as a customer representative, limited customer representative, ~~administrative agent~~, title agent, motor vehicle physical damage and mechanical breakdown insurance agent, crop or hail and multiple-peril crop insurance agent, or as an industrial fire insurance or burglary insurance agent and who is not a licensed life or health insurance agent, shall be required to complete 12 ~~44~~ hours of continuing education courses every 2 years, except, for compliance periods beginning on January 1, 1998, each licensee subject to this paragraph shall be required to complete 10 hours of continuing education courses every 2 years.

(4) The following courses may be completed in order to meet the continuing education course requirements:

(a) Any part of the Life Underwriter Training Council Life Course Curriculum: 24 ~~28~~ hours; Health Course: 12 ~~44~~ hours.

(b) Any part of the American College "CLU" diploma curriculum: 24 ~~28~~ hours.

(c) Any part of the Insurance Institute of America's program in general insurance: 12 ~~44~~ hours.

(d) Any part of the American Institute for Property and Liability Underwriters' Chartered Property Casualty Underwriter (CPCU) professional designation program: 24 ~~28~~ hours.

(g) In the case of title agents, completion of the Certified Land Closer (CLC) professional designation program and receipt of the designation: 24 ~~28~~ hours.

(h) In the case of title agents, completion of the Certified Land Searcher (CLS) professional designation program and receipt of the designation: 24 ~~28~~ hours.

(i) Any insurance-related course which is approved by the department and taught by an accredited college or university per credit hour granted: 12 ~~44~~ hours.

(6)

(b) The board members shall be appointed as follows:

1. Seven members representing agents of which at least one must be a representative from each of the following organizations: the Florida Association of Insurance Agents; the Florida Association of Insurance and Financial Advisors ~~Life Underwriters~~; the Professional Insurance Agents of Florida, Inc.; the Florida Association of Health Underwriters; the Specialty Agents' Association; the Latin American Agents' Association; and the National Association of Insurance Women. Such board members must possess at least a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, or education or

possess the designation of CLU, CPCU, CHFC, CFP, AAI, or CIC. In addition, each member must possess 5 years of classroom instruction experience or 5 years of experience in the development or design of educational programs or 10 years of experience as a licensed resident agent. Each organization may submit to the department a list of recommendations for appointment. If one organization does not submit a list of recommendations, the Insurance Commissioner may select more than one recommended person from a list submitted by other eligible organizations.

2. Two members representing insurance companies at least one of whom must represent a Florida Domestic Company and one of whom must represent the Florida Insurance Council. Such board members must be employed within the training department of the insurance company. At least one such member must be a member of the Society of Insurance Trainers and Educators.

3. One member representing the general public who is not directly employed in the insurance industry. Such board member must possess a minimum of a bachelor's degree or higher from an accredited college or university with major coursework in insurance, risk management, training, or education.

4. One member, appointed by the Insurance Commissioner, who represents the department.

Section 22. Section 626.2816, Florida Statutes, is amended to read:

626.2816 Regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups.--

(1) Continuing education course providers, instructors, school officials, and monitor groups must be approved by the department before offering continuing education courses pursuant to s. 626.2815 or s. 626.869.

(2) The department shall adopt rules establishing standards for the approval, regulation, and operation of the continuing education programs and for the discipline of licensees, course providers, instructors, school officials, and monitor groups. The standards must be designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of ss. 626.2815, 626.869(5), 648.385, and 648.386.

(3) The department shall adopt rules establishing a process by which compliance with the continuing education requirements of ss. 626.2815, 626.869(5), 648.385, and 648.386 can be determined, the establishment of a continuing education compliance period requirement cycle for licensees, and forms necessary to implement such a process.

Section 23. Subsection (3) of section 626.2817, Florida Statutes, is amended to read:

626.2817 Regulation of course providers, instructors, school officials, and monitor groups involved in preclicensure education for insurance agents and other licensees.--

(3) The department shall adopt rules to establish a process for determining compliance with the preclicensure requirements of this chapter and chapter 648 and shall establish a preclicensure cycle for insurance agents and other licensees. The department shall adopt rules prescribing the forms necessary to administer the preclicensure requirements.

Section 24. Subsections (5) and (6) are added to section 626.311, Florida Statutes, to read:

626.311 Scope of license.--

(5) At any time while a license is in force, an insurer may apply to the department on behalf of the licensee for an appointment. Upon receipt of the appointment application and appointment taxes and fees, the department may issue the additional appointment without further investigation concerning the applicant.

(6) The department may contract with other persons to administer the appointment process.

Section 25. Paragraphs (a) and (e) of subsection (1) and subsections (2) and (3) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.--

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (c), (d), (e), and (i), a license as agent authorized to transact a limited class of business in any of the following categories:

(a) Motor vehicle physical damage and mechanical breakdown insurance.--License covering insurance against only the loss of or damage to any motor vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles. Such license also covers insurance against the failure of an original or replacement part to

perform any function for which it was designed. The applicant for such a license shall pass a written examination covering motor vehicle physical damage insurance and mechanical breakdown insurance. No individual while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or class of insurance coverage except as to a limited license for credit life and disability insurances as provided in paragraph(e).

(e) Credit life or disability insurance.--License covering only credit life or disability insurance. The license may be issued only to an individual employed by a life or health insurer as an officer or other salaried or commissioned representative, to an individual employed by or associated with a lending or financial institution or creditor, or to a lending or financial institution or creditor, and may authorize the sale of such insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. No individual while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or class of life or health insurance coverage. An entity holding a limited license under this paragraph is also authorized to sell credit insurance and credit property insurance. ~~An entity applying for a license under this section:~~

~~1. Is required to submit only one application for a license under s. 626.171. The requirements of s. 626.171(5) shall only apply to the officers and directors of the entity submitting the application.~~

~~2. Is required to obtain a license for each office, branch office, or place of business making use of the entity's business name by applying to the department for the license on a simplified form developed by rule of the department for this purpose.~~

~~3. Is not required to pay any additional application fees for a license issued to the offices or places of business referenced in subsection(2), but is required to pay the license fee as prescribed in s. 624.501, be appointed under s. 626.112, and pay the prescribed appointment fee under s. 624.501. The license obtained under this paragraph shall be posted at the business location for which it was issued so as to be readily visible to prospective purchasers of such coverage.~~

(2) An entity applying for a license under this section is required to:

(a) Submit only one application for a license under s. 626.171. The requirements of s. 626.171(5) shall only apply to the officers and directors of the entity submitting the application.

(b) Obtain a license for each office, branch office, or place of business making use of the entity's business name by applying to the department for the license on a simplified application form developed by rule of the department for this purpose.

(c) Pay the applicable fees for a license as prescribed in s. 624.501, be appointed under s. 626.112, and pay the prescribed appointment fee under s. 624.501. A licensed and appointed entity shall be directly responsible and accountable for all acts of the licensee's employees.

(3)(2) The limitations of any license issued under this section shall be expressed therein. The licensee shall have a separate and additional appointment as to each insurer represented.

(4)(3) Except as otherwise expressly provided, an individual applying for or holding a limited license shall be subject to the same applicable requirements and responsibilities as apply to general lines agents in general, if licensed as to motor vehicle physical damage and mechanical breakdown insurance, credit property insurance, industrial fire insurance or burglary insurance, in-transit and storage personal property insurance, communications equipment property insurance or communications equipment inland marine insurance, baggage and motor vehicle excess liability insurance, or credit insurance; or as apply to life agents or health agents in general, as the case may be, if licensed as to personal accident insurance or credit life or credit disability insurance.

Section 26. Section 626.322, Florida Statutes, is amended to read:

626.322 License, appointment; certain military installations.--A natural person, not a resident of this state, may be licensed and appointed to represent an authorized life insurer domiciled in this state or an authorized foreign life insurer which maintains a regional home office in this state, provided such person represents such insurer exclusively at a United States military installation located in a foreign country. The department may, upon request of the applicant and the insurer on application forms furnished by the department and upon payment of fees as prescribed in s. 624.501, issue a license and

appointment to such person. By authorizing the effectuation of an appointment for a license, the insurer is thereby certifying shall certify to the department that the applicant has the necessary training to hold himself or herself out as a life insurance representative, and the insurer shall further certify that it is willing to be bound by the acts of such applicant within the scope of his or her employment. Appointments shall be continued as prescribed in s. 626.381 and upon payment of a fee as prescribed in s. 624.501, unless sooner terminated. Such fees received shall be credited to the Insurance Commissioner's Regulatory Trust Fund as provided for in s. 624.523.

Section 27. Section 626.341, Florida Statutes, is amended to read:

626.341 Additional appointments; general lines, life, and health agents.--

(1) At any time while a licensee's license is in force, an insurer may apply to the department or person designated by the department to administer the appointment process on behalf of a licensee for an additional appointment as general lines agent or life or health agent for an additional insurer or insurers. The application for appointment shall set forth all information the department may require. Upon receipt of the appointment and payment of the applicable appointment taxes and fees, the department may issue the additional appointment without, in its discretion, further investigation concerning the applicant.

(2) A life or health agent with an appointment in force may solicit applications for policies of insurance on behalf of an insurer with respect to which he or she is not an appointed life or health agent, unless otherwise provided by contract, if such agent simultaneously with the submission to such insurer of the application for insurance solicited by him or her requests the insurer to appoint him or her as agent. However, no commissions shall be paid by such insurer to the agent until such time as an additional appointment with respect to such insurer has been received by the department or person designated by the department to administer the appointment process pursuant to the provisions of subsection (1).

Section 28. Section 626.371, Florida Statutes, is amended to read:

626.371 Payment of fees, taxes for appointment period without appointment.--

(1) All initial appointments shall be submitted to the department on a monthly basis no later than 45 days after the date of appointment and become effective on the date requested on the appointment form.

(2) If, upon application and qualification for an initial or renewal appointment and such investigation as the department may make, it appears to the department that an individual who was formerly licensed or is currently licensed but not properly appointed to represent an insurer or employer and who has been actively engaged or is currently actively engaged as such an appointee, but without being appointed as required, the department may, if it finds that such failure to be appointed was an inadvertent error on the part of the insurer or employer so represented, nevertheless issue or authorize the issuance of the appointment as applied for but subject to the condition that, before the appointment is issued, all fees and taxes which would have been due had the applicant been so appointed during such current and prior periods, together with applicable fees pursuant to s. 624.501 a continuation fee for such current and prior periods terms of appointment, shall be paid to the department.

(3)(a) Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250 per appointee. Delinquent fees shall be paid by the appointing entity and may not be charged to the appointee.

(b) Failure to timely renew an appointment by an appointing entity prior to the expiration date of the appointment shall result in the appointing entity being assessed late filing, continuation, and reinstatement fees as prescribed in s. 624.501. Such fees must be paid by the appointing entity and cannot be charged back to the appointee.

Section 29. Subsections (3) and (4) of section 626.381, Florida Statutes, are amended and a new subsection (7) is added to that section to read:

626.381 Renewal, continuation, reinstatement, or termination of appointment.--

(3) Renewal of an appointment which is received on a date set forth by the department or person designated by the department to administer the appointment process prior to the expiration of an appointment in the licensee's birth month or license issue date, whichever applies, in the succeeding month may be renewed by the department without penalty and shall be effective as of the first day of the month succeeding the month in which the appointment

would have expired.

(4) Renewal of an appointment which is received by the department or person designated by the department to administer the appointment process after the renewal date set by the department may be accepted and effectuated by the department in its discretion if the an additional appointment, late filing, continuation, and reinstatement fee accompanies the renewal request pursuant to s. 624.501. Late filing fees shall be paid by the appointing entity and may not be charged to the appointee.

(7) The department may adopt rules to implement this section.

Section 30. Subsections (1), (2), and (3) of section 626.451, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

626.451 Appointment of agent or other representative.--

(1) Each appointing entity or person designated by the department to administer the appointment process appointing an agent, adjuster, service representative, customer representative, or managing general agent in this state shall file the appointment with the department and, at the same time, pay the applicable appointment fee and taxes. Every appointment shall be subject to the prior issuance of the appropriate agent's, adjuster's, service representative's, customer representative's, or managing general agent's license.

(2) By authorizing the effectuation of an appointment for a licensee, the appointing entity is thereby certifying to the department that an investigation of the licensee has been made. As a part of each appointment there shall be a certified statement or affidavit of an appropriate officer or official of the appointing entity stating what investigation the appointing entity has made concerning the proposed appointee and his or her background and that in the appointing entity's opinion and to the best of its knowledge and belief, the licensee is of good as to the moral character and reputation, and is fit to engage in the insurance business. The appointing entity shall provide to the department fitness, and reputation of the proposed appointee and any other information the department may reasonably require relative to the proposed appointee.

(3) By authorizing the effectuation of the appointment of an agent, adjuster, service representative, customer representative, or managing general agent the appointing entity is thereby certifying to the department shall also certify therein that it is willing to be bound by the acts of the agent, adjuster, service representative, customer representative, or managing general agent, within the scope of the licensee's his or her employment.

(7) Each licensee shall advise the department in writing within 30 days after having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States, any state of the United States, or any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

Section 31. Section 626.461, Florida Statutes, is amended to read:

626.461 Continuation of appointment of agent or other representative.-- Subject to renewal or continuation by the appointing entity, the appointment of the agent, adjuster, ~~soleitor~~, service representative, customer representative, or managing general agent shall continue in effect until the person's license is revoked or otherwise terminated, unless written notice of earlier termination of the appointment is filed with the department or person designated by the department to administer the appointment process by either the appointing entity or the appointee.

Section 32. Subsections (4) and (5) of section 626.471, Florida Statutes, are amended to read:

626.471 Termination of appointment.--

(4) An appointee may terminate the appointment at any time by giving written or electronic notice thereof to the appointing entity, and filing a copy of the notice with the department, or person designated by the department to administer the appointment process. The department shall immediately terminate the appointment and notify the appointing entity of such termination. Such termination shall be subject to the appointee's contract rights, if any.

(5) Upon receiving notice of termination, the department or person designated by the department to administer the appointment process shall terminate the appointment.

Section 33. Subsection (5) of section 626.601, Florida Statutes, is amended to read:

626.601 Improper conduct; inquiry; fingerprinting.--

(5) If the department, after investigation, has reason to believe that a

licensee may have been found guilty of or pleaded guilty or nolo contendere to a felony or a crime related to the business of insurance in this or any other state or jurisdiction, the department may require the licensee to file with the department a complete set of his or her fingerprints, which shall be accompanied by the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be ~~taken~~ certified by an authorized law enforcement agency or other department-approved entity ~~office~~.

Section 34. Paragraph (b) of subsection (1) of section 626.731, Florida Statutes, is amended to read:

626.731 Qualifications for general lines agent's license.--

(1) The department shall not grant or issue a license as general lines agent to any individual found by it to be untrustworthy or incompetent or who does not meet each of the following qualifications:

(b) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

Section 35. Subsection (2) of section 626.7315, Florida Statutes, is amended to read:

626.7315 Prohibition against the unlicensed transaction of general lines insurance.--With respect to any line of authority as defined in s. 626.015(7), no individual shall, unless licensed as a general lines agent:

(2) In this state, receive or issue a receipt for any money on account of or for any insurer, or receive or issue a receipt for money from other persons to be transmitted to any insurer for a policy, contract, or certificate of insurance or any renewal thereof, even though the policy, certificate, or contract is not signed by him or her as agent or representative of the insurer, except as provided in s. 626.0428(1) ;

Section 36. Paragraphs (a), (b), and (d) of subsection (1) of section 626.732, Florida Statutes, are amended to read:

626.732 Requirement as to knowledge, experience, or instruction.--

(1) Except as provided in subsection (3), no applicant for a license as a general lines agent, except for a chartered property and casualty underwriter(CPCU), other than as to a limited license as to baggage and motor vehicle excess liability insurance, credit property insurance, credit insurance, in-transit and storage personal property insurance, or communications equipment property insurance or communication equipment inland marine insurance, shall be qualified or licensed unless within the 4 years immediately preceding the date the application for license is filed with the department the applicant has:

(a) Taught or successfully completed classroom courses in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school, college, or extension division thereof, approved by the department;

(b) Completed a correspondence course in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state and, except if he or she is applying for a limited license under s. 626.321, has had at least 6 months of responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance set forth in the definition of general lines agent under s. 626.015;

(d)1. Completed at least 1 year of responsible insurance duties as a licensed and appointed customer representative or limited customer representative in ~~either~~ commercial or personal lines of property and casualty insurance and 40 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance; or

2. Completed at least 1 year of responsible insurance duties as a licensed and appointed service representative in either commercial or personal lines of property and casualty insurance and 80 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance.

Section 37. Section 626.733, Florida Statutes, is amended to read:

626.733 Agency firms and corporations; special requirements.--If a sole

proprietorship, partnership, corporation, or association holds an agency contract, all members thereof who solicit, negotiate, or effect insurance contracts, and all officers and stockholders of the corporation who solicit, negotiate, or effect insurance contracts, are required to qualify and be licensed individually as agents, ~~solicitors~~, or customer representatives; and all of such agents must be individually appointed as to each property and casualty insurer entering into an agency contract with such agency. Each such appointing insurer as soon as known to it shall comply with this section and shall determine and require that each agent so associated in or so connected with such agency is likewise appointed as to the same such insurer and for the same type and class of license. However, no insurer is required to comply with the provisions of this section if such insurer satisfactorily demonstrates to the department that the insurer has issued an aggregate net written premium, in an agency, in an amount of \$25,000 or less.

Section 38. Paragraph (a) of subsection (2) and subsection (3) of section 626.7351, Florida Statutes, are amended to read:

626.7351 Qualifications for customer representative's license.--The department shall not grant or issue a license as customer representative to any individual found by it to be untrustworthy or incompetent, or who does not meet each of the following qualifications:

(2)(a) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state and will actually reside in the state at least 6 months out of the year. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirements of this subsection, notwithstanding the existence at the time of application for license of a license in his or her name on the records of another state as a resident licensee of the other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

(3) Within the 2 years next preceding the date the application for license was filed with the department, the applicant has completed a course in insurance, 3 hours of which shall be on the subject matter of ethics, approved by the department or has had at least 6 months' experience in responsible insurance duties as a substantially full-time employee. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities shall include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as such acts relate to the provision of health insurance by employers and the regulation of such insurance.

Section 39. Subsection (2) of section 626.7354, Florida Statutes, is amended to read:

626.7354 Customer representative's powers; agent's or agency's responsibility.--

(2) A customer representative may engage in transacting insurance with customers who have been solicited by any agent, ~~solicitor~~, or customer representative in the same agency, and may engage in transacting insurance with customers who have not been so solicited to the extent and under conditions that are otherwise consistent with this part and with the insurer's contract with the agent appointing him or her.

Section 40. Paragraph (c) of subsection (1) of section 626.7355, Florida Statutes, is amended to read:

626.7355 Temporary license as customer representative pending examination.--

(1) The department shall issue a temporary customer representative's license with respect to a person who has applied for such license upon finding that the person:

(c) Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a bona fide resident of this state or is a resident of another state sharing a common boundary with this state. An individual who is a bona fide resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence at the time of application for license, of a license in his or her name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

Section 41. Subsection (3) of section 626.741, Florida Statutes, is amended to read:

626.741 Nonresident agents; licensing and restrictions.--

(3) The department shall not, however, issue any license and appointment to any nonresident who has an office or place of business in this state, or who has any direct or indirect pecuniary interest in any insurance agent ~~or~~ insurance agency ~~or in any solicitor~~ licensed as a resident of this state; nor to any individual who does not, at the time of issuance and throughout the existence of the Florida license, hold a license as agent or broker issued by his or her home state; nor to any individual who is employed by any insurer as a service representative or who is a managing general agent in any state, whether or not also licensed in another state as an agent or broker. The foregoing requirement to hold a similar license in the applicant's home state does not apply to customer representatives unless the home state licenses residents of that state in a similar manner. The prohibition against having an office or place of business in this state does not apply to customer representatives who are required to conduct business solely within the confines of the office of a licensed and appointed Florida resident general lines agent in this state. The authority of such nonresident license is limited to the specific lines of authority granted in the license issued by the agent's home state and further limited to the specific lines authorized under the nonresident license issued by this state. The department shall have discretion to refuse to issue any license or appointment to a nonresident when it has reason to believe that the applicant by ruse or subterfuge is attempting to avoid the intent and prohibitions contained in this subsection or to believe that any of the grounds exist as for suspension or revocation of license as set forth in ss. 626.611 and 626.621.

Section 42. Paragraph (a) of subsection (1) of section 626.753, Florida Statutes, is amended to read:

626.753 Sharing commissions; penalty.--

(1)(a) An agent may divide or share in commissions only ~~with his or her own employed solicitors and~~ with other agents appointed and licensed to write the same kind or kinds of insurance.

Section 43. Paragraphs (b) and (d) of subsection (1) of section 626.785, Florida Statutes, are amended to read:

626.785 Qualifications for license.--

(1) The department shall not grant or issue a license as life agent to any individual found by it to be untrustworthy or incompetent, or who does not meet the following qualifications:

(b) Must be a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.

(d) Must not be a funeral director or direct disposer, or an employee or representative thereof, or have an office in, or in connection with, a funeral establishment, except that a funeral establishment may contract with a life insurance agent to sell a preneed contract as defined in chapter 497. Notwithstanding other provisions of this chapter, such insurance agent may sell limited policies of insurance covering the expense of final disposition or burial of an insured in ~~the an~~ amount of \$12,500, plus an annual percentage increase based on the Annual Consumer Price Index compiled by the United States Department of Labor, beginning with the Annual Consumer Price Index announced by the United States Department of Labor for the year 2003 not to exceed \$10,000.

Section 44. Subsections (1) and (2) of section 626.7851, Florida Statutes, are amended to read:

626.7851 Requirement as to knowledge, experience, or instruction.--No applicant for a license as a life agent, except for a chartered life underwriter (CLU), shall be qualified or licensed unless within the 4 years immediately preceding the date the application for a license is filed with the department he or she has:

(1) Successfully completed 40 hours of classroom courses in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of life insurance by employers to their employees and the regulation thereof;

(2) Successfully completed a correspondence course in insurance, 3

hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of life insurance by employers to their employees and the regulation thereof;

Section 45. Subsection (2) of section 626.829, Florida Statutes, is amended to read:

626.829 "Health agent" defined.--

(2) Any person who acts for an insurer, or on behalf of a licensed representative of an insurer, to solicit applications for or to negotiate and effectuate health insurance contracts, whether or not he or she is appointed as an agent, subagent, ~~solicitor~~, or canvasser or by any other title, shall be deemed to be a health agent and shall be qualified, licensed, and appointed as a health agent.

Section 46. Paragraph (b) of subsection (1) of section 626.831, Florida Statutes, is amended to read:

626.831 Qualifications for license.--

(1) The department shall not grant or issue a license as health agent as to any individual found by it to be untrustworthy or incompetent, or who does not meet the following qualifications:

(b) Must be a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.

Section 47. Subsections (1) and (2) of section 626.8311, Florida Statutes, are amended to read:

626.8311 Requirement as to knowledge, experience, or instruction.--No applicant for a license as a health agent, except for a chartered life underwriter (CLU), shall be qualified or licensed unless within the 4 years immediately preceding the date the application for license is filed with the department he or she has:

(1) Successfully completed 40 hours of classroom courses in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school or college, or extension division thereof, or other authorized course of study, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof;

(2) Successfully completed a correspondence course in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state, approved by the department. Courses must include instruction on the subject matter of unauthorized entities engaging in the business of insurance, to include the Florida Nonprofit Multiple-Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof;

Section 48. Subsection (2) of section 626.8414, Florida Statutes, is amended to read:

626.8414 Qualifications for examination.--The department must authorize any natural person to take the examination for the issuance of a license as a title insurance agent if the person meets all of the following qualifications:

(2) The applicant must be a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state. A person meets the residency requirement of this subsection, notwithstanding the existence at the time of application for license of a license in the applicant's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the resident licenses have been canceled or changed to a nonresident basis and that the applicant is in good standing.

Section 49. Paragraph (a) of subsection (3) of section 626.8417, Florida Statutes, is amended to read:

626.8417 Title insurance agent licensure; exemptions.--

(3) The department shall not grant or issue a license as title agent to any

individual found by it to be untrustworthy or incompetent, who does not meet the qualifications for examination specified in s. 626.8414, or who does not meet the following qualifications:

(a) Within the 4 years immediately preceding the date of the application for license, the applicant must have completed a 40-hour classroom course in title insurance, 3 hours of which shall be on the subject matter of ethics, as approved by the department, or must have had at least 12 months of experience in responsible title insurance duties, while working in the title insurance business as a substantially full-time, bona fide employee of a title agency, title agent, title insurer, or attorney who conducts real estate closing transactions and issues title insurance policies but who is exempt from licensure pursuant to paragraph (4)(a). If an applicant's qualifications are based upon the periods of employment at responsible title insurance duties, the applicant must submit, with the application for license on a form prescribed by the department, the affidavit of the applicant and of the employer setting forth the period of such employment, that the employment was substantially full time, and giving a brief abstract of the nature of the duties performed by the applicant.

Section 50. Section 626.843, Florida Statutes, is amended to read:

626.843 Renewal, continuation, reinstatement, termination of title insurance agent's appointment.--

(1) The appointment of a title insurance agent shall continue in force until suspended, revoked, or otherwise terminated, but subject to a renewed request filed by the insurer every 24 months after the original issue date of the appointment, accompanied by payment of the renewal appointment fee and taxes as prescribed in s. 624.501.

(2) ~~Title insurance agent appointments shall be renewed pursuant to s. 626.381 for insurance representatives in general. Each insurer shall file with the department the lists, statements, and information as to appointments which are being renewed or being terminated, accompanied by payment of the applicable renewal fees and taxes as prescribed in s. 624.501, by a date set forth by the department following the month during which the appointments will expire.~~

~~(3) Request for renewal of an appointment which is received on a date set forth by the department in the succeeding month may be renewed by the department without penalty, and shall be effective as of the day the appointment would have expired.~~

~~(4) Request for renewal of an appointment which is received by the department after the date set by the department may be accepted and effectuated by the department in its discretion if an additional appointment continuation and reinstatement fee accompany the request for renewal pursuant to s. 624.501.~~

~~(3)(5) The appointment issued shall remain in effect for so long as the appointment represented thereby continues in force as provided in this section.~~

Section 51. Paragraph (b) of subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.--

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.

Section 52. Subsection (2) of section 626.866, Florida Statutes, is amended to read:

626.866 Independent adjuster's qualifications.--The department shall issue a license to an applicant for an independent adjuster's license upon determining that the applicable license fee specified in s. 624.501 has been paid and that the applicant possesses the following qualifications:

(2) Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and a bona fide resident of this state.

Section 53. Subsection (2) of section 626.867, Florida Statutes, is amended to read:

626.867 Company employee adjuster's qualifications.--The department shall issue a license to an applicant for a company employee adjuster's license upon determining that the applicable license fee specified in s. 624.501 has been paid and that the applicant possesses the following qualifications:

(2) Is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service

and a bona fide resident of this state.

Section 54. Section 626.869, Florida Statutes, is amended to read:

626.869 License, adjusters.--

(1) An applicant for a license as an adjuster may qualify and his or her license when issued may cover adjusting in any one of the following classes of insurance:

- (a) All lines of insurance except life and annuities.
- (b) Motor vehicle physical damage insurance.
- (c) Property and casualty insurance.
- (d) Workers' compensation insurance.
- (e) Health insurance.

(2) All individuals who on October 1, 1990, hold an adjuster's license and appointment limited to fire and allied lines, including marine or casualty or boiler and machinery, may remain licensed and appointed under the limited license and may renew their appointment, but no license or appointment which has been terminated, not renewed, suspended, or revoked shall be reinstated, and no new or additional licenses or appointments shall be issued.

~~(3) With the exception of a public adjuster limited to health insurance, a limited license set forth in subsection (1) as an independent or public adjuster may only be issued to and retained by an employee of an independent or public adjusting firm which is supervised by a duly appointed all lines adjuster or an employee of an independent or public adjuster licensed and appointed in all lines of insurance other than life and annuity. The office of the limited lines adjuster shall be in the office of the licensed all lines adjuster responsible for his or her supervision and instruction.~~

~~(3)(4) The applicant's application for license shall specify which of the foregoing classes of business the application for license is to cover.~~

~~(4)(5) Any individual person holding a license for 24 consecutive months or longer and who engages in adjusting workers' compensation insurance must, beginning in his or her their birth month and every 2 years thereafter, have completed 24 hours of courses, 2 hours of which relate to ethics, in subjects designed to inform the licensee regarding the current insurance workers' compensation laws of this state, so as to enable him or her to engage in business as an a workers' compensation insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and the workers' compensation laws of this state. In order to qualify as an eligible course under this subsection, the course must:~~

~~(a) Have a course outline approved by the department.~~

~~(b) Be taught at a school training facility or other location approved by the department.~~

~~(c) Be taught by instructors with at least 5 years of experience in the area of workers' compensation, general lines of insurance, or other persons approved by the department. However, a member of The Florida Bar is exempt from the 5 years' experience requirement.~~

~~(d) Furnish the attendee a certificate of completion. The course provider shall send a roster to the department in a format prescribed by the department.~~

~~(5) The regulation of continuing education for licensees, course providers, instructors, school officials, and monitor groups shall be as provided for in s. 626.2816.~~

Section 55. Subsection (1) of section 626.874, Florida Statutes, is amended to read:

626.874 Catastrophe or emergency adjusters.--

(1) In the event of a catastrophe or emergency, the department may issue a license, for the purposes and under the conditions which it shall fix and for the period of emergency as it shall determine, to persons who are residents or nonresidents of this state, who are at least 18 years of age, who are United States citizens or legal aliens who possess work authorization from the United States Immigration and Naturalization Service, and who are not licensed adjusters under this part but who have been designated and certified to it as qualified to act as adjusters by independent resident adjusters or by an authorized insurer or by a licensed general lines agent to adjust claims, losses, or damages under policies or contracts of insurance issued by such insurers. The fee for the license shall be as provided in s. 624.501(12)(c).

Section 56. Section 626.878, Florida Statutes, is amended to read:

626.878 Rules; code of ethics.--An adjuster shall subscribe to the code of ethics specified in the rules of the department. The rules shall implement the provisions of this part and specify the terms and conditions of contracts, including a right to cancel, and require practices necessary to ensure fair dealing, prohibit conflicts of interest, and ensure preservation of the rights of the claimant to participate in the adjustment of claims.

Section 57. Subsection (1) of section 626.797, Florida Statutes, is amended to read:

626.797 Code of ethics.--

(1) The department shall, after consultation with the Florida Association Of Insurance and Financial Advisors Life Underwriters, adopt a code of ethics, or continue any such code heretofore so adopted, to govern the conduct of life agents in their relations with the public, other agents, and the insurers.

Section 58. Paragraphs (o) and (z) of subsection (1) of section 626.9541, Florida Statutes, are amended to read:

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

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

(o) Illegal dealings in premiums; excess or reduced charges for insurance.--

1. Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

2. Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges collected from a Florida resident in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VIII of this chapter, of the amount of applicable state and federal taxes, or fees as authorized by s. 626.916(4), in addition to the premium required by the insurer or the charging and collection, by licensed agents, of the exact amount of any discount or other such fee charged by a credit card facility in connection with the use of a credit card, as authorized by subparagraph (q)3., in addition to the premium required by the insurer. This subparagraph shall not be construed to prohibit collection of a premium for a universal life or a variable or indeterminate value insurance policy made in accordance with the terms of the contract.

3.a. Imposing or requesting an additional premium for a policy of motor vehicle liability, personal injury protection, medical payment, or collision insurance or any combination thereof or refusing to renew the policy solely because the insured was involved in a motor vehicle accident unless the insurer's file contains information from which the insurer in good faith determines that the insured was substantially at fault in the accident.

b. An insurer which imposes and collects such a surcharge or which refuses to renew such policy shall, in conjunction with the notice of premium due or notice of nonrenewal, notify the named insured that he or she is entitled to reimbursement of such amount or renewal of the policy under the conditions listed below and will subsequently reimburse him or her or renew the policy, if the named insured demonstrates that the operator involved in the accident was:

(I) Lawfully parked;

(II) Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person;

(III) Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident;

(IV) Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident;

(V) Not convicted of a moving traffic violation in connection with the accident, but the operator of the other automobile involved in such accident was convicted of a moving traffic violation;

(VI) Finally adjudicated not to be liable by a court of competent jurisdiction;

(VII) In receipt of a traffic citation which was dismissed or nolle prossed; or

(VIII) Not at fault as evidenced by a written statement from the insured establishing facts demonstrating lack of fault which are not rebutted by information in the insurer's file from which the insurer in good faith determines that the insured was substantially at fault.

c. In addition to the other provisions of this subparagraph, an insurer may

not fail to renew a policy if the insured has had only one accident in which he or she was at fault within the current 3-year period. However, an insurer may nonrenew a policy for reasons other than accidents in accordance with s. 627.728. This subparagraph does not prohibit nonrenewal of a policy under which the insured has had three or more accidents, regardless of fault, during the most recent 3-year period.

4. Imposing or requesting an additional premium for, or refusing to renew, a policy for motor vehicle insurance solely because the insured committed a noncriminal traffic infraction as described in s. 318.14 unless the infraction is:

a. A second infraction committed within an 18-month period, or a third or subsequent infraction committed within a 36-month period.

b. A violation of s. 316.183, when such violation is a result of exceeding the lawful speed limit by more than 15 miles per hour.

5. Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge or cancellation.

6. No insurer shall impose or request an additional premium for motor vehicle insurance, cancel or refuse to issue a policy, or refuse to renew a policy because the insured or the applicant is a handicapped or physically disabled person, so long as such handicap or physical disability does not substantially impair such person's mechanically assisted driving ability.

7. No insurer may cancel or otherwise terminate any insurance contract or coverage, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured with the same exposure at a higher premium rate or continuing an existing contract or coverage with the same exposure at an increased premium.

8. No insurer may issue a nonrenewal notice on any insurance contract or coverage, or require execution of a consent to rate endorsement, for the purpose of offering to issue, or issuing, a similar or identical contract or coverage to the same insured at a higher premium rate or continuing an existing contract or coverage at an increased premium without meeting any applicable notice requirements.

9. No insurer shall, with respect to premiums charged for motor vehicle insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

10. Imposing or requesting an additional premium for motor vehicle comprehensive or uninsured motorist coverage solely because the insured was involved in a motor vehicle accident or was convicted of a moving traffic violation.

11. No insurer shall cancel or issue a nonrenewal notice on any insurance policy or contract without complying with any applicable cancellation or nonrenewal provision required under the Florida Insurance Code.

12. No insurer shall impose or request an additional premium, cancel a policy, or issue a nonrenewal notice on any insurance policy or contract because of any traffic infraction when adjudication has been withheld and no points have been assessed pursuant to s. 318.14(9) and (10). However, this subparagraph does not apply to traffic infractions involving accidents in which the insurer has incurred a loss due to the fault of the insured.

(z) Sliding.--Sliding is the act or practice of:

1. Representing to the applicant that a specific ancillary coverage or product is required by law in conjunction with the purchase of ~~motor vehicle~~ insurance when such coverage or product is not required;

2. Representing to the applicant that a specific ancillary coverage or product is included in the ~~motor vehicle~~ policy applied for without an additional charge when such charge is required; or

3. Charging an applicant for a specific ancillary coverage or product, in addition to the cost of the ~~motor vehicle~~ insurance coverage applied for, without the informed consent of the applicant.

Section 59. Paragraph (f) is added to subsection (7) of section 626.9916, Florida Statutes, to read:

626.9916 Viatical settlement broker license required; application for license.--

(7) Upon the filing of a sworn application and the payment of the license fee and all other applicable fees under this act, the department shall investigate each applicant and may issue the applicant a license if the department finds that the applicant:

(f) If a natural person, is at least 18 years of age and a United States citizen or legal alien who possesses work authorization from the United States

Immigration and Naturalization Service.

Section 60. Subsection (3) of section 632.634, Florida Statutes, is amended to read:

632.634 Licensing and appointment of agents.--

(3) Any agent, representative, or member of a society who in any preceding calendar year has solicited and procured life insurance benefit contracts on behalf of any society in a total amount of insurance less than \$50,000, or, in the case of any other kind or kinds of insurance benefit contracts which the society might write, on not more than 25 individuals, shall be exempt from the agent licensing and appointment requirements of subsection (1). Upon request by the department, every society shall register, on forms prescribed by the department and on or before March 1 of each year, the name and residence address of each agent, representative, or member exempt under the provisions of this subsection and shall, within 30 days of termination of employment, notify the department of the termination. Any agent, representative, or member for which an exemption is claimed due to employment by the society subsequent to March 1 shall be registered by the society with the department within 10 days of the date of employment.

Section 61. Section 634.171, Florida Statutes, is amended to read:

634.171 Salesperson to be licensed and appointed.--Salespersons for motor vehicle service agreement companies and insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general. However, they shall be exempt from all other provisions of chapter 626 including fingerprinting, photo identification, education, and examination provisions. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed salesperson shall be directly responsible and accountable for all acts of her or his employees and other representatives. Each service agreement company or insurer shall, on forms prescribed by the department, within 30 days after termination of the appointment, notify the department of such termination. No employee or salesperson of a motor vehicle service agreement company or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the Florida Insurance Code. A motor vehicle service agreement company is not required to be licensed as a salesperson to solicit, sell, issue, or otherwise transact the motor vehicle service agreements issued by the motor vehicle service agreement company.

Section 62. Section 634.420, Florida Statutes, is amended to read:

634.420 License and appointment of sales representatives.--Sales representatives for service warranty associations or insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated in accordance with procedures as prescribed in chapter 626 for insurance representatives in general. However, they shall be exempt from all other provisions of chapter 626, including fingerprinting, photo identification, education, and examination. License, appointment, and other fees shall be those prescribed in s. 624.501. A licensed and appointed sales representative shall be directly responsible and accountable for all acts of the licensed sales representative's employees or other representatives. Each service warranty association or insurer shall, on forms prescribed by the department, within 30 days after termination of the appointment, notify the department of such termination. No employee or sales representative of a service warranty association or insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the insurance code.

Section 63. Section 642.034, Florida Statutes, is amended to read:

642.034 License and appointment required.--No person may solicit, negotiate, sell, or execute legal expense insurance contracts on behalf of an insurer in this state unless such person is licensed and appointed as a sales representative or is licensed and appointed under the insurance code as a general lines agent ~~or solicitor~~. No person licensed and appointed as a legal expense insurance sales representative may solicit, negotiate, sell, or execute any other contract of insurance unless such person is duly licensed and appointed to do so under the provisions of chapter 626.

Section 64. Section 642.036, Florida Statutes, is amended to read:

642.036 Sales representatives to be licensed and appointed.--Sales representatives of legal expense insurers shall be licensed, appointed, renewed, continued, reinstated, or terminated as prescribed in chapter 626 for insurance representatives in general, and shall pay the license and appointment fees prescribed in s. 624.501. No employee or sales

representative of an insurer may directly or indirectly solicit or negotiate insurance contracts, or hold herself or himself out in any manner to be an insurance agent ~~or solicitor~~, unless so qualified, licensed, and appointed therefor under the insurance code.

Section 65. Section 642.045, Florida Statutes, is amended to read:

642.045 Procedure for refusal, suspension, or revocation of license and appointment of sales representative; departmental action upon violation by licensed insurance agent ~~or solicitor~~--

(1) If any sales representative is convicted by a court of a violation of any provision of ss. 642.011-642.049, the license and appointment of such individual shall thereby be deemed to be immediately revoked without any further procedure relative thereto by the department.

(2) Whenever it appears that any licensed insurance agent ~~or solicitor~~ has violated the provisions of ss. 642.011-642.049, or if any grounds listed in s. 642.041 or s. 642.043 exist as to such agent ~~or solicitor~~, the department may take such action as is authorized by the insurance code for a violation of the insurance code by such agent ~~or solicitor~~, or such action as is authorized by this chapter for a violation of this chapter by a sales representative.

Section 66. Paragraph (b) of subsection (5) and subsection (9) of section 648.27, Florida Statutes, are amended to read:

648.27 Licenses and appointments; general.--

(5)

(b) The license of a temporary bail bond agent ~~or runner~~ shall continue in force until suspended, revoked, or otherwise terminated.

(9) If, upon application for an appointment and such investigation as the department may make, it appears to the department that an individual has been actively engaged or is currently actively engaged in bail bond activities without being appointed as required, the department may, if it finds that such failure to be appointed is an error on the part of the insurer or employer so represented, issue or authorize the issuance of the appointment as applied for, but subject to the condition that, before the appointment is issued, all fees and taxes which would have been due had the applicant been so appointed during such current and prior periods, together with a continuation fee for such current and prior terms of appointment, shall be paid to the department. Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250. Delinquent fees shall be paid by the appointing entity and shall not be charged to the appointee.

Section 67. Paragraph (b) of subsection (2) and subsections (5) and (6) of section 648.34, Florida Statutes, are amended to read:

648.34 Bail bond agents; qualifications.--

(2) To qualify as a bail bond agent, it must affirmatively appear at the time of application and throughout the period of licensure that the applicant has complied with the provisions of s. 648.355 and has obtained a temporary license pursuant to such section and:

(b) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a resident of this state. An individual who is a resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence, at the time of application for license, of a license in the applicant's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that his or her resident licenses have been canceled or changed to a nonresident basis and that he or she is in good standing.

(5) The department shall conduct a comprehensive investigation of each applicant, including a background check. The investigation of the applicant's qualifications, character, experience, background, and fitness shall include submission of the applicant's fingerprints to the Department of Law Enforcement and the Federal Bureau of Investigation and consideration of any state criminal records, federal criminal records, or local criminal records obtained from these agencies or from local law enforcement agencies.

(6) The provisions of s. 112.011 do not apply to bail bond agents ~~or runners~~ or to applicants for licensure as bail bond agents ~~or runners~~.

Section 68. Paragraphs (b) and (e) of subsection (1) of section 648.355, Florida Statutes, are amended to read:

648.355 Temporary limited license as limited surety agent or professional bail bond agent; pending examination.--

(1) The department may, in its discretion, issue a temporary license as a limited surety agent or professional bail bond agent, subject to the following

conditions:

(b) The applicant is a United States citizen or legal alien who possesses work authorization from the United States Immigration and Naturalization Service and is a resident of this state. An individual who is a resident of this state shall be deemed to meet the residence requirement of this paragraph, notwithstanding the existence, at the time of application for temporary license, of a license in the individual's name on the records of another state as a resident licensee of such other state, if the applicant furnishes a letter of clearance satisfactory to the department that the individual's resident licenses have been canceled or changed to a nonresident basis and that the individual is in good standing.

(e) The applicant must be employed full-time at the time of licensure, and at all times throughout the existence of the temporary license, by only one licensed and appointed supervising bail bond agent, who supervises the work of the applicant and is responsible for the licensee's conduct in the bail bond business. The applicant must be appointed by the same insurers as the supervising bail bond agent. The supervising bail bond agent shall certify monthly to the department under oath, on a form prescribed by the department, the names and hours worked each week of all temporary bail bond agents. Filing a false certification is grounds for the immediate suspension of the license and imposition of a \$5,000 administrative fine. The department may adopt rules that establish standards for the employment requirements.

Section 69. Paragraph (a) of subsection (2) and subsection (3) of section 648.382, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

648.382 Appointment of bail bond agents and temporary bail bond agents; effective date of appointment.--

(2) Prior to any appointment, an appropriate officer or official of the appointing insurer in the case of a bail bond agent or an insurer, managing general agent, or bail bond agent in the case of a temporary bail bond agent must submit:

(a) A certified statement or affidavit to the department stating what investigation has been made concerning the proposed appointee and the proposed appointee's background and the appointing person's opinion to the best of his or her knowledge and belief as to the moral character, ~~fitness~~, and reputation of the proposed appointee. In lieu of such certified statement or affidavit, by authorizing the effectuation of an appointment for a licensee, the appointing entity certifies to the department that such investigation has been made and that the results of the investigation and the appointing person's opinion is that the proposed appointee is a person of good moral character and reputation and is fit to engage in the bail bond business;

(3) By authorizing the effectuation of an appointment for a licensee, the appointing insurer certifies to the department Prior to any appointment of a bail bond agent, the appointing insurer must certify to the department that the insurer will be bound by the acts of the bail bond agent acting within the scope of his or her appointment, and, in the case of a temporary bail bond agent, the appointing insurer, managing general agent, or bail bond agent, as the case may be, must certify to the department that he or she will supervise the temporary bail bond agent's activities.

(6) Failure to notify the department within the required time period shall result in the appointing entity being assessed a delinquent fee of \$250. Delinquent fees shall be paid by the appointing entity and shall not be charged to the appointee.

Section 70. Section 648.383, Florida Statutes, is amended to read:

648.383 Renewal, continuation, reinstatement, and termination of appointment; bail bond agents.--

(1) The appointment of a bail bond agent shall continue in force unless suspended, revoked, or otherwise terminated, subject to a renewal request filed by the appointing entity in the appointee's birth month and every 24 months thereafter. A renewal request must be filed with the department or person designated by the department to administer appointments along with payment of the renewal appointment fee and taxes as prescribed in s. 624.501.

(2) Each appointing person or person designated by the department to administer appointments must file ~~with the department~~ the lists, statement, and information as to each bail bond agent whose appointment is being renewed, accompanied by payment of the applicable renewal fees and taxes as prescribed in s. 624.501, ~~by a date established by the department following the month during which the appointment will expire.~~

(3) An appointment may be renewed ~~by the department~~ without penalty

if the information required under subsection (2) is received ~~by the department on or prior to the expiration of the appointment in the licensee's birth month date established by the department for renewal,~~ and such appointment shall be renewed, ~~is effective on the first day of the month succeeding the month in which the appointment was scheduled to expire.~~

(4) If the information required under subsection (2) is received ~~by the department after the renewal date established by the department for renewal,~~ the appointment may be renewed ~~by the department if the an additional appointment, late filing, continuation, and reinstatement fees accompany fee~~ ~~accompanies~~ the application as required under s. 624.501.

Section 71. Subsections (1) and (3) of section 648.50, Florida Statutes, are amended to read:

648.50 Effect of suspension, revocation upon associated licenses and licensees.--

(1) Upon the suspension, revocation, or refusal to renew or continue any license or appointment or the eligibility to hold a license or appointment of a bail bond agent ~~or~~ temporary bail bond agent, ~~or runner,~~ the department shall at the same time likewise suspend or revoke all other licenses or appointments and the eligibility to hold any other such licenses or appointments which may be held by the licensee under the Florida Insurance Code.

(3) No person whose license as a bail bond agent ~~or~~ temporary bail bond agent, ~~or runner~~ has been revoked or suspended shall be employed by any bail bond agent, have any ownership interest in any business involving bail bonds, or have any financial interest of any type in any bail bond business during the period of revocation or suspension.

Section 72. Sections 626.032 and 626.361, Florida Statutes, are repealed.

Section 73. Paragraph (d) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(d)1. It is the intent of the Legislature that the rates for coverage provided by the corporation be actuarially sound and not competitive with approved rates charged in the admitted voluntary market, so that the corporation functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. Rates shall include an appropriate catastrophe loading factor that reflects the actual catastrophic exposure of the corporation.

2. For each county, the average rates of the corporation for each line of business for personal lines residential policies excluding rates for wind-only policies shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 20 insurers with the greatest total direct written premium in the state for that line of business in the preceding year, except that with respect to mobile home coverages, the average rates of the corporation shall be no lower than the average rates charged by the insurer that had the highest average rate in that county among the 5 insurers with the greatest total written premium for mobile home owner's policies in the state in the preceding year.

3. Rates for personal lines residential wind-only policies must be actuarially sound and not competitive with approved rates charged by authorized insurers. However, for personal lines residential wind-only policies issued or renewed between July 1, 2002, and June 30, 2003, the maximum premium increase must be no greater than 10 percent of the Florida Windstorm Underwriting Association premium for that policy in effect on June 30, 2002, as adjusted for coverage changes and seasonal occupancy surcharges. For personal lines residential wind-only policies issued or renewed between July 1, 2003, and June 30, 2004, the corporation shall use its existing filed and approved wind-only rating and classification plans, provided, however, that the maximum premium increase must be no greater than 20 percent of the premium for that policy in effect on June 30, 2003, as adjusted for coverage changes and seasonal occupancy surcharges. The personal lines residential wind only rates for the corporation effective July 1, 2003, must be based on a rate filing by the corporation which establishes rates which are actuarially sound and not competitive with approved rates charged by authorized insurers. Corporation rate manuals shall include a rate surcharge for seasonal occupancy. To ensure that personal lines residential wind-only rates effective on or after July 1, ~~2004~~ ~~2003~~, are not competitive with approved rates charged by authorized insurers, the corporation, in conjunction with the office, shall develop a wind-only rate making methodology, which methodology shall be contained in a rate filing made by the corporation with the office by January 1, 2004. If the office thereafter determines that the wind-

only rates or rating factors filed by the corporation fail to comply with the wind-only rate making methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind-only rate making methodology by January 31, 2004 the department, by March 1 of each year, shall provide the corporation, for each county in which there are geographical areas in which personal lines residential wind only policies may be issued, the average rates charged by the insurer that had the highest average rate in that county for wind coverage in that insurer's rating territories which most closely approximate the geographical area in that county in which personal lines residential wind only policies may be written by the corporation. The average rates provided must be from an insurer among the 20 insurers with the greatest total direct written premium in the state for personal lines residential property insurance for the preceding year. With respect to mobile homes, the five insurers with the greatest total written premium for that line of business in the preceding year shall be used. The corporation shall certify to the department that its average personal lines residential wind only rates are no lower in each county than the average rates provided by the department. The department is authorized to adopt rules to establish reporting requirements to obtain the necessary wind only rate information from insurers to implement this provision.

4. Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

5. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

6. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2, it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2 make a rate filing at least once a year, but no more often than quarterly.

7. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

8.a To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second-highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.

b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate-equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.

c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of each house of the Legislature having jurisdiction of insurance issues, a plan for implementing the additional ratemaking methods and an outline of any legislation needed to facilitate use of the new methods.

d. The plan must include a provision that producer commissions paid by the corporation shall not be calculated in such a manner as to include any rate-equalization surcharge. However, without regard to the plan to be developed or its implementation, producer commissions paid by the corporation for each account, other than the quota share primary program, shall remain fixed as to percentage, effective rate, calculation, and payment method until January 1, 2004.

9. By January 1, 2004, the corporation shall develop a notice to policyholders or applicants that the rates of Citizens Property Insurance Corporation are intended to be higher than the rates of any admitted carrier and providing other information the corporation deems necessary to assist consumers in finding other voluntary admitted insurers willing to insure their property.

Section 74. Section 624.105, Florida Statutes, is created to read:

624.105 Waiver of customer liability.--Any regulated company as defined in s. 350.111, any electric utility as defined in s. 366.02(2), any utility as defined in s. 367.021(12) or s.367.022(2) and (7), and any provider of communications services as defined in s. 202.11(3) may charge for and include an optional waiver of liability provision in their customer contracts under which the entity agrees to waive all or a portion of the customer's liability for service from the entity for a defined period in the event of the customer's call to active military service, death, disability, involuntary unemployment, qualification for family leave, or similar qualifying event or condition. Such provisions may not be effective in the customer's contract with the entity unless affirmatively elected by the customer. No such provision shall constitute insurance so long as the provision is a contract between the entity and its customer.

Section 75. Section 717.1071, Florida Statutes, is created to read:

717.1071 Lost owners of unclaimed demutualization, rehabilitation, or related reorganization proceeds.--

(1) Property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is deemed abandoned 2 years after the date the property is first distributable if, at the time of the first distribution, the last known address of the owner on the books and records of the holder is known to be incorrect or the distribution or statements are returned by the post office as undeliverable; and the owner has not communicated in writing with the holder or its agent regarding the interest or otherwise communicated with the holder regarding the interest as evidenced by a memorandum or other record on file with the holder or its agent.

(2) Property distributable in the course of demutualization, rehabilitation, or related reorganization of a mutual insurance company that is not subject to subsection (1) shall be reportable as otherwise provided by this chapter.

(3) Property subject to this section shall be reported and delivered no later than May 1 as of the preceding December 31, however the initial report under this section shall be filed no later than November 1, 2003, as of December 31, 2002.

Section 76. Subsection (8) of section 624.430, Florida Statutes, is renumbered as subsection (9), and new subsection (8) is added to said section, to read:

624.430 Withdrawal of insurer or discontinuance of writing certain kinds or lines of insurance.--

(8) Notwithstanding subsection (7), any insurer desiring to surrender its certificate of authority, withdraw from this state, or discontinue the writing of any one or multiple kinds or lines of insurance in this state is expected to have availed itself of all reasonably available reinsurance. Reasonably available reinsurance shall include unrealized reinsurance, which is defined as reinsurance recoverable on known losses incurred and due under valid reinsurance contracts that have not been identified in the normal course of business and have not been reported in financial statements filed with the Office of Insurer Regulation. Within 90 days after surrendering its certificate of authority, withdrawing from this state, or discontinuing the writing of any one or multiple kinds or lines of insurance in this state, the insurer shall certify to the Director of the Office of Insurer Regulation that the insurer has engaged an independent third party to search for unrealized reinsurance, and that the insurer has made all relevant books and records available to such third party. The compensation to such third party may be a percentage of unrealized reinsurance identified and collected.

Section 77. Subsection (11) of section 626.7451, Florida Statutes, is amended to read:

626.7451 Managing general agents; required contract provisions.--No person acting in the capacity of a managing general agent shall place business with an insurer unless there is in force a written contract between the parties which sets forth the responsibility for a particular function, specifies the division of responsibilities, and contains the following minimum provisions:

(11) A licensed managing general agent, when placing business with an insurer under this code, may charge a per-policy fee not to exceed \$40 ~~\$25~~. In no instance shall the aggregate of per-policy fees for a placement of business authorized under this section, when combined with any other per-policy fee charged by the insurer, result in per-policy fees which exceed the aggregate amount of \$40 ~~\$25~~. The per-policy fee shall be a component of the insurer's rate filing and shall be fully earned. A managing general agent that collects a per-policy fee shall remit a minimum of \$5 per policy to the Division of Insurance Fraud of the Department of Financial Services, which shall be dedicated to the prevention and detection of motor vehicle insurance fraud, and an additional \$5 per policy, 95 percent of which shall be remitted to the Justice Administration Commission, which shall distribute the collected fees to the state attorneys of the 20 judicial circuits for investigating and prosecuting cases of motor vehicle insurance fraud. The state attorneys must adopt an allocation formula that ensures equitable distribution among the 20 circuits which includes, but is not limited to, the population area served. The remaining 5 percent shall be remitted to the Office of Statewide Prosecution for investigating and prosecuting cases of motor vehicle insurance fraud. No later than July 1, 2005, the state attorneys and the Office of Statewide Prosecutor must provide a report to the President of the Senate and the Speaker of the House of Representatives evaluating the effectiveness of the investigation, detection, and prosecution of motor vehicle insurance fraud as it related to the moneys generated by the per-policy fee.

For the purposes of this section and ss. 626.7453 and 626.7454, the term "controlling person" or "controlling" has the meaning set forth in s. 625.012(5)(b)1., and the term "controlled person" or "controlled" has the meaning set forth in s. 625.012(5)(b)2.

Section 78. Section 624.4623, Florida Statutes, is created to read:

624.4623 Independent Educational Institution Self-Insurance Funds--

(1) Notwithstanding any other provision of law, any two or more independent nonprofit colleges or universities accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or independent, nonprofit, accredited secondary educational institutions, located in and chartered by the state of Florida, may form a self-insurance fund for the purpose of pooling and spreading liabilities of its group members in any property or casualty risk or surety insurance or securing the payment of benefits under chapter 440, provided the independent educational institution self-insurance fund that is created must:

(a) Have annual normal premiums in excess of \$5 million;

(b) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary;

(c) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year to the office; and

(d) Have a governing body which is comprised entirely of independent educational institution officials.

(2) An independent educational institution self-insurance fund that meets the requirements of this section is not subject to s. 624.4621 and is not required to file any report with the department under s. 440.38(2)(b) which is uniquely required of group self-insurer funds qualified under s. 624.4621. If any of the requirements of this section are not met, the independent educational self-insurance fund is subject to the requirements of s. 624.4621.

Section 79. Present subsections (6), (7), (8), (9), and (10) are renumbered (7), (8), (9), (10), and (11), respectively, and new subsection (6) is added to section 624.81, Florida Statutes, to read:

624.81 Notice to comply with written requirements of department; noncompliance.--

(6) Any insurer subject to administrative supervision is expected to avail itself of all reasonably available reinsurance. Reasonably available reinsurance shall include unrealized reinsurance, which is defined as reinsurance recoverable on known losses incurred and due under valid reinsurance contracts that have not been identified in the normal course of business and have not been reported in financial statements filed with the

Office of Insurance Regulation. Within 90 days of being placed under administrative supervision, the insurer shall certify to the Director of the Office of Insurance Regulation that the insurer has engaged an independent third party to search for unrealized reinsurance, and that the insurer has made all relevant books and records available to the third party. The compensation to the third party may be a percentage of unrealized reinsurance identified and collected.

(7)(6) If the department and the insurer are unable to agree on the provisions of the plan, the department may require the insurer to take such corrective action as may be reasonably necessary to remove the causes and conditions giving rise to the need for administrative supervision.

(8)(7) The insurer shall have 60 days, or a longer period of time as designated by the department but not to exceed 120 days, after the date of the written agreement or the receipt of the department's plan within which to comply with the requirements of the department. At the conclusion of the initial period of supervision, the department may extend the supervision in increments of 60 days or longer, not to exceed 120 days, if conditions justifying supervision exist. Each extension of supervision shall provide the insurer with a point of entry pursuant to chapter 120.

(9)(8) The initiation or pendency of administrative proceedings arising from actions taken under this section shall not preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation or initiating other delinquency proceedings however designated under the laws of this state.

(10)(9) If it is determined that the conditions giving rise to administrative supervision have been remedied so that the continuance of its business is no longer hazardous to the public or to its insureds, the department shall release the insurer from supervision.

(11)(10) The department may adopt rules to define standards of hazardous financial condition and corrective action substantially similar to that indicated in the National Association of Insurance Commissioners' 1997 "Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition," which are necessary to implement the provisions of this part.

Section 80. Paragraph (x) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

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

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

(x) Refusal to insure.--In addition to other provisions of this code, the refusal to insure, or continue to insure, any individual or risk solely because of:

1. Race, color, creed, marital status, sex, or national origin;

2. The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age, or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued;

3. The insured's or applicant's failure to agree to place collateral business with any insurer, unless the coverage applied for would provide liability coverage which is excess over that provided in policies maintained on property or motor vehicles;

4. The insured's or applicant's failure to purchase noninsurance services or commodities, including automobile services as defined in s. 624.124; ~~or~~

5. The fact that the insured or applicant is a public official; or

~~6. The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.~~

(re designate subsequent sections.)

And the title is amended as follows:

On line 18, after the semicolon,

insert:

amending ss. 624.04, 624.303, 624.313, 624.317, 624.504, 624.506, 624.521, 626.022, 626.112, 626.733, 626.7354, 626.741, 626.753,

626.829, 634.171, 634.420, 642.034, 642.036, and 642.045, F.S.; deleting references to solicitors to conform to prior deletions; amending ss. 624.34, 626.202, and 626.601, F.S.; revising certain fingerprinting requirements; amending s. 624.501, F.S.; providing for a fee for certain late appointment filings; amending s. 626.015, F.S.; deleting a definition of administrative agent; amending s. 626.171, F.S.; revising applicant address requirements; specifying required background investigation information; amending ss. 626.175, 626.7355, 626.731, 626.831, 626.8414, 626.865, 626.866, 626.867, 626.874, 626.9916, 648.34, and 648.355, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; providing for the adoption of rules; amending s. 626.201, F.S.; revising certain fingerprint requirements; amending s. 626.221, F.S.; revising appointment application filing time period requirements; amending s. 626.2815, F.S.; requiring certain continuing education hour and subject requirements; deleting references to solicitors to conform to prior deletions; revising a continuing education board member title; amending s. 626.2816, F.S.; revising a cross-reference; clarifying a continuing education requirement; amending s. 626.2817, F.S.; deleting a prelicensure rule requirement; amending s. 626.311, F.S.; providing for the appointment of certain licensees; amending s. 626.321, F.S.; deleting references to solicitors to conform to prior deletions; providing for one application for a license and payment of applicable fees; amending s. 626.322, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; amending s. 626.341, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; amending s. 626.371, F.S.; providing requirements for submittal and effective date of appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 626.381, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 626.451, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; clarifying the effect of insurer authorization of effectuation of certain appointments; requiring licensee notification of the department of certain criminal proceedings; amending s. 626.461, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; deleting references to solicitors to conform to prior deletions; amending s. 626.471, F.S.; including a department-designated person to administer appointment processes for certain appointment-related actions; providing for termination of certain appointments; requiring notice of termination; amending s. 626.843, F.S.; revising procedures for renewing title insurance agent appointments; amending s. 626.7315, F.S.; providing an exception to a prohibition against certain individuals receiving money on account of or for an insurer; amending ss. 626.732, 626.7851, 626.8311, and 626.8417, F.S.; revising certain education subject requirements; amending s. 626.7351, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; revising certain education subject requirements; providing additional education course requirements; amending s. 626.785, F.S.; revising licensure eligibility criteria to specify United States citizenship or certain legal alien status; increasing the amount of coverage for burial-related expenses that may be sold by a life insurance agent under contract with a funeral establishment; amending s. 626.797, F.S.; revising an association title; amending s. 626.869, F.S.; deleting a provision relating to limited licenses for certain adjusters; revising certain education requirements; amending s. 626.878, F.S.; specifying implementation requirements for the department's ethics rules; amending s. 626.9541, F.S.; clarifying activities that constitute illegal dealings in premiums; revising sliding as an unfair method of competition and unfair or deceptive act or practice; amending s. 632.634, F.S.; specifying registration of a society only upon department request; amending s. 648.27, F.S.; imposing a delinquent fee for certain notification failures; providing fee payment requirements; deleting obsolete runner references; amending s. 648.382, F.S.; clarifying the effect of insurer authorization of effectuation of certain appointments; imposing a delinquent fee for certain notification failures; providing fee payment requirements; amending s. 648.383, F.S.; including a department-

designated person to administer appointment processes for certain appointment-related actions; providing for a fee for certain late appointment filings; amending s. 648.50, F.S.; deleting obsolete runner references; repealing s. 626.032, F.S., relating to continuing education and required designation of administrative agents; repealing s. 626.361, F.S., relating to the effective date of appointments; amending s. 627.351, F.S.; providing requirements for the corporation relating to personal lines residential wind-only policies; requiring the corporation to develop a wind-only rate making methodology; requiring a report; requiring the Citizens Property Insurance Corporation to certify at certain intervals that its rates comply with requirements to be set a certain levels relative to other insurers; authorizing the Office of Insurance Regulation to review and act upon such certification; requiring the corporation to appoint a rate methodology panel to make recommendations for the use of additional ratemaking methods, including the use of a rate equalization surcharge to assure that the cost of coverage is sufficient to comply with state law; requiring the corporation to provide a related report to the Legislature and a plan for implementing the additional ratemaking methods; specifying how the plan shall apply to agent commissions; requiring the corporation to develop a notice to policyholders; creating s. 624.105, F.S.; providing for waiver of customer liability for certain fees by providers of utility and telecommunications services under certain circumstances; creating s. 717.1071, F.S.; providing procedures, requirements, and limitations on lost owners of certain unclaimed insurance entity activity proceeds; amending s. 624.430, F.S.; requiring certain insurers to obtain reasonably available reinsurance under certain circumstances; providing procedures and criteria; amending s. 626.7451, F.S.; providing a per-policy fee to be remitted to the insurer's Special Investigations Unit, the Division of Insurance Fraud of the Department of Financial Services, and the Office of Statewide Prosecution for purposes of preventing, detecting, and prosecuting motor vehicle insurance fraud; creating s. 624.4623, F.S.; authorizing two or more independent colleges or universities to form a self-insurance fund; providing specific requirements; amending s. 624.81, F.S.; requiring insurers that are under administrative supervision to avail themselves of all reasonably available reinsurance; providing for a third party to search for reinsurance; providing for reimbursing the third party; amending s. 626.9541, F.S.; prohibiting insurers from refusing to insure solely because the insured or applicant is a public official;

On motion by Rep. Benson, the House concurred in Senate Amendment 1.

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 Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 945, with amendments, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 945—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 570.15, F.S.; requiring the department to establish rules authorizing nonagricultural vehicles to pass an agricultural inspection station without stopping and submitting to an inspection; amending s. 570.16, F.S.; prohibiting a person from impersonating an inspector, agent, or other employee of the department; providing a penalty; providing an effective date.

(Amendment Bar Code: 903754)

Senate Amendment 1—On page 2, lines 12-13, delete those lines

and insert: Section 3. This act shall take effect July 1, 2003.

On motion by Rep. Bowen, the House concurred in Senate Amendment 1.

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 Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 308 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senators Smith, Atwater, Lynn and Pruitt—

CS for SB 308—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; revising the use of annual use fees from the sale of Sea Turtle license plates; providing an appropriation; repealing s. 370.12(1)(h), F.S., which provides for the Fish and Wildlife Conservation Commission to provide grants to conduct marine turtle research, conservation, and education activities; providing an effective date.

—was read the first time by title. On motion by Rep. Mayfield, the rules were waived and the bill was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 320 and requests the concurrence of the House.

Faye W. Blanton, Secretary

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

CS for SB 320—A bill to be entitled An act relating to the Florida Medicaid program; amending s. 409.9066, F.S.; requiring the Agency for Health Care Administration to publish on a website the average wholesale prices of drugs provided through the program; requiring the agency to publish additional information to assist consumers; requiring a report on methods of pricing pharmaceutical products purchased by the program; providing an effective date.

—was read the first time by title.

Further consideration of **CS for SB 320** was temporarily postponed under Rule 11.10.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 614, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Miller—

SB 614—A bill to be entitled An act relating to bus transportation; amending s. 316.70, F.S.; requiring the driving records of nonpublic sector bus drivers to be checked for suspended or revoked licenses; amending s. 316.6145, F.S.; clarifying applicability of requirements that school buses purchased after a specified date be equipped with safety belts or other restraints; providing that private school students may ride on public school buses and public school students may ride on private school buses, subject to specified conditions; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1252, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Health, Aging, and Long-Term Care and Senators Bennett and Fasano—

CS for CS for SB 1252—A bill to be entitled An act relating to health care facilities; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; amending s. 400.021, F.S.; redefining the term "resident care plan," as used in part 1 of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the Agency for Health Care Administration must reflect the most current agency actions; amending s. 400.147, F.S.; amending the definition of the term "adverse incident"; requiring certain reports to be filed; revising requirements for a facility's report to the agency on adverse incidents; providing guidelines for the agency's report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.032, F.S.; revising the definition of "tertiary health service" under the Health Facility and Services Development Act; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjecting certain projects to expedited review and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take action on an application for a certificate of need within a specified time period; creating the Hospital Statutory and Regulatory Reform Council; providing for review of an application for a certificate of need pending on the effective date of the act; providing legislative intent; providing for membership and duties of the council; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—was read the first time by title. On motion by Rep. Murman, the rules were waived and the bill was read the second time by title.

Representative Farkas offered the following:

(Amendment Bar Code: 101647)

Amendment 1 (with title amendment)—On page 25, line 24, through page 28, line 7
remove: all of said lines

On page 2, line 31, through page 3, line 6,

remove: all of said lines, and insert:
within a specified time period; amending s. 409.904,

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

Representative Murman offered the following:

(Amendment Bar Code: 133877)

Amendment 2 (with directory and title amendments)—On page 29, lines 14-18,
remove: all of said lines

and insert:

Administration to implement section 13 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.

Section 15. Section 430.83, Florida Statutes, is created to read:

430.83 Sunshine for Seniors Program.--

(1) POPULAR NAME.--This section shall be known by the popular name "The Sunshine for Seniors Act."

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

(a) "Application assistance organization" means any private organization that assists individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(b) "Eligible individual" means any individual who is 60 years of age or older who lacks adequate pharmaceutical insurance coverage.

(c) "Manufacturers' pharmaceutical assistance program" means any program offered by a pharmaceutical manufacturer that provides low-income individuals with prescription drugs free or at reduced prices, including, but not limited to, senior discount card programs and patient assistance programs.

(3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the pharmaceutical manufacturers, seeing a need, have created charitable programs to aid low-income seniors with the cost of prescription drugs. The Legislature also finds that many low-income seniors are unaware of such programs or either do not know how to apply for or need assistance in completing the applications for such programs. Therefore, it is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement and oversee the Sunshine for Seniors Program to help seniors in accessing manufacturers' pharmaceutical assistance programs.

(4) SUNSHINE FOR SENIORS PROGRAM.--There is established a program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs, which shall be known as the "Sunshine for Seniors Program." Implementation of the program is subject to the availability of funding and any limitations or directions provided for by the General Appropriations Act or chapter 216.

(5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In implementing and overseeing the Sunshine for Seniors Program, the Department of Elderly Affairs:

(a) Shall promote the availability of manufacturers' pharmaceutical assistance programs to eligible individuals with various outreach initiatives.

(b) Shall, working cooperatively with pharmaceutical manufacturers and consumer advocates, develop a uniform application form, which shall be available in English, Spanish, and Creole, to be completed by seniors who wish to participate in the Sunshine for Seniors Program.

(c) May request proposals from application assistance organizations to assist eligible individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(d) Shall train volunteers to help eligible individuals fill out applications for the manufacturers' pharmaceutical assistance programs.

(e) Shall train volunteers to determine if applicants are available for other state programs.

(f) Shall seek federal funds to help fund the Sunshine for Seniors Program.

(g) May seek federal waivers to help fund the Sunshine for Seniors Program.

(6) COMMUNITY PARTNERSHIPS.--The Department of Elderly Affairs may build private-sector and public-sector partnerships with corporations, hospitals, physicians, pharmacists, foundations, volunteers, state agencies, community groups, area agencies on aging, and any other entities that will further the intent of this section. These community partnerships may

also be used to facilitate other pro bono benefits for eligible individuals, including, but not limited to, medical, dental, and prescription services.

(7) CONTRACTS.--The Department of Elderly Affairs may select and contract with application assistance organizations to assist eligible individuals in obtaining their prescription drugs through the manufacturers' pharmaceutical assistance programs. If the department contracts with an application assistance organization, the department shall evaluate quarterly the performance of the application assistance organization to ensure compliance with the contract and the quality of service provided to eligible individuals.

(8) REPORTS AND EVALUATIONS.--By January 1 of each year, while the Sunshine for Seniors Program is operating, the Department of Elderly Affairs shall report to the Legislature regarding the implementation and operation of the Sunshine for Seniors Program.

(9) NONENTITLEMENT.--The Sunshine for Seniors Program established by this section is not an entitlement. If funds are insufficient to assist all eligible individuals, the Department of Elderly Affairs may develop a waiting list prioritized by application date.

Section 16. Section 409.9065, Florida Statutes, is amended to read:

409.9065 Pharmaceutical expense assistance.--

(1) PROGRAM ESTABLISHED.--There is established a program to provide pharmaceutical expense assistance to eligible certain low-income elderly individuals, which shall be known as the "Ron Silver Senior Drug Program" and may be referred to as the "Silver Lifesaver Program."

(2) ELIGIBILITY.--Eligibility for the program is limited to those individuals who qualify for limited assistance under the Florida Medicaid program as a result of being dually eligible for both Medicare and Medicaid, but whose limited assistance or Medicare coverage does not include any pharmacy benefit. To the extent funds are appropriated, specifically eligible individuals are individuals who:

(a) Are Florida residents age 65 and over;

(b) Have an income equal to or less than 200 percent of the federal poverty level;:

1. Between 88 and 120 percent of the federal poverty level;

2. Between 88 and 150 percent of the federal poverty level if the Federal Government increases the federal Medicaid match for persons between 100 and 150 percent of the federal poverty level; or

3. Between 88 percent of the federal poverty level and a level that can be supported with funds provided in the General Appropriations Act for the program offered under this section along with federal matching funds approved by the Federal Government under a s. 1115 waiver. The agency is authorized to submit and implement a federal waiver pursuant to this subparagraph. The agency shall design a pharmacy benefit that includes annual per member benefit limits and cost sharing provisions and limits enrollment to available appropriations and matching federal funds. Prior to implementing this program, the agency must submit a budget amendment pursuant to chapter 216;

(c) Are eligible for both Medicare and Medicaid;

(d) Have exhausted pharmacy benefits under Medicare, Medicaid, or any other insurance plan Are not enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and

(e) Request to be enrolled in the program.

(3) BENEFITS.--Eligible individuals shall receive a discount for prescription drugs Medications covered under the pharmaceutical expense assistance program are those covered under the Medicaid program in s. 409.906(20)(19). Monthly benefit payments shall be limited to \$80 per program participant. Participants are required to make a 10 percent coinsurance payment for each prescription purchased through this program.

(a) Eligible individuals with incomes equal to or less than 120 percent of the federal poverty level shall receive a discount of 100 percent for the first \$160 worth of prescription drugs they receive each month, subject to copayments that the agency requires on these benefits. For all other prescription drugs received each month, eligible individuals shall receive a discount of 50 percent.

(b) Eligible individuals with incomes of more than 120 percent but not more than 150 percent of the federal poverty level shall receive a discount of 50 percent.

(c) Eligible individuals with incomes of more than 150 percent but not more than 175 percent of the federal poverty level shall receive a discount of 41 percent.

(d) Eligible individuals with incomes of more than 175 percent but not

more than 200 percent of the federal poverty level shall receive a discount of 37 percent.

(4) ADMINISTRATION.--The pharmaceutical expense assistance program shall be administered by the agency for ~~Health Care Administration~~, in ~~collaboration~~ ~~consultation~~ with the Department of Elderly Affairs and the Department of Children and Family Services.

~~(a) The Agency for Health Care Administration and the Department of Elderly Affairs shall develop a single page application for the pharmaceutical expense assistance program.~~

~~(a)(b) The agency for Health Care Administration shall, by rule, establish for the pharmaceutical expense assistance program eligibility requirements, limits on participation, benefit limitations, including copayments, a requirement for generic drug substitution, and other program parameters comparable to those of the Medicaid program. However, there shall be no monetary limit on prescription drugs purchased with discounts of less than 51 percent unless the agency determines there is a risk of a funding shortfall in the program. If the agency determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.~~

~~(b)(c) By January 1 of each year, the agency for Health Care Administration shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet pharmaceutical drug needs among the elderly and recommend programmatic changes.~~

(5) NONENTITLEMENT.--The pharmaceutical expense assistance program established by this section is not an entitlement. Enrollment levels are limited to those authorized by the Legislature in the annual General Appropriations Act. If, after establishing monetary limits as required by ~~paragraph (4)(a)~~, funds are insufficient to serve all ~~eligible individuals eligible under subsection (2) and~~ seeking coverage, the agency may develop a waiting list based on application dates to use in enrolling individuals in unfilled enrollment slots.

(6) PHARMACEUTICAL MANUFACTURER PARTICIPATION.--In order for a drug product to be covered under Medicaid or this program, the product's manufacturer shall:

(a) Provide a rebate to the state equal to the rebate required by the Medicaid program; and

(b) Make the drug product available to the program for the best price that the manufacturer makes the drug product available in the Medicaid program.

(7) REIMBURSEMENT.--~~Total~~ reimbursements to pharmacies participating in the pharmaceutical expense assistance program established under this section shall be equivalent to reimbursements under the Medicaid program.

(8) FEDERAL APPROVAL.--The benefits provided in this section are limited to those approved by the Federal Government pursuant to a Medicaid waiver or an amendment to the state Medicaid plan.

Section 17. Subsections (7), (8), and (9) are added to section 430.502, Florida Statutes, to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.--

(7) The Agency for Health Care Administration and the department shall seek a federal waiver to implement a Medicaid home and community-based waiver targeted to persons with Alzheimer's disease to test the effectiveness of Alzheimer's specific interventions to delay or to avoid institutional placement.

(8) The department will implement the waiver program specified in subsection (7). The agency and the department shall ensure that providers are selected that have a history of successfully serving persons with Alzheimer's disease. The department and the agency shall develop specialized standards for providers and services tailored to persons in the early, middle, and late stages of Alzheimer's disease and designate a level of care determination process and standard that is most appropriate to this population. The department and the agency shall include in the waiver services designed to assist the caregiver in continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.

(9) Authority to continue the waiver program specified in subsection (7)

shall be automatically eliminated at the close of the 2008 Regular Session of the Legislature unless further legislative action is taken to continue it prior to such time.

Section 18. Paragraph (t) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.--

(3) EXEMPTIONS.--Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(t)1. For the provision of adult open-heart services in a hospital located within the boundaries of Palm Beach, Polk, Martin, St. Lucie, and Indian River Counties if the following conditions are met: The exemption must be based upon objective criteria and address and solve the twin problems of geographic and temporal access. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it is referring 300 or more patients per year from the hospital, including the emergency room, for cardiac services at a hospital with cardiac services, or that the average wait for transfer for 50 percent or more of the cardiac patients exceeds 4 hours.

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

2. By December 31, 2004, and annually thereafter, the Agency for Health Care Administration shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.

Section 19. There is annually appropriated the recurring sum of \$10 million from the General Revenue Fund to the Florida Alzheimer's Center and Research Institute as established in s. 1004.445, Florida Statutes, to be used for research relating to the prevention, treatment, and cure of Alzheimer's disease.

Section 20. The sum of \$20 million is appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for the construction of the Florida Alzheimer's Center and Research Institute at the University of South Florida. The Florida Alzheimer's Center and Research Institute shall direct the Board of Trustees of the University of South Florida on the expenditure of these funds.

Section 21. James and Esther King Center for Universal Research to Eradicate Disease.--

(1) The Legislature finds that an estimated 128 million Americans suffer from acute, chronic, and degenerative diseases and that biomedical research is the key to finding cures for these diseases that negatively affect all Floridians. The Legislature further finds that, while there is much research being conducted throughout this state and throughout the world, there is a lack of coordination of efforts among researchers. The Legislature, therefore, finds that there is a significant need for a coordinated effort if the goal of curing disease is to be achieved. Moreover, the Legislature finds that the biomedical technology sector meets the criteria of a high-impact sector, pursuant to section 288.108, Florida Statutes, having a high importance to this state's economy with a significant potential for growth and contribution to our universities and quality of life.

(2) It is the intent of the Legislature that Florida strive to become the nation's leader in biomedical research and commit itself to being the state to find cures for the most deadly and widespread diseases. It is further the intent of the Legislature that there be a coordinated effort among the state's public and private universities and the biomedical industry to discover such cures. Moreover, it is the intent of the Legislature to expand the state economy by attracting biomedical researchers and research companies to this state.

(3) There is established the James and Esther King Center for Universal Research to Eradicate Disease, which shall be known as the "CURED."

(a) The purpose of the center is to coordinate, improve, expand, and monitor all biomedical research programs within the state, facilitate funding opportunities, and foster improved technology transfer of research findings into clinical trials and widespread public use.

(b) The goal of the center is to find cures for diseases such as cancer, heart disease, lung disease, diabetes, and neurological disorders, including Alzheimer's disease, epilepsy, and Parkinson's disease.

(c) The center shall hold an annual biomedical technology summit in Florida to which biomedical researchers, biomedical technology companies, business incubators, pharmaceutical manufacturers, and others around the nation and world are invited to share biomedical research findings in order to expedite the discovery of cures. Summit attendees will be required to cover the costs of such attendance or obtain sponsorship for such attendance.

(d) The center shall encourage clinical trials in this state on research that holds promise of curing a disease or condition. The center shall facilitate partnerships between researchers, treating physicians, and community hospitals for the purpose of sharing new techniques and new research findings, as well as coordinating voluntary donations to ensure an adequate supply of adult stem cells or cord blood.

(e) The center shall also encourage the discovery and production in Florida of vaccines that prevent disease.

(f) The center shall monitor the supply and demand needs of researchers relating to stem cell research and other types of human tissue research. If the center determines that there is a need for increased donation of human tissue, it shall notify hospitals licensed pursuant to chapter 395, Florida Statutes, that have entered into partnership agreements with research institutes conducting stem cell research located in the same geographic region as the researchers demanding the stem cells or other tissues. Such hospitals shall then implement programs that encourage voluntary donations of cord blood or other needed adult tissue.

(g) The center shall be funded through private, state, and federal sources.

(h) The center shall serve as a registry of all known biomedical grant opportunities and may assist any public or private biomedical research program in this state in preparing grant requests.

(i) The center shall maintain a website with links to peer-reviewed biomedical research. The website shall also contain a list of all known biomedical research being conducted in Florida and shall facilitate communication among researchers and other interested parties.

(j) The center shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 15 which contains recommendations for legislative change necessary to foster a positive climate for biomedical research in this state.

(k) The duties of the center may be outsourced to a private entity or state university.

(4) There is established within the center an advisory council which shall meet at least annually.

(a) The council shall consist of the members of the board of directors of the Florida Research Consortium and at least one representative from:

1. The Emerging Technology Commission.
2. Enterprise Florida, Inc.
3. BioFlorida.
4. The Florida Biomedical Research Advisory Council.
5. The Florida Medical Foundation.
6. Pharmaceutical Research and Manufacturers of America.

(b) Members of the council shall serve without compensation and each organization represented shall cover all expenses of its representative.

Section 22. Paragraphs (a) and (b) of subsection (1), subsection (2), and paragraph (f) of subsection (10) of section 215.5602, Florida Statutes, are amended to read:

215.5602 Florida Biomedical Research Program.--

(1) There is established within the Department of Health the Florida

Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601. The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, ~~and~~ treatments, and cures for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, ~~and~~ treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and fellowships as established in this section; for research relating to the prevention, diagnosis, ~~and~~ treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section. Priority shall be granted to research designed to prevent or cure disease.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

(f) Progress in the prevention, diagnosis, ~~and~~ treatment, and cure of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 23. Florida Cancer Research Cooperative.--

(1) Effective July 1, 2003, the Florida Cancer Research Cooperative is established for the purpose of making the State of Florida a world class center for cancer research.

(2)(a) A not-for-profit corporation, acting as an instrumentality of the Florida Dialogue on Cancer, shall be organized for the purpose of governing the affairs of the cooperative.

(b) The Florida Cancer Research Cooperative, Inc., may create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys acquired from private, local, state, and federal sources, as well as technical and professional income generated or derived from the mission-related activities of the cooperative.

(c) The affairs of the not-for-profit corporation shall be managed by a board of directors which shall consist of:

1. The Secretary of the Department of Health or his or her designee;
2. The Chief Executive Officer of the H. Lee Moffitt Cancer Center or his or her designee;
3. The President of the University of Florida Shands Cancer Center or his or her designee;
4. The Chief Executive Officer of the University of Miami Sylvester Comprehensive Cancer Center or his or her designee;
5. The Chief Executive Officer of the Mayo Clinic, Jacksonville or his or her designee;
6. The Chief Executive Officer of the American Cancer Society, Florida Division or his or her designee;
7. The President of the American Cancer Society, Florida Division Board of Directors or his or her designee;
8. The President of the Florida Society of Clinical Oncology or his or her designee;
9. The Chief Executive Officer of Enterprise Florida, Inc., or his or her designee;
10. Three representatives from large Florida hospitals or institutions, not delineated in subparagraphs 1. through 6., that treat a large volume of cancer patients. One shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Representatives, and one shall be appointed by the President of the Senate;
11. Three representatives from community-based, statewide organizations serving populations that experience cancer disparities, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate;
12. One member of the Florida House of Representatives, to be appointed

by the Speaker of the House of Representatives:

13. One member of the Florida Senate, to be appointed by the President of the Senate;

14. Three university presidents, one of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate; and

15. Five representatives from other statewide public health organizations whose missions include public education and the eradication of cancer, three of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the President of the Senate.

(d) Appointments made by the Speaker of the House of Representatives and the President of the Senate pursuant to paragraph (c) shall be for 2-year terms, concurrent with the bienniums in which they serve as presiding officers.

(e) Appointments made by the Governor pursuant to paragraph (c) shall be for 2-year terms, although the Governor may reappoint directors.

(f) Members of the board of directors of the not-for-profit corporation or any subsidiaries shall serve without compensation.

(3) The cooperative shall issue an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, by December 15 of each year, with policy and funding recommendations regarding cancer research capacity in Florida and related issues.

Section 24. Florida Cancer Research Cooperative; mission and duties.--

(1) The cooperative shall develop and centralize the processes and shared services for expanding cancer research in Florida through:

(a) Support through bioinformatics, in order to create a cancer informatics infrastructure that enhances information and resource exchange and integration through researchers working in diverse disciplines to facilitate the full spectrum of cancer investigations;

(b) Technical coordination, business development, and support of intellectual property;

(c) Development of a statewide cancer clinical trials network as contemplated in section 21 of this act; and

(d) Other multidisciplinary research support activities.

(2) The cooperative shall work in concert with the Center for Universal Research to Eradicate Disease created in section 21 of this act to ensure that the goals of the center are advanced.

Section 25. There is annually appropriated the recurring sum of \$15 million from the General Revenue Fund to the James and Esther King Center for Universal Research to Eradicate Disease to be used for the purposes established in section 21 of this act or similar legislation enacted into law at the 2003 Regular Session.

Section 26. Section 1004.383, Florida Statutes, is created to read:

1004.383 Chiropractic medicine degree program at Florida State University.--A chiropractic medicine degree program is authorized at Florida State University.

Section 27. Section 460.4062, Florida Statutes, is created to read:

460.4062 Chiropractic medicine faculty certificate.--

(1) The Department of Health may issue a chiropractic medicine faculty certificate without examination to an individual who remits a nonrefundable application fee, not to exceed \$100 as determined by rule of the Board of Chiropractic Medicine, and who demonstrates to the Board of Chiropractic Medicine that he or she meets the following requirements:

(a) Is a graduate of an accredited school or college of chiropractic medicine accredited by the Council on Chiropractic Education.

(b) Holds a valid current license to practice chiropractic medicine in another jurisdiction in the United States.

(c) Is at least 21 years of age and of good moral character.

(d) Has not committed any act or offense in any jurisdiction which would constitute the basis for discipline under chapter 456 or chapter 460.

(e) Has been offered and has accepted a full-time faculty appointment to teach in a program of chiropractic medicine at a state university.

(f) Provides a certification from the dean of the college that he or she has accepted the offer of a full-time faculty appointment to teach at Florida State University.

(2) The certificate shall authorize the holder to practice only in conjunction with his or her faculty position at Florida State University and its affiliated clinics that are registered with the Board of Chiropractic Medicine

as sites at which holders of chiropractic medicine faculty certificates will be practicing. Such certificates shall automatically expire upon termination of the holder's relationship with the school or after a period of 2 years, whichever occurs first.

(3) The holder of a faculty certificate may engage in the practice of chiropractic medicine as permitted by this section.

(4) Notwithstanding the provisions of subsection (2), a chiropractic medicine faculty certificate is renewable every 2 years by a holder who applies to the Board of Chiropractic Medicine on a form prescribed by the Board of Chiropractic Medicine and who continues to satisfy the requirements set forth in subsection (1).

Section 28. Except as otherwise expressly provided, this act shall take effect July 1, 2003, but if it becomes a law after May 1, 2003, sections 13 and 14 of this act shall

On page 1, line 2,
remove: all of said line

and insert:

An act relating to health care; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; amending s. 409.9065, F.S.; revising the pharmaceutical expense assistance program for low-income elderly individuals; adding eligibility groups; providing benefits; requiring the Agency for Health Care Administration, in administering the program, to collaborate with both the Department of Elderly Affairs and the Department of Children and Family Services; requiring federal approval of benefits; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal of such waiver program; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; providing a continuing appropriation for the Florida Alzheimer's Center and Research Institute; providing an appropriation for construction of the Florida Alzheimer's Center and Research Institute; creating the James and Esther King Center for Universal Research to Eradicate Disease; providing intent and duties; creating an advisory council; amending s. 215.5602, F.S.; expanding the long-term goals and funding of the Florida Biomedical Research Program to include the cure of specified diseases; creating the Florida Cancer Research Cooperative; providing for a board of directors; providing the cooperative's mission and duties; providing a continuing appropriation for the James and Esther King Center for Universal Research to Eradicate Disease; creating s. 1004.383, F.S.; authorizing a chiropractic medicine degree program at Florida State University; creating s. 460.4062, F.S.; authorizing the Department of Health to issue a chiropractic medicine faculty certificate to certain chiropractic medicine faculty; authorizing a fee; providing requirements; providing for renewal and expiration of certificates;

Rep. Murman moved the adoption of the amendment.

Point of Order

Rep. Ryan raised a point of order, under Rule 12.8, that the amendment was not germane.

The Chair [Speaker Byrd] referred the point to the Co-Chairs of the Subcommittee on Rules. Pending a ruling, further consideration of the amendment was temporarily postponed.

Representatives Green, Gelber, and Goodlette offered the following:

(Amendment Bar Code: 054155)

Amendment 3 (with title amendment)—On page 29, lines 14-18, remove: all of said lines

and insert:

Administration to implement section 13 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.

Section 15. Section 430.83, Florida Statutes, is created to read:

430.83 Sunshine for Seniors Program.--

(1) POPULAR NAME.--This section shall be known by the popular name "The Sunshine for Seniors Act."

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

(a) "Application assistance organization" means any private organization that assists individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(b) "Eligible individual" means any individual who is 60 years of age or older who lacks adequate pharmaceutical insurance coverage.

(c) "Manufacturers' pharmaceutical assistance program" means any program offered by a pharmaceutical manufacturer that provides low-income individuals with prescription drugs free or at reduced prices, including, but not limited to, senior discount card programs and patient assistance programs.

(3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the pharmaceutical manufacturers, seeing a need, have created charitable programs to aid low-income seniors with the cost of prescription drugs. The Legislature also finds that many low-income seniors are unaware of such programs or either do not know how to apply for or need assistance in completing the applications for such programs. Therefore, it is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement and oversee the Sunshine for Seniors Program to help seniors in accessing manufacturers' pharmaceutical assistance programs.

(4) SUNSHINE FOR SENIORS PROGRAM.--There is established a program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs, which shall be known as the "Sunshine for Seniors Program." Implementation of the program is subject to the availability of funding and any limitations or directions provided for by the General Appropriations Act or chapter 216.

(5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In implementing and overseeing the Sunshine for Seniors Program, the Department of Elderly Affairs:

(a) Shall promote the availability of manufacturers' pharmaceutical assistance programs to eligible individuals with various outreach initiatives.

(b) Shall, working cooperatively with pharmaceutical manufacturers and consumer advocates, develop a uniform application form, which shall be available in English, Spanish, and Creole, to be completed by seniors who wish to participate in the Sunshine for Seniors Program.

(c) May request proposals from application assistance organizations to assist eligible individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(d) Shall train volunteers to help eligible individuals fill out applications for the manufacturers' pharmaceutical assistance programs.

(e) Shall train volunteers to determine if applicants are available for other state programs.

(f) Shall seek federal funds to help fund the Sunshine for Seniors Program.

(g) May seek federal waivers to help fund the Sunshine for Seniors Program.

(6) COMMUNITY PARTNERSHIPS.--The Department of Elderly Affairs may build private-sector and public-sector partnerships with corporations, hospitals, physicians, pharmacists, foundations, volunteers, state agencies, community groups, area agencies on aging, and any other entities that will further the intent of this section. These community partnerships may also be used to facilitate other pro bono benefits for eligible individuals, including, but not limited to, medical, dental, and prescription services.

(7) CONTRACTS.--The Department of Elderly Affairs may select and contract with application assistance organizations to assist eligible individuals in obtaining their prescription drugs through the manufacturers' pharmaceutical assistance programs. If the department contracts with an application assistance organization, the department shall evaluate quarterly the performance of the application assistance organization to ensure compliance

with the contract and the quality of service provided to eligible individuals.

(8) REPORTS AND EVALUATIONS.--By January 1 of each year, while the Sunshine for Seniors Program is operating, the Department of Elderly Affairs shall report to the Legislature regarding the implementation and operation of the Sunshine for Seniors Program.

(9) NONENTITLEMENT.--The Sunshine for Seniors Program established by this section is not an entitlement. If funds are insufficient to assist all eligible individuals, the Department of Elderly Affairs may develop a waiting list prioritized by application date.

Section 16. Section 409.9065, Florida Statutes, is amended to read:

409.9065 Pharmaceutical expense assistance.--

(1) PROGRAM ESTABLISHED.--There is established a program to provide pharmaceutical expense assistance to ~~eligible certain~~ low-income elderly individuals, which shall be known as the "Ron Silver Senior Drug Program" and may be referred to as the "Silver Lifesaver Program."

(2) ELIGIBILITY.--Eligibility for the program is limited to those individuals who ~~qualify for limited assistance under the Florida Medicaid program as a result of being dually eligible for both Medicare and Medicaid, but whose limited assistance or Medicare coverage does not include any pharmacy benefit. To the extent funds are appropriated, specifically eligible individuals are individuals who:~~

(a) Are Florida residents age 65 and over;

(b) Have an income equal to or less than 200 percent of the federal poverty level;:

1. Between 88 and 120 percent of the federal poverty level;

2. Between 88 and 150 percent of the federal poverty level if the Federal Government increases the federal Medicaid match for persons between 100 and 150 percent of the federal poverty level; or

3. Between 88 percent of the federal poverty level and a level that can be supported with funds provided in the General Appropriations Act for the program offered under this section along with federal matching funds approved by the Federal Government under a s. 1115 waiver. The agency is authorized to submit and implement a federal waiver pursuant to this subparagraph. The agency shall design a pharmacy benefit that includes annual per member benefit limits and cost-sharing provisions and limits enrollment to available appropriations and matching federal funds. Prior to implementing this program, the agency must submit a budget amendment pursuant to chapter 216;

(c) Are eligible for both Medicare and Medicaid;

(d) Have exhausted pharmacy benefits under Medicare, Medicaid, or any other insurance plan. Are not enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and

(e) Request to be enrolled in the program.

(3) BENEFITS.--Eligible individuals shall receive a discount for prescription drugs Medications covered under the pharmaceutical expense assistance program are those covered under the Medicaid program in s. 409.906(20)(49). Monthly benefit payments shall be limited to \$80 per program participant. Participants are required to make a 10 percent coinsurance payment for each prescription purchased through this program.

(a) Eligible individuals with incomes equal to or less than 120 percent of the federal poverty level shall receive a discount of 100 percent for the first \$160 worth of prescription drugs they receive each month, subject to copayments that the agency requires on these benefits. For all other prescription drugs received each month, eligible individuals shall receive a discount of 50 percent.

(b) Eligible individuals with incomes of more than 120 percent but not more than 150 percent of the federal poverty level shall receive a discount of 50 percent.

(c) Eligible individuals with incomes of more than 150 percent but not more than 175 percent of the federal poverty level shall receive a discount of 41 percent.

(d) Eligible individuals with incomes of more than 175 percent but not more than 200 percent of the federal poverty level shall receive a discount of 37 percent.

(4) ADMINISTRATION.--The pharmaceutical expense assistance program shall be administered by the agency for Health Care Administration, in collaboration consultation with the Department of Elderly Affairs and the Department of Children and Family Services.

(a) The Agency for Health Care Administration and the Department of Elderly Affairs shall develop a single page application for the pharmaceutical

~~expense assistance program.~~

~~(a)(b)~~ The agency for Health Care Administration shall, by rule, establish for the pharmaceutical expense assistance program eligibility requirements, limits on participation, benefit limitations, including copayments, a requirement for generic drug substitution, and other program parameters comparable to those of the Medicaid program. However, there shall be no monetary limit on prescription drugs purchased with discounts of less than 51 percent unless the agency determines there is a risk of a funding shortfall in the program. If the agency determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.

~~(b)(e)~~ By January 1 of each year, the agency for Health Care Administration shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet pharmaceutical drug needs among the elderly and recommend programmatic changes.

(5) NONENTITLEMENT.--The pharmaceutical expense assistance program established by this section is not an entitlement. Enrollment levels are limited to those authorized by the Legislature in the annual General Appropriations Act. If, after establishing monetary limits as required by paragraph (4)(a), funds are insufficient to serve all eligible individuals ~~eligible under subsection (2) and~~ seeking coverage, the agency may develop a waiting list based on application dates to use in enrolling individuals in unfilled enrollment slots.

(6) PHARMACEUTICAL MANUFACTURER PARTICIPATION.--In order for a drug product to be covered under Medicaid or this program, the product's manufacturer shall:

(a) Provide a rebate to the state equal to the rebate required by the Medicaid program; and

(b) Make the drug product available to the program for the best price that the manufacturer makes the drug product available in the Medicaid program.

(7) REIMBURSEMENT.--Total reimbursements to pharmacies participating in the pharmaceutical expense assistance program established under this section shall be equivalent to reimbursements under the Medicaid program.

(8) FEDERAL APPROVAL.--The benefits provided in this section are limited to those approved by the Federal Government pursuant to a Medicaid waiver or an amendment to the state Medicaid plan.

Section 17. Subsections (7), (8), and (9) are added to section 430.502, Florida Statutes, to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.--

(7) The Agency for Health Care Administration and the department shall seek a federal waiver to implement a Medicaid home and community-based waiver targeted to persons with Alzheimer's disease to test the effectiveness of Alzheimer's specific interventions to delay or to avoid institutional placement.

(8) The department will implement the waiver program specified in subsection (7). The agency and the department shall ensure that providers are selected that have a history of successfully serving persons with Alzheimer's disease. The department and the agency shall develop specialized standards for providers and services tailored to persons in the early, middle, and late stages of Alzheimer's disease and designate a level of care determination process and standard that is most appropriate to this population. The department and the agency shall include in the waiver services designed to assist the caregiver in continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.

(9) Authority to continue the waiver program specified in subsection (7) shall be automatically eliminated at the close of the 2008 Regular Session of the Legislature unless further legislative action is taken to continue it prior to such time.

Section 18. Paragraph (t) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.--

(3) EXEMPTIONS.--Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(t)1. For the provision of adult open-heart services in a hospital located within the boundaries of Palm Beach, Polk, Martin, St. Lucie, and Indian River Counties if the following conditions are met: The exemption must be based upon objective criteria and address and solve the twin problems of geographic and temporal access. A hospital shall be exempt from the certificate-of-need review for the establishment of an open-heart-surgery program when the application for exemption submitted under this paragraph complies with the following criteria:

a. The applicant must certify that it will meet and continuously maintain the minimum licensure requirements adopted by the agency governing adult open-heart programs, including the most current guidelines of the American College of Cardiology and American Heart Association Guidelines for Adult Open Heart Programs.

b. The applicant must certify that it will maintain sufficient appropriate equipment and health personnel to ensure quality and safety.

c. The applicant must certify that it will maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

d. The applicant can demonstrate that it is referring 300 or more patients per year from the hospital, including the emergency room, for cardiac services at a hospital with cardiac services, or that the average wait for transfer for 50 percent or more of the cardiac patients exceeds 4 hours.

e. The applicant is a general acute care hospital that is in operation for 3 years or more.

f. The applicant is performing more than 300 diagnostic cardiac catheterization procedures per year, combined inpatient and outpatient.

g. The applicant's payor mix at a minimum reflects the community average for Medicaid, charity care, and self-pay patients or the applicant must certify that it will provide a minimum of 5 percent of Medicaid, charity care, and self-pay to open-heart-surgery patients.

h. If the applicant fails to meet the established criteria for open-heart programs or fails to reach 300 surgeries per year by the end of its third year of operation, it must show cause why its exemption should not be revoked.

2. By December 31, 2004, and annually thereafter, the Agency for Health Care Administration shall submit a report to the Legislature providing information concerning the number of requests for exemption received under this paragraph and the number of exemptions granted or denied.

Section 19. There is annually appropriated the recurring sum of \$10,000,000 from the General Revenue Fund to the Florida Alzheimer's Center and Research Institute as established in section 1004.445, Florida Statutes to be used for research relating to the prevention, treatment, and cure of Alzheimer's disease.

Section 20. The sum of \$20,000,000 is appropriated from the Public Education Capital Outlay and Debt Service Trust Fund for the construction of the Florida Alzheimer's Center and Research Institute at the University of South Florida. The Florida Alzheimer's Center and Research Institute shall direct the Board of Trustees of the University of South Florida on the expenditure of these funds.

Section 21. Except as otherwise expressly provided, this act shall take effect July 1, 2003, but if it becomes a law after May 1, 2003, sections 13 and 14 of this act shall

On page 1, line 2,
remove: all of said line

and insert:

An act relating to health care; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; amending s. 409.9065, F.S.; revising the pharmaceutical expense assistance program for low-income elderly individuals; adding eligibility groups; providing benefits; requiring the Agency for Health Care Administration, in administering the program, to collaborate with both the Department of Elderly Affairs and the Department of Children and Family Services; requiring federal approval of benefits; amending s. 430.502, F.S.; requiring the Agency for Health Care

Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal of such waiver program; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; providing a continuing appropriation for the Florida Alzheimer's Center and Research Institute; providing an appropriation for construction of the Florida Alzheimer's Center and Research Institute;

Rep. Green moved the adoption of the amendment.

Representative Wishner offered the following:

(Amendment Bar Code: 165503)

Amendment 1 to Amendment 3 (with title amendment)—Remove line(s) 258-309, and insert:

Remove line(s) 354-358, and insert:
repeal of such waiver program; providing a

Rep. Wishner moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Wishner offered the following:

(Amendment Bar Code: 764071)

Amendment 2 to Amendment 3—Remove line(s) 264, and insert:
hospital located within the boundaries of Polk.

Rep. Wishner moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 3**.

Point of Order

Rep. Ryan raised a point of order, under Rule 12.8, that the amendment was not germane.

The Chair [Speaker Byrd] referred the point to the Co-Chairs of the Subcommittee on Rules. Pending a ruling, further consideration of the amendment was temporarily postponed.

Representatives Green, Gelber, and Goodlette offered the following:

(Amendment Bar Code: 211603)

Amendment 4 (with title amendment)—On page 29, lines 14-18, remove: all of said lines

and insert:

Administration to implement section 13 of this act during the 2002-2003 fiscal year. This section takes effect May 1, 2003.

Section 15. Section 430.83, Florida Statutes, is created to read:

430.83 Sunshine for Seniors Program.--

(1) POPULAR NAME.--This section shall be known by the popular name "The Sunshine for Seniors Act."

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

(a) "Application assistance organization" means any private organization that assists individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(b) "Eligible individual" means any individual who is 60 years of age or older who lacks adequate pharmaceutical insurance coverage.

(c) "Manufacturers' pharmaceutical assistance program" means any program offered by a pharmaceutical manufacturer that provides low-income individuals with prescription drugs free or at reduced prices, including, but not limited to, senior discount card programs and patient assistance programs.

(3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the pharmaceutical manufacturers, seeing a need, have created charitable

programs to aid low-income seniors with the cost of prescription drugs. The Legislature also finds that many low-income seniors are unaware of such programs or either do not know how to apply for or need assistance in completing the applications for such programs. Therefore, it is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement and oversee the Sunshine for Seniors Program to help seniors in accessing manufacturers' pharmaceutical assistance programs.

(4) SUNSHINE FOR SENIORS PROGRAM.--There is established a program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs, which shall be known as the "Sunshine for Seniors Program." Implementation of the program is subject to the availability of funding and any limitations or directions provided for by the General Appropriations Act or chapter 216.

(5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In implementing and overseeing the Sunshine for Seniors Program, the Department of Elderly Affairs:

(a) Shall promote the availability of manufacturers' pharmaceutical assistance programs to eligible individuals with various outreach initiatives.

(b) Shall, working cooperatively with pharmaceutical manufacturers and consumer advocates, develop a uniform application form, which shall be available in English, Spanish, and Creole, to be completed by seniors who wish to participate in the Sunshine for Seniors Program.

(c) May request proposals from application assistance organizations to assist eligible individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(d) Shall train volunteers to help eligible individuals fill out applications for the manufacturers' pharmaceutical assistance programs.

(e) Shall train volunteers to determine if applicants are available for other state programs.

(f) Shall seek federal funds to help fund the Sunshine for Seniors Program.

(g) May seek federal waivers to help fund the Sunshine for Seniors Program.

(6) COMMUNITY PARTNERSHIPS.--The Department of Elderly Affairs may build private-sector and public-sector partnerships with corporations, hospitals, physicians, pharmacists, foundations, volunteers, state agencies, community groups, area agencies on aging, and any other entities that will further the intent of this section. These community partnerships may also be used to facilitate other pro bono benefits for eligible individuals, including, but not limited to, medical, dental, and prescription services.

(7) CONTRACTS.--The Department of Elderly Affairs may select and contract with application assistance organizations to assist eligible individuals in obtaining their prescription drugs through the manufacturers' pharmaceutical assistance programs. If the department contracts with an application assistance organization, the department shall evaluate quarterly the performance of the application assistance organization to ensure compliance with the contract and the quality of service provided to eligible individuals.

(8) REPORTS AND EVALUATIONS.--By January 1 of each year, while the Sunshine for Seniors Program is operating, the Department of Elderly Affairs shall report to the Legislature regarding the implementation and operation of the Sunshine for Seniors Program.

(9) NONENTITLEMENT.--The Sunshine for Seniors Program established by this section is not an entitlement. If funds are insufficient to assist all eligible individuals, the Department of Elderly Affairs may develop a waiting list prioritized by application date.

Section 16. Section 409.9065, Florida Statutes, is amended to read:
409.9065 Pharmaceutical expense assistance.--

(1) PROGRAM ESTABLISHED.--There is established a program to provide pharmaceutical expense assistance to eligible certain low-income elderly individuals, which shall be known as the "Ron Silver Senior Drug Program" and may be referred to as the "Silver Lifesaver Program."

(2) ELIGIBILITY.--Eligibility for the program is limited to those individuals who qualify for limited assistance under the Florida Medicaid program as a result of being dually eligible for both Medicare and Medicaid, but whose limited assistance or Medicare coverage does not include any pharmacy benefit. To the extent funds are appropriated, specifically eligible individuals are individuals who:

(a) Are Florida residents age 65 and over;

(b) Have an income equal to or less than 200 percent of the federal poverty level;:-

1. Between 88 and 120 percent of the federal poverty level;
 2. Between 88 and 150 percent of the federal poverty level if the Federal Government increases the federal Medicaid match for persons between 100 and 150 percent of the federal poverty level; or
 3. ~~Between 88 percent of the federal poverty level and a level that can be supported with funds provided in the General Appropriations Act for the program offered under this section along with federal matching funds approved by the Federal Government under a s. 1115 waiver. The agency is authorized to submit and implement a federal waiver pursuant to this subparagraph. The agency shall design a pharmacy benefit that includes annual per member benefit limits and cost sharing provisions and limits enrollment to available appropriations and matching federal funds. Prior to implementing this program, the agency must submit a budget amendment pursuant to chapter 216;~~

(c) Are eligible for both Medicare and Medicaid;
 (d) Have exhausted pharmacy benefits under Medicare, Medicaid, or any other insurance plan ~~Are not enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and~~
 (e) Request to be enrolled in the program.

(3) BENEFITS.--~~Eligible individuals shall receive a discount for prescription drugs Medications covered under the pharmaceutical expense assistance program are those covered under the Medicaid program in s. 409.906(20)(19). Monthly benefit payments shall be limited to \$80 per program participant. Participants are required to make a 10 percent coinsurance payment for each prescription purchased through this program.~~

(a) Eligible individuals with incomes equal to or less than 120 percent of the federal poverty level shall receive a discount of 100 percent for the first \$160 worth of prescription drugs they receive each month, subject to copayments that the agency requires on these benefits. For all other prescription drugs received each month, eligible individuals shall receive a discount of 50 percent.

(b) Eligible individuals with incomes of more than 120 percent but not more than 150 percent of the federal poverty level shall receive a discount of 50 percent.

(c) Eligible individuals with incomes of more than 150 percent but not more than 175 percent of the federal poverty level shall receive a discount of 41 percent.

(d) Eligible individuals with incomes of more than 175 percent but not more than 200 percent of the federal poverty level shall receive a discount of 37 percent.

(4) ADMINISTRATION.--~~The pharmaceutical expense assistance program shall be administered by the agency for Health Care Administration, in collaboration consultation with the Department of Elderly Affairs and the Department of Children and Family Services.~~

~~(a) The Agency for Health Care Administration and the Department of Elderly Affairs shall develop a single page application for the pharmaceutical expense assistance program.~~

~~(a)(b) The agency for Health Care Administration shall, by rule, establish for the pharmaceutical expense assistance program eligibility requirements; limits on participation; benefit limitations, including copayments; a requirement for generic drug substitution; and other program parameters comparable to those of the Medicaid program. However, there shall be no monetary limit on prescription drugs purchased with discounts of less than 51 percent unless the agency determines there is a risk of a funding shortfall in the program. If the agency determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.~~

~~(b)(e) By January 1 of each year, the agency for Health Care Administration shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet pharmaceutical drug needs among the elderly and recommend programmatic changes.~~

(5) NONENTITLEMENT.--~~The pharmaceutical expense assistance program established by this section is not an entitlement. Enrollment levels are limited to those authorized by the Legislature in the annual General Appropriations Act. If, after establishing monetary limits as required by paragraph (4)(a), funds are insufficient to serve all eligible individuals eligible under subsection (2) and seeking coverage, the agency may develop a waiting list based on application dates to use in enrolling individuals in unfilled~~

enrollment slots.

(6) PHARMACEUTICAL MANUFACTURER PARTICIPATION.--~~In order for a drug product to be covered under Medicaid or this program, the product's manufacturer shall:~~

(a) Provide a rebate to the state equal to the rebate required by the Medicaid program; and

(b) Make the drug product available to the program for the best price that the manufacturer makes the drug product available in the Medicaid program.

(7) REIMBURSEMENT.--~~Total~~ reimbursements to pharmacies participating in the pharmaceutical expense assistance program established under this section shall be equivalent to reimbursements under the Medicaid program.

(8) FEDERAL APPROVAL.--~~The benefits provided in this section are limited to those approved by the Federal Government pursuant to a Medicaid waiver or an amendment to the state Medicaid plan.~~

Section 17. Subsections (7), (8), and (9) are added to section 430.502, Florida Statutes, to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.--

(7) The Agency for Health Care Administration and the department shall seek a federal waiver to implement a Medicaid home and community-based waiver targeted to persons with Alzheimer's disease to test the effectiveness of Alzheimer's specific interventions to delay or to avoid institutional placement.

(8) The department will implement the waiver program specified in subsection (7). The agency and the department shall ensure that providers are selected that have a history of successfully serving persons with Alzheimer's disease. The department and the agency shall develop specialized standards for providers and services tailored to persons in the early, middle, and late stages of Alzheimer's disease and designate a level of care determination process and standard that is most appropriate to this population. The department and the agency shall include in the waiver services designed to assist the caregiver in continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.

(9) Authority to continue the waiver program specified in subsection (7) shall be automatically eliminated at the close of the 2008 Regular Session of the Legislature unless further legislative action is taken to continue it prior to such time.

Section 18. Except as otherwise expressly provided, this act shall take effect July 1, 2003, but if it becomes a law after May 1, 2003, sections 13 and 14 of this act shall

On page 1, line 2,
 remove: all of said line

and insert:

An act relating to health care; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; amending s. 409.9065, F.S.; revising the pharmaceutical expense assistance program for low-income elderly individuals; adding eligibility groups; providing benefits; requiring the Agency for Health Care Administration, in administering the program, to collaborate with both the Department of Elderly Affairs and the Department of Children and Family Services; requiring federal approval of benefits; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal of such waiver program;

Rep. Green moved the adoption of the amendment.

Point of Order

Rep. Ryan raised a point of order, under Rule 12.8, that the amendment was not germane.

The Chair [Speaker Byrd] referred the point to the Co-Chairs of the Subcommittee on Rules. Pending a ruling, further consideration of the amendment was temporarily postponed.

Further consideration of **CS for CS for SB 1252**, with pending amendments and points of order, was temporarily postponed under Rule 11.10.

CS for SB 320—A bill to be entitled An act relating to the Florida Medicaid program; amending s. 409.9066, F.S.; requiring the Agency for Health Care Administration to publish on a website the average wholesale prices of drugs provided through the program; requiring the agency to publish additional information to assist consumers; requiring a report on methods of pricing pharmaceutical products purchased by the program; providing an effective date.

—was taken up, having been read the first time earlier today. On motion by Rep. Vana, the rules were waived and the bill was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1, concurred in same as amended and passed CS for SB 2322, as further amended and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS for SB 2322—A bill to be entitled An act relating to assistance in obtaining prescription drugs; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; providing an appropriation and authorizing a position; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

(House Amendment 1 attached to original bill and shown in the *Journal* on pages 591-592, April 24.)

(Amendment Bar Code: 302324)

Senate Amendment 3 (with title amendment) to House Amendment 1

—On page 1, line 15, through page 8, line 226, delete those lines and insert: On page 1, line 27, through page 6, line 9, remove: all of said lines, and insert:

Section 1. Subsection (2) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.--The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(2) A caretaker relative or parent, a pregnant woman, a child under age 19 who would otherwise qualify for Florida Kidcare Medicaid, a child up to age 21 who would otherwise qualify under s. 409.903(1), a person age 65 or over, or a blind or disabled person, who would otherwise be eligible for Florida Medicaid, except that the income or assets of such family or person exceed established limitations. For a family or person in one of these coverage groups, medical expenses are deductible from income in accordance with federal requirements in order to make a determination of eligibility. Expenses

used to meet spend-down liability are not reimbursable by Medicaid. Effective ~~July~~ ^{May} 1, 2003, when determining the eligibility of a pregnant woman, a child, or an aged, blind, or disabled individual, \$270 shall be deducted from the countable income of the filing unit. When determining the eligibility of the parent or caretaker relative as defined by Title XIX of the Social Security Act, the additional income disregard of \$270 does not apply. A family or person eligible under the coverage known as the "medically needy," is eligible to receive the same services as other Medicaid recipients, with the exception of services in skilled nursing facilities and intermediate care facilities for the developmentally disabled.

Section 2. The non-recurring sums of \$8,265,777 from the General Revenue Fund, \$2,505,224 from the Grants and Donations Trust Fund, and \$11,727,287 from the Medical Care Trust Fund are appropriated to the Agency for Health Care Administration to implement section 1 of this act during the 2002-2003 fiscal year.

Section 3. This act shall take effect upon becoming a law, but if it becomes a law after May 1, 2003, this act shall operate retroactively to that date.

And the title is amended as follows:

On page 9, lines 229-235, delete those lines

and insert:

On page 1, lines 2-23, remove: all of said lines

and insert:

An act relating to the medically needy program; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing an effective date.

On motion by Rep. Goodlette, the House concurred in Senate Amendment 3 to House Amendment 1.

The question recurred on the passage of CS for SB 2322. The vote was:

Session Vote Sequence: 317

Speaker Byrd in the Chair.

Yeas—118

Adams	Cusack	Johnson	Quinones
Allen	Davis, D.	Jordan	Reagan
Altman	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
Bendross-Mindingall	Garcia	Llorente	Sansom
Bense	Gardiner	Machek	Seiler
Benson	Gelber	Mack	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bowen	Goodlette	McInvale	Sobel
Brandenburg	Gottlieb	Meadows	Sorensen
Brown	Green	Mealor	Spratt
Brummer	Greenstein	Murman	Stansel
Brutus	Harper	Murzin	Stargel
Bucher	Harrell	Needelman	Troutman
Bullard	Harrington	Negron	Vana
Byrd	Hasner	Patterson	Waters
Cantens	Henriquez	Paul	Wiles
Carassas	Hogan	Peterman	Wishner
Clarke	Holloway	Pickens	Zapata
Cretul	Homan	Planas	
Culp	Jennings	Prieguez	

Nays—None

Votes after roll call:

Yeas—Poppell

So the bill passed, as amended. The action, together with the bill and amendments thereto was immediately certified to the Senate.

Unfinished Business

CS for SB 460—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; providing an effective date.

—was taken up, having been read the third time on April 29; now pending roll call.

Representative Goodlette offered the following:

(Amendment Bar Code: 802575)

Amendment 1 (with title amendment)—On page 3, between line(s) 3 and 4, insert:

Section 2. Section 430.83, Florida Statutes, is created to read:

430.83 Sunshine for Seniors Program.--

(1) POPULAR NAME.--This section shall be known by the popular name "The Sunshine for Seniors Act."

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

(a) "Application assistance organization" means any private organization that assists individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(b) "Eligible individual" means any individual who is 60 years of age or older who lacks adequate pharmaceutical insurance coverage.

(c) "Manufacturers' pharmaceutical assistance program" means any program offered by a pharmaceutical manufacturer that provides low-income individuals with prescription drugs free or at reduced prices, including, but not limited to, senior discount card programs and patient assistance programs.

(3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature finds that the pharmaceutical manufacturers, seeing a need, have created charitable programs to aid low-income seniors with the cost of prescription drugs. The Legislature also finds that many low-income seniors are unaware of such programs or either do not know how to apply for or need assistance in completing the applications for such programs. Therefore, it is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement and oversee the Sunshine for Seniors Program to help seniors in accessing manufacturers' pharmaceutical assistance programs.

(4) SUNSHINE FOR SENIORS PROGRAM.--There is established a program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs, which shall be known as the "Sunshine for Seniors Program." Implementation of the program is subject to the availability of funding and any limitations or directions provided for by the General Appropriations Act or chapter 216.

(5) IMPLEMENTATION AND OVERSIGHT DUTIES.--In implementing and overseeing the Sunshine for Seniors Program, the Department of Elderly Affairs:

(a) Shall promote the availability of manufacturers' pharmaceutical assistance programs to eligible individuals with various outreach initiatives.

(b) Shall, working cooperatively with pharmaceutical manufacturers and consumer advocates, develop a uniform application form, which shall be available in English, Spanish, and Creole, to be completed by seniors who wish to participate in the Sunshine for Seniors Program.

(c) May request proposals from application assistance organizations to assist eligible individuals with obtaining prescription drugs through manufacturers' pharmaceutical assistance programs.

(d) Shall train volunteers to help eligible individuals fill out applications for the manufacturers' pharmaceutical assistance programs.

(e) Shall train volunteers to determine if applicants are available for other state programs.

(f) Shall seek federal funds to help fund the Sunshine for Seniors Program.

(g) May seek federal waivers to help fund the Sunshine for Seniors Program.

(6) COMMUNITY PARTNERSHIPS.--The Department of Elderly Affairs may build private-sector and public-sector partnerships with corporations, hospitals, physicians, pharmacists, foundations, volunteers, state agencies, community groups, area agencies on aging, and any other entities that will further the intent of this section. These community partnerships may also be used to facilitate other pro bono benefits for eligible individuals, including, but not limited to, medical, dental, and prescription services.

(7) CONTRACTS.--The Department of Elderly Affairs may select and contract with application assistance organizations to assist eligible individuals in obtaining their prescription drugs through the manufacturers' pharmaceutical assistance programs. If the department contracts with an application assistance organization, the department shall evaluate quarterly the performance of the application assistance organization to ensure compliance with the contract and the quality of service provided to eligible individuals.

(8) REPORTS AND EVALUATIONS.--By January 1 of each year, while the Sunshine for Seniors Program is operating, the Department of Elderly Affairs shall report to the Legislature regarding the implementation and operation of the Sunshine for Seniors Program.

(9) NONENTITLEMENT.--The Sunshine for Seniors Program established by this section is not an entitlement. If funds are insufficient to assist all eligible individuals, the Department of Elderly Affairs may develop a waiting list prioritized by application date.

Section 3. Section 409.9065, Florida Statutes, is amended to read:

409.9065 Pharmaceutical expense assistance.--

(1) PROGRAM ESTABLISHED.--There is established a program to provide pharmaceutical expense assistance to eligible certain low-income elderly individuals, which shall be known as the "Ron Silver Senior Drug Program" and may be referred to as the "Silver Lifesaver Program."

(2) ELIGIBILITY.--Eligibility for the program is limited to those individuals who qualify for limited assistance under the Florida Medicaid program as a result of being dually eligible for both Medicare and Medicaid, but whose limited assistance or Medicare coverage does not include any pharmacy benefit. To the extent funds are appropriated, specifically eligible individuals are individuals who:

(a) Are Florida residents age 65 and over;

(b) Have an income equal to or less than 200 percent of the federal poverty level;

1. Between 88 and 120 percent of the federal poverty level;

2. Between 88 and 150 percent of the federal poverty level if the Federal Government increases the federal Medicaid match for persons between 100 and 150 percent of the federal poverty level; or

3. Between 88 percent of the federal poverty level and a level that can be supported with funds provided in the General Appropriations Act for the program offered under this section along with federal matching funds approved by the Federal Government under a s. 1115 waiver. The agency is authorized to submit and implement a federal waiver pursuant to this subparagraph. The agency shall design a pharmacy benefit that includes annual per member benefit limits and cost-sharing provisions and limits enrollment to available appropriations and matching federal funds. Prior to implementing this program, the agency must submit a budget amendment pursuant to chapter 216;

(c) Are eligible for both Medicare and Medicaid;

(d) Have exhausted pharmacy benefits under Medicare, Medicaid, or any other insurance plan Are not enrolled in a Medicare health maintenance organization that provides a pharmacy benefit; and

(e) Request to be enrolled in the program.

(3) BENEFITS.--Eligible individuals shall receive a discount for prescription drugs Medications covered under the pharmaceutical expense assistance program are those covered under the Medicaid program in s. 409.906(20)(49). Monthly benefit payments shall be limited to \$80 per program participant. Participants are required to make a 10 percent coinsurance payment for each prescription purchased through this program.

(a) Eligible individuals with incomes equal to or less than 120 percent of the federal poverty level shall receive a discount of 100 percent for the first \$160 worth of prescription drugs they receive each month, subject to copayments that the agency requires on these benefits. For all other prescription drugs received each month, eligible individuals shall receive a discount of 50 percent.

(b) Eligible individuals with incomes of more than 120 percent but not more than 150 percent of the federal poverty level shall receive a discount of 50 percent.

(c) Eligible individuals with incomes of more than 150 percent but not more than 175 percent of the federal poverty level shall receive a discount of 41 percent.

(d) Eligible individuals with incomes of more than 175 percent but not more than 200 percent of the federal poverty level shall receive a discount of 37 percent.

(4) ADMINISTRATION.--The pharmaceutical expense assistance program shall be administered by the agency ~~for Health Care Administration, in collaboration consultation with the Department of Elderly Affairs and the Department of Children and Family Services.~~

~~(a) The Agency for Health Care Administration and the Department of Elderly Affairs shall develop a single page application for the pharmaceutical expense assistance program.~~

~~(a)(b) The agency for Health Care Administration shall, by rule, establish for the pharmaceutical expense assistance program eligibility requirements; limits on participation; benefit limitations, including copayments; a requirement for generic drug substitution; and other program parameters comparable to those of the Medicaid program. However, there shall be no monetary limit on prescription drugs purchased with discounts of less than 51 percent unless the agency determines there is a risk of a funding shortfall in the program. If the agency determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.~~

~~(b)(e) By January 1 of each year, the agency for Health Care Administration shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet pharmaceutical drug needs among the elderly and recommend programmatic changes.~~

(5) NONENTITLEMENT.--The pharmaceutical expense assistance program established by this section is not an entitlement. Enrollment levels are limited to those authorized by the Legislature in the annual General Appropriations Act. ~~If, after establishing monetary limits as required by paragraph (4)(a), funds are insufficient to serve all eligible individuals eligible under subsection (2) and seeking coverage, the agency may develop a waiting list based on application dates to use in enrolling individuals in unfilled enrollment slots.~~

(6) PHARMACEUTICAL MANUFACTURER PARTICIPATION.--In order for a drug product to be covered under Medicaid or this program, the product's manufacturer shall:

(a) Provide a rebate to the state equal to the rebate required by the Medicaid program; and

(b) Make the drug product available to the program for the best price that the manufacturer makes the drug product available in the Medicaid program.

(7) REIMBURSEMENT.--~~Total~~ reimbursements to pharmacies participating in the pharmaceutical expense assistance program established under this section shall be equivalent to reimbursements under the Medicaid program.

(8) FEDERAL APPROVAL.--The benefits provided in this section are limited to those approved by the Federal Government pursuant to a Medicaid waiver or an amendment to the state Medicaid plan.

On page 1, line(s) 8,
remove: all of said line

and insert:

to the Legislature; creating s. 430.83, F.S.; providing a popular name; providing definitions; providing legislative findings and intent; creating the Sunshine for Seniors Program to assist low-income seniors with obtaining prescription drugs from manufacturers' pharmaceutical assistance programs; providing implementation and oversight duties of the Department of Elderly Affairs; providing for community partnerships; providing for contracts; requiring annual evaluation reports on the program; specifying that the program is not an entitlement; amending s. 409.9065, F.S.; revising the pharmaceutical expense assistance program for low-income elderly individuals; adding eligibility groups; providing benefits; requiring the Agency for Health Care Administration, in administering the program, to

collaborate with both the Department of Elderly Affairs and the Department of Children and Family Services; requiring federal approval of benefits; providing an effective

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

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.

CS for SB 308—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; revising the use of annual use fees from the sale of Sea Turtle license plates; providing an appropriation; repealing s. 370.12(1)(h), F.S., which provides for the Fish and Wildlife Conservation Commission to provide grants to conduct marine turtle research, conservation, and education activities; providing an effective date.

—was taken up, having been read the first and second times earlier today. On motion by Rep. Murzin, the rules were waived and the bill was read the third time by title.

Pending roll call, further consideration of CS for SB 308 was temporarily postponed.

The House returned to consideration of CS for CS for SB 1252.

CS for CS for SB 1252—A bill to be entitled An act relating to health care facilities; creating s. 400.244, F.S.; allowing nursing homes to convert beds to alternative uses as specified; providing restrictions on uses of funding under assisted-living Medicaid waivers; providing procedures; providing for the applicability of certain fire and life safety codes; providing applicability of certain laws; requiring a nursing home to submit to the Agency for Health Care Administration a written request for permission to convert beds to alternative uses; providing conditions for disapproving such a request; providing for periodic review; providing for retention of nursing home licensure for converted beds; providing for reconversion of the beds; providing applicability of licensure fees; requiring a report to the agency; amending s. 400.021, F.S.; redefining the term "resident care plan," as used in part I of ch. 400, F.S.; amending s. 400.23, F.S.; providing that certain information from the Agency for Health Care Administration must reflect the most current agency actions; amending s. 400.147, F.S.; amending the definition of the term "adverse incident"; requiring certain reports to be filed; revising requirements for a facility's report to the agency on adverse incidents; providing guidelines for the agency's report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising inservice training requirements for persons employed as nursing assistants in a nursing home facility; amending s. 408.032, F.S.; revising the definition of "tertiary health service" under the Health Facility and Services Development Act; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the Agency for Health Care Administration by rule to include a goal of maintaining a specified district average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; removing certain projects from and subjecting certain projects to expedited review and revising requirements for other projects subject to expedited review; removing the exemption from review for certain projects; revising requirements for certain projects that are exempt from review; exempting certain projects from review; amending s. 408.038, F.S.; increasing fees of the certificate-of-need program; amending s. 408.039, F.S.; providing for approval of recommended orders of the Division of Administrative Hearings when the Agency for Health Care Administration fails to take action on an application for a certificate of need within a specified time period; creating the Hospital Statutory and Regulatory Reform Council; providing for review of an application for a certificate of need pending on the effective date of the act; providing legislative intent; providing for membership and duties of the council; amending s. 409.904, F.S.; postponing the effective date of changes to standards for eligibility for certain optional medical assistance, including coverage under the medically needy program; providing appropriations; providing for retroactive application; providing effective dates.

—was taken up, having been read the second time earlier today; now pending on points of order by Rep. Ryan, under Rule 12.8, on Amendment 2 by Rep. Murman and Amendments 3 and 4 by Rep. Green.

Point of Order

Rep. Ross, Co-Chair of the Subcommittee on Rules, in speaking to the points of order on Amendments 2, 3, and 4 to CS for SB 1252 stated that while the relating to clause of the amendments claimed to be an act relating to health care facilities, the bill had already been expanded to include the medically needy program and thus was not in fact related to health care facilities but related to health care. The bill already required a technical amendment to bring the title in compliance with the body of the bill as passed by the Senate. Therefore, it would be inaccurate to say that the addition of the amendments required the change in the relating to clause and he recommended the points not be well taken.

The Chair [Speaker Byrd], upon the recommendation of Rep. Ross, Co-Chair of the Subcommittee on Rules, ruled the points not well taken.

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

Session Vote Sequence: 318

Speaker Byrd in the Chair.

Yeas—78

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

Nays—20

Antone	Fiorentino	Kendrick	Roberson
Ausley	Gibson, A.	Peterman	Ryan
Brandenburg	Gottlieb	Rich	Seiler
Bucher	Harper	Richardson	Sobel
Fields	Jennings	Ritter	Sorensen

Votes after roll call:

Yeas—Bean, Evers

Nays—Bendross-Mindingall, Brutus, Gannon, Wishner

Nays to Yeas—Bendross-Mindingall

The question recurred on the adoption of **Amendment 3**, which was adopted.

The question recurred on the adoption of **Amendment 4**, which was adopted.

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.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1822, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Margolis—

CS for SB 1822—A bill to be entitled An act relating to adult protective services; amending s. 415.1045, F.S.; requiring the Department of Children and Family Services to enter into certain working agreements with local law enforcement agencies; requiring the Office of Program Policy Analysis and Government Accountability to review and report to the Legislature; amending s. 415.1102, F.S.; defining the term "multidisciplinary adult protection team"; providing for composition of such teams; requiring the department to report to the Legislature on the status of compliance with certain recommendations relating to the Adult Services Program and to analyze and provide a plan for the implementation of multidisciplinary adult protection teams; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; providing an effective date.

—was read the first time by title. On motion by Rep. Bendross-Mindingall, the rules were waived and the bill was read the second time by title.

Representative Green offered the following:

(Amendment Bar Code: 916463)

Amendment 1 (with directory and title amendments)—On page 6, between line(s) 9 and 10, insert:

Section 5. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.--There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) ~~The Secretary of Elderly Affairs shall appoint the executive director, who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor.~~ The executive director must be a member of The Florida Bar, knowledgeable of licensed attorney with a background in guardianship law and knowledge of the social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the ~~Secretary~~ Governor.

(2) ~~The executive director Statewide Public Guardianship Office shall, within available resources, have oversight responsibilities for all public guardians.~~

(a) ~~The executive director office~~ shall review the current public guardian programs in Florida and other states.

(b) ~~The executive director office~~, in consultation with local guardianship

offices, shall develop statewide performance measures and standards.

(c) The ~~executive director office~~ shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the ~~executive director office~~ shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

~~(d) No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase in system, and shall include estimates of the cost of each of the alternatives. By January 1, 2004, and by January 1 of each year thereafter, the executive director office shall provide a status report and provide further recommendations to the Secretary that address the need for public guardianship services and related issues.~~

(e) The ~~executive director office~~ may provide assistance to local governments or entities in pursuing grant opportunities. The ~~executive director office~~ shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The ~~executive director office~~ shall diligently seek ways to use existing programs and services to meet the needs of public wards.

~~(f) The executive director, in consultation with the Florida Guardianship Foundation office shall develop a guardianship training program curriculum that. The training program may be offered to all guardians whether public or private. The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.~~

(3) The ~~executive director office~~ may conduct or contract for demonstration projects authorized by the Department of Elderly Affairs, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The ~~Department of Elderly Affairs office~~ has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

On page 1, line(s) 27,

Insert after the semicolon:

amending s. 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs;

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

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 Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2216 by the required two-thirds vote of the members of the Senate and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Health, Aging, and Long-Term Care, Education and Senator Miller—

CS for CS for SB 2216—A bill to be entitled An act relating to a public-records exemption for proprietary confidential business information owned or controlled by the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; expanding the public-records exemption for proprietary confidential business information to include specified materials, potential trade secrets, potentially patentable material, or proprietary information received, generated, ascertained, or discovered during the course of research; expanding the public-records exemption to include information received from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the first time by title. On motion by Rep. Ambler, the rules were waived and the bill was read the second time by title.

Representative Ambler offered the following:

(Amendment Bar Code: 304005)

Amendment 1 (with title amendment)—On page 6, lines 4 and 5, remove: all of said lines

and insert:

Section 4. Subsection (9) is amended and subsection (10) of section 1004.445, Florida Statutes, is created to read:

1004.445 Florida Alzheimer's Center and Research Institute.--

(9)(a) The following information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

~~1.(a)~~ Personal identifying information relating to clients of programs created or funded through the Florida Alzheimer's Center and Research Institute which is held by the institute, the University of South Florida, or the State Board of Education or by persons who provide services to clients of programs created or funded through contracts with the Florida Alzheimer's Center and Research Institute;

~~2.(b)~~ Any medical or health records relating to patients ~~held which may be created or received~~ by the institute; and

~~3.(c)~~ Proprietary confidential business information. As used in this subparagraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the institute; is intended to be and is treated by the institute as private and the disclosure of which would harm the business operations of the institute; has not been intentionally disclosed by the institute unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

a. Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.002, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research;

b.(d) The identity of a donor or prospective donor to the ~~institute Florida Alzheimer's Center and Research Institute~~ who wishes to remain anonymous, and all information identifying such donor or prospective donor;

c.(e) Any information received by the institute in the performance of its duties and responsibilities which is otherwise confidential and exempt by law; and

d.(f) Any information received by the institute from a person from this or another state or nation or the Federal Government which is otherwise exempt or confidential or exempt pursuant to this or another ~~that~~ state's or nation's laws or pursuant to federal law.

e. Internal auditing controls and reports of internal auditors;

f. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;

g. Bids or other contractual data, banking records, and credit agreements the disclosure of which would impair the efforts of the institute to contract for goods or services on favorable terms;

h. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;

i. Corporate officer and employee personnel information;

j. Information relating to the proceedings and records of the credentialing panels and committees and of the governing board of the institute relating to credentialing;

k. Minutes of meetings of the governing board of the institute, except minutes of meetings open to the public pursuant to subsection (10); and

l. Information that reveals plans for marketing services that the institute reasonably expects to be provided by competitors.

As used in this subparagraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(b) The Auditor General, the Office of Program Policy Analysis and Government Accountability, and the State Board of Education, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received.

(c) Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information and shall otherwise keep such information confidential and exempt. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

(10) Meetings or portions of meetings of the governing board of the Florida Alzheimer's Center and Research Institute at which information is discussed that is made confidential and exempt pursuant to subsection (9) of this section is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 5. Subsections (9) and (10) of s. 1004.445, F.S., are subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and shall stand repealed on October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 6. The Legislature finds that it is a public necessity that internal auditing controls and reports of internal auditors; contracts for managed-care arrangements and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements; bids or other contractual data, banking records, and credit agreements; information relating to private contractual data; corporate officer and employee personnel information; information relating to the proceedings and records of the credentialing panels and committees and of the governing board of the Florida Alzheimer's Center and Research Institute relating to credentialing; minutes of meetings of the governing board of the institute; and information that reveals plans for marketing services that the institute reasonably expects to be provided by competitors be made confidential and exempt from public disclosure. The institute must compete directly with its private-sector counterparts. Its economic survival depends on the institute's ability to so compete. As such, these exemptions are necessary because release of such information and records would adversely impact the institute in the competitive health care and medical research environment. Disclosure of such information and records would place the institute on an unequal footing in the marketplace as compared with private health care providers that are not required to disclose such confidential information and records. The

highly confidential nature of Alzheimer-related research discoveries necessitates that the institute be authorized to maintain confidential information it receives from, or generates for, the sponsors of its research. Accordingly, disclosure of such information and records would impede the effective and efficient administration of the Florida Alzheimer's Center and Research Institute and would create an unfair competitive advantage for persons or entities receiving such information. Also, such information and records contain information of a sensitive, personal nature regarding corporate officers and employees. Disclosure of such information could be harmful to the officer or employee. It is likewise a public necessity that the meetings of the governing board of the institute be closed in order to protect the competitive interest of the institute and to guarantee the ability of the governing board to fulfill its Alzheimer's disease research and teaching mission for the benefit of the public. Closing access to such board meetings enables the boards to be more open and frank in the information so provided and discussed without the attendant fear that honest and truthful exchange of information will result in the public dissemination of information discussed that could be used to harm the institute and its members. Furthermore, disclosing information and records made confidential and exempt pursuant to the institute's public records exemption via an open meeting defeats the purpose of the public records exemption.

Section 7. This act shall take effect upon becoming a law.

On page 1, lines 2 through 18,
remove: all of said lines

and insert:

An act relating to public records and public meetings exemptions; amending s. 1004.43, F.S.; expanding the public records exemption for proprietary confidential business information owned or controlled by the H. Lee Moffitt Cancer Center and Research Institute to include information relating to methods of manufacture or production, potential trade secrets, potentially patentable material, and proprietary information received, generated, ascertained, or discovered during the course of research, and business transactions resulting from such research; expanding the public records exemption to include information received from this or another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of this or another state or nation or pursuant to federal law; providing for future review and repeal; providing a statement of public necessity; amending s. 1004.445, F.S.; creating a public records exemption for proprietary confidential business information; providing types of information that is deemed proprietary confidential business information; providing a definition of managed care; creating a public meetings exemption for the governing board of the Florida Alzheimer's Center and Research Institute; providing for future review and

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

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 Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2366 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senators Fasano and Argenziano—

CS for SB 2366—A bill to be entitled An act relating to aggravated child abuse; amending s. 827.03, F.S.; defining the term "maliciously" for purposes of the offense of aggravated child abuse; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has

passed CS for SB 2568, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senator Lynn—

CS for SB 2568—A bill to be entitled An act relating to vulnerable persons; amending s. 744.102, F.S.; redefining the term "professional guardian"; amending s. 744.1083, F.S.; revising procedures for registration of professional and public guardians; providing for the Department of Elderly Affairs to contract with a not-for-profit entity; providing for prerequisites; providing for a form; providing fees; requiring information to be provided to the courts; providing for voluntary registration as a public guardian of a state college or university or independent college or university; providing required registration information; amending s. 744.1085, F.S.; revising provisions relating to the regulation of professional and public guardians; providing for credit checks and background screenings; providing for an examination; providing for waiver of examination; prohibiting the appointment, after a specified date, of professional and public guardians who have not met these requirements; amending s. 744.3135, F.S., relating to credit and criminal investigations; allowing a court to require nonprofessional guardians to undergo credit checks and background screening; amending s. 744.444, F.S.; allowing plenary or limited guardians to employ case managers; permitting reasonable reimbursement of compensation and fees for persons employed by the guardian for services provided to the guardianship estate; allowing plenary or limited guardians to provide certain confidential information to ombudsman council members; requiring that confidentiality be maintained; amending s. 744.534, F.S.; providing for the Secretary of Elderly Affairs to determine the use of certain unclaimed funds held by a guardian; amending s. 744.7021, F.S.; revising the organization of the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing that the Secretary of Elderly Affairs shall appoint or contract with the head of the office to be executive director; providing for rulemaking by the department; amending s. 744.704, F.S.; revising the powers and duties of public guardians; prescribing who may be served by public guardians; creating the Guardianship Task Force within the department; providing purpose; providing for staff, a chairperson, and membership of the task force; providing for organizations that appoint members to pay their expenses; providing duties of the task force; requiring a preliminary and a final report to the Governor and the Legislature; allowing the appointment of auxiliary members; providing a term of service; amending s. 744.108, F.S.; providing that costs and attorney's fees incurred as part of the guardianship administration shall be determined by the court; amending s. 744.3145, F.S.; reducing the educational requirements for a person serving as a guardian for the person's minor child; creating ss. 393.506 and 400.9685, F.S.; providing for certain unlicensed staff to assist persons with developmental disabilities to administer certain prescription medications; providing the conditions under which staff may assist with medication; requiring the Agency for Health Care Administration to provide for specified aspects of the administration of medication in rule; amending s. 415.102, F.S.; redefining the terms "abuse," "neglect," and "vulnerable adult"; creating s. 415.1046, F.S.; providing the Department of Children and Family Services with the authority to contract for provision of adult protective investigative services; stipulating the requirements for sheriffs' offices to be eligible to contract for provision of adult protective investigative services; providing for the contracting and funding for adult protective investigative services; requiring sheriff's employees to complete certain training; stipulating minimum requirements for the sheriffs' offices' operation of adult protective investigations; requiring a program performance evaluation; amending s. 402.310, F.S.; authorizing the Department of Children and Family Services or a local licensing agency to deny, suspend, or revoke the license of a child care facility, a licensed family day care home, or a large family child care home and to deny, suspend, or revoke the registration of a family day care home following a violation of certain laws or rules; amending s. 402.313, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for family day care homes; requiring the department to establish minimum safety standards for licensed family day care homes; amending s. 402.3131, F.S.; abolishing the authority of the Department of Children and Family Services or a local licensing agency to impose an administrative fine for large family child care

homes; amending s. 402.3055, F.S.; requiring a signed affidavit attesting to the accuracy of certain information provided by an applicant for a child care facility license; amending s. 402.310, F.S.; requiring the Department of Children and Family Services to establish and impose uniform penalties relating to child care facility violations; requiring implementation not contingent upon an appropriation; creating s. 402.3105, F.S.; requiring the department to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; requiring the Department of Children and Family Services to consult and meet the requirements of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring implementation not contingent upon an appropriation; directing the Department of Children and Family Services to adopt a rule defining child care; amending 400.141, F.S.; providing that a nursing facility may be cited for a failure to comply with standards under specified conditions; providing an effective date.

—was read the first time by title. On motion by Rep. Fiorentino, the rules were waived and the bill was read the second time by title.

Representatives Fiorentino and Domino offered the following:

(Amendment Bar Code: 487613)

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

and insert:

Section 1. Section 393.506, Florida Statutes, is created to read:
393.506 Administration of medication.--

(1) Notwithstanding the provisions of part I of chapter 464, the Nurse Practice Act, unlicensed direct care service staff providing services to persons with developmental disabilities may administer oral, transdermal, inhaled, or topical prescription medications as provided in this section.

(a) For day programs, as defined in s. 393.063, the director of the facility or program shall designate in writing unlicensed direct care services staff who are eligible to be trained to assist in the administration of or to administer medication.

(b) For intermediate care facilities for the developmentally disabled licensed pursuant to part XI of chapter 400, unlicensed staff designated by the director may provide medication assistance under the general supervision of a registered nurse licensed pursuant to chapter 464.

(2) Each facility, institution, or program must include in its policies and procedures a plan for training designated staff to ensure the safe handling, storage, and administration of prescription medication. These policies and procedures must be approved by the department before unlicensed direct care services staff assist with medication.

(3) The policies and procedures must include, at a minimum, the following provisions:

(a) An expressed and informed consent for each client.

(b) The director of the facility, program, or provider must maintain a copy of the written prescription, and that prescription must include the name of the medication, the dosage and administration schedule, the reason for the prescription, and the termination date.

(c) Each prescribed medication shall be kept in its original container and in a secure location.

(4) The training required in this section shall be conducted by a registered nurse or a physician licensed pursuant to chapter 458 or chapter 459.

Section 2. Section 400.9685, Florida Statutes, is created to read:
400.9685 Administration of medication.--

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, unlicensed direct care services staff who are providing services to clients in Intermediate Care Facilities for the Developmentally Disabled, licensed pursuant to this part, may administer prescribed, prepackaged, pre-measured medications under the general supervision of a registered nurse as provided in this section and applicable rules. Training required by this section and applicable rules must be conducted by a registered nurse licensed pursuant to chapter 464, or a physician licensed pursuant to chapter 458 or

chapter 459.

(2) Each facility that allows unlicensed direct care service staff to administer medications pursuant to this section must:

(a) Develop and implement policies and procedures that include a plan to ensure the safe handling, storage, and administration of prescription medication.

(b) Maintain written evidence of the expressed and informed consent for each client.

(c) Maintain a copy of the written prescription including the name of the medication, the dosage, and administration schedule.

(d) Maintain documentation regarding the prescription including the name, dosage, and administration schedule, reason for prescription, and the termination date.

(e) Maintain documentation of compliance with required training.

(3) Agency rules shall specify the following as it relates to the administration of medications by unlicensed staff:

(a) Medications authorized and packaging required.

(b) Acceptable methods of administration.

(c) A definition of "general supervision".

(d) Minimum educational requirements of staff.

(e) Criteria of required training and competency that must be demonstrated prior to the administration of medications by unlicensed staff including in-service training.

(f) Requirements for safe handling, storage, and administration of medications.

Section 3. Subsection (2) of section 394.74, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

394.74 Contracts for provision of local substance abuse and mental health programs.--

(2)(a) Contracts for service shall be consistent with the approved district plan.

(b) Notwithstanding s. 394.76(3)(a) and (c), the department may use unit cost methods of payment in contracts for purchasing mental health and substance abuse services. The unit cost contracting system must account for those patient fees that are paid on behalf of a specific client and those that are earned and used by the provider for those services funded in whole or in part by the department. The department may also use a fee-for-service arrangement, case rates, or a capitation arrangement in order to account for those services.

(c) The department may reimburse actual expenditures for startup contracts and fixed capital outlay contracts in accordance with contract specifications.

(6) The department may use a fee-for-service arrangement, case rates, or capitation in order to account for mental health and substance abuse services.

Section 4. Subsections (1) and (26) of section 415.102, Florida Statutes, are amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.--As used in ss. 415.101-415.113, the term:

(1) "Abuse" means any willful act or threatened act by a caregiver that causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions.

(26) "Vulnerable adult" means a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging.

Section 5. Paragraph (h) is added to subsection (1) of section 765.401, Florida Statutes, to read:

765.401 The proxy.--

(1) If an incapacitated or developmentally disabled patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(h) A clinical social worker licensed pursuant to chapter 491, or who is a graduate of a court-approved guardianship program. Such a proxy must be selected by the provider's bioethics committee and must not be employed by the provider. If the provider does not have a bioethics committee, then such a

proxy may be chosen through an arrangement with the bioethics committee of another provider. The proxy will be notified that upon request, the provider shall make available a second physician, not involved in the patient's care to assist the proxy in evaluating treatment. Decisions to withhold or withdraw life-prolonging procedures will be reviewed by the facility's bioethics committee. Documentation of efforts to locate proxies from prior classes must be recorded in the patient record.

Section 6. Subsection (15) of section 744.102, Florida Statutes, is amended to read:

744.102 Definitions.--As used in this chapter, the term:

(15) "Professional guardian" means any guardian who receives or has at any time received compensation for services rendered to more than two wards as their guardian. A person serving as a guardian for two or more relatives as defined in s. 744.309(2) is not considered a professional guardian. A public guardian shall be considered a professional guardian for purposes of regulation, education, and registration.

Section 7. Subsection (8) is added to section 744.108, Florida Statutes, to read:

744.108 Guardian's and attorney's fees and expenses.--

(8) When court proceedings are instituted to review or determine a guardian's or an attorney's fees under subsection (2), such proceedings are part of the guardianship administration process and the costs, including fees for the guardian's attorney, shall be determined by the court and paid from the assets of the guardianship estate unless the court finds the requested compensation under subsection (2) to be substantially unreasonable.

Section 8. Section 744.1083, Florida Statutes, is amended to read:

744.1083 Professional guardian registration.--

(1) ~~Effective January 1, 2003, A professional guardian must register with the Statewide Public Guardianship Office established in part IX of this chapter. The Statewide Public Guardianship Office may contract with the clerk of the court in each county to perform the administrative functions associated with registering professional guardians.~~

(2) Annual registration shall be made on forms furnished by the Statewide Public Guardianship Office and accompanied by the applicable registration fee as determined by rule. Such fee shall not exceed ~~\$100~~ \$25.

(3) Registration must include the following:

(a) If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the professional guardian.

(b) If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the partnership or association.

(c) If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10-percent interest in the corporation.

(d) The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.

(e) Documentation that the bonding and educational requirements of s. 744.1085 have been met, and that background screening has been conducted pursuant to s. 744.3135. Compliance with this section shall constitute compliance with the attestation requirement of s. 435.04(5).

(f) Sufficient information to distinguish a guardian providing guardianship services as a public guardian, individually, through partnership, corporation, or any other business organization.

(4) ~~The Department of Elderly Affairs Statewide Public Guardianship Office may adopt rules necessary to administer this section.~~

(5) A trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but shall not be required to, register as a professional guardian under this section. If a trust company, state banking corporation, state savings association, national banking association, or federal savings and loan association described in this subsection elects to register as a professional guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant, the name and address of its registered agent, if any,

and the documentation described in paragraph (3)(e).

(6) The Department of Elderly Affairs may contract with the Florida Guardianship Foundation or other not-for-profit entity to register professional guardians.

(7) The department or its contractor shall ensure that the clerks of the court and the Chief Judge of each judicial circuit receive information about each registered professional guardian.

(8) A state college or university or an independent college or university as described pursuant to s. 1009.98(3)(a), may, but shall not be required to, register as a professional guardian under this section. If a state college or university or independent college or university elects to register as a professional guardian under this subsection, the requirements of subsection (3) shall not apply and the registration shall include only the name, address, and employer identification number of the registrant.

Section 9. Subsection (3) of section 744.1085, Florida Statutes, is amended and subsections (4) through (10) are added to said section to read:

744.1085 Regulation of professional guardians; application; bond required; educational requirements.--

(3) Each professional guardian defined in s. 744.102(15) and public guardian, on October 1, 1997, must receive a minimum of 40 hours of instruction and training by October 1, 1998, or within 1 year after becoming a professional guardian, whichever occurs later. Each professional guardian must receive a minimum of 16 hours of continuing education every 2 calendar years after the year in which the initial 40-hour educational requirement is met. The instruction and education must be completed through a course approved or offered by the Statewide Public Guardianship Office. The expenses incurred to satisfy the educational requirements prescribed in this section may not be paid with the assets of any ward. This subsection does not apply to any attorney who is licensed to practice law in this state.

(4) Each professional guardian must allow, at the guardian's expense, an investigation of the guardian's credit history, and the credit history of employees of the guardian, in a manner prescribed by the Department of Elderly Affairs.

(5) As required in s. 744.3135, each professional guardian shall allow a level 2 background screening of the guardian and employees of the guardian in accordance with the provisions of s. 435.04.

(6) After July 1, 2005, each professional guardian shall be required to demonstrate competency to act as a professional guardian by taking an examination approved by the Department of Elderly Affairs.

(a) The Department of Elderly Affairs shall determine the minimum examination score necessary for passage of guardianship examinations.

(b) The Department of Elderly Affairs shall determine the procedure for administration of the examination.

(c) The Department of Elderly Affairs or its contractor shall charge an examination fee for the actual costs of the development and the administration of the examination, not to exceed \$500.

(d) The Department of Elderly Affairs may recognize passage of a national guardianship examination in lieu of all or part of the examination approved by the Department of Elderly Affairs, except that all professional guardians must take and pass an approved examination section related to Florida law and procedure.

(7) The Department of Elderly Affairs shall set the minimum score necessary to demonstrate professional guardianship competency.

(8) The Department of Elderly Affairs shall waive the examination requirement in paragraph (6) if a professional guardian can provide:

(a) Proof that the guardian has actively acted as a professional guardian for 5 years or more; and

(b) A letter from a circuit judge before whom the professional guardian practiced at least 1 year which states that the professional guardian had demonstrated to the court competency as a professional guardian.

(9) After July 1, 2004, the court shall not appoint any professional guardian who has not met the requirements of this section and s. 744.1083.

(10) This section does not apply to a professional guardian or the employees of that professional guardian when that guardian is a trust company, a state banking corporation, state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 10. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.--The court may require a

nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. The professional guardian shall pay to the clerk of the court a fee of \$5 for handling and processing professional guardian files. The results of the fingerprint checks shall be forwarded to the clerk of court who shall maintain the results in a guardian file and shall make the results available to the court. If credit or criminal investigations are required, the court must consider the results of the investigations in appointing a guardian. Professional guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as required under s. 435.03, at least every 2 years after the date of their appointment. At any time, the court may require guardians or their employees to submit to an investigation of credit history and undergo level 1 background screening as required under s. 435.03. The court must consider the results of these investigations in reappointing a guardian. This section shall not apply to a professional guardian, or to the employees of a professional guardian, that is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 11. Section 744.3145, Florida Statutes, is amended to read:

744.3145 Guardian education requirements.--

(1) Each ward is entitled to a guardian competent to perform the duties of a guardian necessary to protect the interests of the ward.

(2) Each person appointed by the court to be a guardian, other than a parent who is the guardian of the property of a minor child, must receive a minimum of 8 hours of instruction and training which covers:

(a) The legal duties and responsibilities of the guardian;

(b) The rights of the ward;

(c) The availability of local resources to aid the ward; and

(d) The preparation of habilitation plans and annual guardianship reports, including financial accounting for the ward's property.

(3) Each person appointed by the court to be the guardian of the property of his or her minor child must receive a minimum of 4 hours of instruction and training that covers:

(a) The legal duties and responsibilities of the guardian of the property;

(b) The preparation of the initial inventory and annual guardianship accountings for the ward's property; and

(c) Use of guardianship assets.

~~(4)(3)~~ Each person appointed by the court to be a guardian must complete the required number of 8 hours of instruction and education within 1 year after his or her appointment as guardian. The instruction and education must be completed through a course approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but are not limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar.

~~(5)(4)~~ Expenses incurred by the guardian to satisfy the education requirement may be paid from the ward's estate, unless the court directs that such expenses be paid by the guardian individually.

~~(6)(5)~~ The court may, in its discretion, waive some or all of the requirements of this section or impose additional requirements. The court shall make its decision on a case-by-case basis and, in making its decision, shall consider the experience and education of the guardian, the duties assigned to the guardian, and the needs of the ward.

~~(7)(6)~~ The provisions of this section do not apply to professional guardians.

Section 12. Subsection (13) of section 744.444, Florida Statutes, is amended, and subsections (16) and (17) are added to said section to read:

744.444 Power of guardian without court approval.--Without obtaining court approval, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

(13) When reasonably necessary, employ persons, including attorneys, auditors, investment advisers, care managers, or agents, even if they are associated with the guardian, to advise or assist the guardian in the performance of his or her duties.

(16) Pay or reimburse costs incurred and reasonable fees or compensation to persons, including attorneys, employed by the guardian pursuant to subsection (13) from the assets of the guardianship estate, subject to obtaining court approval of the annual accounting.

(17) Provide confidential information about a ward that is related to an investigation arising under part I of chapter 400 to a local or state ombudsman council member conducting such an investigation. Any such ombudsman shall have a duty to maintain the confidentiality of such information.

Section 13. Paragraph (c) of subsection (2) of section 744.534, Florida Statutes, is amended to read:

744.534 Disposition of unclaimed funds held by guardian.--

(2)

(c) Within 5 years from the date of deposit with the State Treasurer, on written petition to the court that directed the deposit of the funds and informal notice to the Department of Legal Affairs, and after proof of his or her right to them, any person entitled to the funds, before or after payment to the State Treasurer and deposit as provided for in paragraph (a), may obtain a court order directing the payment of the funds to him or her. All funds deposited with the State Treasurer and not claimed within 5 years from the date of deposit shall escheat to the state to be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used solely for the benefit of public guardianship as determined by the Secretary of Elderly Affairs Statewide Public Guardianship Office established in part IX of this chapter.

Section 14. Section 744.7021, Florida Statutes, is amended to read:

744.7021 Statewide Public Guardianship Office.--There is hereby created the Statewide Public Guardianship Office within the Department of Elderly Affairs. ~~The Department of Elderly Affairs shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the department. The Statewide Public Guardianship Office may request the assistance of the Inspector General of the Department of Elderly Affairs in providing auditing services, and the Office of General Counsel of the department may provide assistance in rulemaking and other matters as needed to assist the Statewide Public Guardianship Office. The Statewide Public Guardianship Office shall not be subject to control, supervision, or direction by the Department of Elderly Affairs in the performance of its duties.~~

(1) ~~The Secretary of Elderly Affairs shall appoint the executive director, who shall be the head of the Statewide Public Guardianship Office is the executive director, who shall be appointed by the Governor.~~ The executive director must be a member of The Florida Bar, knowledgeable of licensed attorney with a background in guardianship law and knowledge of the social services available to meet the needs of incapacitated persons, shall serve on a full-time basis, and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Public Guardianship Office in accordance with state and federal law. The executive director shall serve at the pleasure of and report to the Secretary Governor.

(2) The executive director ~~Statewide Public Guardianship Office~~ shall, within available resources, have oversight responsibilities for all public guardians.

(a) The executive director office shall review the current public guardian programs in Florida and other states.

(b) The executive director office, in consultation with local guardianship offices, shall develop statewide performance measures and standards.

(c) The executive director office shall review the various methods of funding guardianship programs, the kinds of services being provided by such programs, and the demographics of the wards. In addition, the executive director office shall review and make recommendations regarding the feasibility of recovering a portion or all of the costs of providing public guardianship services from the assets or income of the wards.

(d) ~~No later than October 1, 2000, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2001, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed public guardianship plan~~

~~including alternatives for meeting the state's guardianship needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. By January 1, 2004, and by January 1 of each year thereafter, the executive director office shall provide a status report and provide further recommendations to the Secretary that address the need for public guardianship services and related issues.~~

(e) The executive director office may provide assistance to local governments or entities in pursuing grant opportunities. The executive director office shall review and make recommendations in the annual report on the availability and efficacy of seeking Medicaid matching funds. The executive director office shall diligently seek ways to use existing programs and services to meet the needs of public wards.

(f) The executive director, in consultation with the Florida Guardianship Foundation, office shall develop a guardianship training program curriculum that--The training program may be offered to all guardians whether public or private. ~~The office shall establish a curriculum committee to develop the training program specified in this part. The curriculum committee shall include, but not be limited to, probate judges. A fee may be charged to private guardians in order to defray the cost of providing the training. In addition, a fee may be charged to any training provider for up to the actual cost of the review and approval of their curriculum. Any fees collected pursuant to this paragraph shall be deposited in the Department of Elderly Affairs Administrative Trust Fund to be used for the guardianship training program.~~

(3) The executive director office may conduct or contract for demonstration projects authorized by the Department of Elderly Affairs, within funds appropriated or through gifts, grants, or contributions for such purposes, to determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights of persons of marginal or diminished capacity. Any gifts, grants, or contributions for such purposes shall be deposited in the Department of Elderly Affairs Administrative Trust Fund.

(4) The Department of Elderly Affairs office has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out the provisions of this section.

Section 15. Subsections (1) and (3) of section 744.704, Florida Statutes, are amended to read:

744.704 Powers and duties.--

(1) A public guardian may serve as a guardian of a person adjudicated incapacitated under this chapter:

(a) if there is no family member or friend, other person, bank, or corporation willing and qualified to serve as guardian; ~~and~~

(b) ~~If the assets of the ward do not exceed the asset level for Medicaid eligibility, exclusive of homestead and exempt property as defined in s. 4, Art. X of the State Constitution, and the ward's income, from all sources, is less than \$4,000 per year. Income from public welfare programs, supplemental security income, optional state supplement, a disability pension, or a social security pension shall be excluded in such computation. However, a ward whose total income, counting excludable income, exceeds \$30,000 a year may not be served.~~

(3) ~~The public guardian shall primarily serve incapacitated persons who are of limited financial means, as defined by contract or rule of the Department of Elderly Affairs. The public guardian may serve incapacitated persons of greater financial means to the extent the Department of Elderly Affairs determines to be appropriate. If the public guardian finds that the assets or the income of the ward exceeds the amounts set forth in paragraph (1)(b), the public guardian shall submit a resignation and petition the court for appointment of a successor guardian. The public guardian shall not be dismissed until such time that a private guardian is appointed. If a qualified successor guardian is not available, the public guardian may remain as guardian, provided the guardian makes reasonable efforts to find a successor and reports to the court every 6 months on efforts to obtain a successor.~~

Section 16. (1) ~~There is created within the Department of Elderly Affairs a Guardianship Task Force for the purpose of examining guardianship and incapacity and making recommendations to the Governor and the Legislature for the improvement of processes and procedures related to guardianship and incapacity. The department shall staff the task force, and the Secretary of Elderly Affairs shall appoint the chair from among the task force membership. The members of the task force shall serve without compensation. Unless~~

specified otherwise, task force members shall be appointed by the organizations they represent, and the cost of members' participation shall be borne by their appointing organization. Any member who is a public employee is entitled to reimbursement for per diem and travel expenses by the appointing department.

(2) The Guardianship Task Force shall identify the characteristics of Florida guardianship practice. It shall also identify best practices and recommend specific statutory and other changes for achieving such best practices and for achieving citizen access to quality guardianship services. The task force shall make a preliminary report to the Secretary of Elderly Affairs no later than January 1, 2004, and its final report to the secretary shall be made no later than January 1, 2005.

(3) The Guardianship Task Force shall consist of ten members, including a judge with experience in guardianship proceedings who is appointed by the Florida Conference of Circuit Judges, a representative of the Association of Clerks of Court, a professor of law with experience in elder issues appointed by the Secretary of Elderly Affairs, a representative of the Florida State Guardianship Association, a representative of the Florida Guardianship Foundation, a representative of the Real Property and Probate Section of The Florida Bar, a representative of the Elder Law Section of The Florida Bar, a professional as provided in s. 744.331(3), with experience performing examinations and determining incapacity, a representative of the Florida Banker's Association, and a citizen or consumer appointed by the Executive Director of the Florida office of the American Association of Retired Persons.

(4) The Guardianship Task Force may appoint ex officio members who possess needed expertise to assist the task force in its work. The task force will cease to exist May 6, 2005.

Section 17. Notwithstanding the provisions of section 64 of chapter 95-228, Laws of Florida, the provisions of chapter 435, Florida Statutes, as created therein and as subsequently amended, and any reference thereto, shall apply to all offenses regardless of the date on which offenses referenced in chapter 435, Florida Statutes, were committed, unless specifically provided otherwise in a provision other than section 64 of chapter 95-228, Laws of Florida.

Section 18. Subsection (12) is added to section 400.071, Florida Statutes, to read:

400.071 Application for license.--

(12) The applicant must provide the agency with proof of a legal right to occupy the property before a license may be issued. Proof may include, but is not limited to, copies of warranty deeds, lease or rental agreements, contracts for deeds, or quitclaim deeds.

Section 19. Subsection (1) of section 400.414, Florida Statutes, is amended to read:

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

(1) The agency may deny, revoke, or suspend any license issued under this part, or impose an administrative fine in the manner provided in chapter 120, for any of the following actions by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 400.4174, or for the actions of any facility employee:

(a) An intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

(b) The determination by the agency that the owner lacks the financial ability to provide continuing adequate care to residents.

(c) Misappropriation or conversion of the property of a resident of the facility.

(d) Failure to follow the criteria and procedures provided under part I of chapter 394 relating to the transportation, voluntary admission, and involuntary examination of a facility resident.

(e) A citation of any of the following deficiencies as defined in s. 400.419:

1. One or more cited class I deficiencies.

2. Three or more cited class II deficiencies.

3. Five or more cited class III deficiencies that have been cited on a single survey and have not been corrected within the times specified. ~~One or more class I, three or more class II, or five or more repeated or recurring identical or similar class III violations that are similar or identical to violations which were identified by the agency within the last 2 years.~~

(f) A determination that a person subject to level 2 background screening under s. 400.4174(1) does not meet the screening standards of s. 435.04 or that the facility is retaining an employee subject to level 1 background

screening standards under s. 400.4174(2) who does not meet the screening standards of s. 435.03 and for whom exemptions from disqualification have not been provided by the agency.

(g) A determination that an employee, volunteer, administrator, or owner, or person who otherwise has access to the residents of a facility does not meet the criteria specified in s. 435.03(2), and the owner or administrator has not taken action to remove the person. Exemptions from disqualification may be granted as set forth in s. 435.07. No administrative action may be taken against the facility if the person is granted an exemption.

(h) Violation of a moratorium.

(i) Failure of the license applicant, the licensee during relicensure, or a licensee that holds a provisional license to meet the minimum license requirements of this part, or related rules, at the time of license application or renewal.

(j) A fraudulent statement or omission of any material fact on an application for a license or any other document required by the agency, including the submission of a license application that conceals the fact that any board member, officer, or person owning 5 percent or more of the facility may not meet the background screening requirements of s. 400.4174, or that the applicant has been excluded, permanently suspended, or terminated from the Medicaid or Medicare programs.

(k) An intentional or negligent life-threatening act in violation of the uniform firesafety standards for assisted living facilities or other firesafety standards that threatens the health, safety, or welfare of a resident of a facility, as communicated to the agency by the local authority having jurisdiction or the State Fire Marshal.

(l) Exclusion, permanent suspension, or termination from the Medicare or Medicaid programs.

(m) Knowingly operating any unlicensed facility or providing without a license any service that must be licensed under this chapter.

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

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

Section 20. Subsection (1) of section 400.417, Florida Statutes, is amended to read:

400.417 Expiration of license; renewal; conditional license.--

(1) Biennial licenses, unless sooner suspended or revoked, shall expire 2 years from the date of issuance. Limited nursing, extended congregate care, and limited mental health licenses shall expire at the same time as the facility's standard license, regardless of when issued. The agency shall notify the facility ~~by certified mail~~ at least 120 days prior to expiration that a renewal license is necessary to continue operation. The notification must be provided electronically or by mail delivery. Ninety days prior to the expiration date, an application for renewal shall be submitted to the agency. Fees must be prorated. The failure to file a timely renewal application shall result in a late fee charged to the facility in an amount equal to 50 percent of the current fee.

Section 21. Section 400.419, Florida Statutes, is amended to read:

400.419 Violations; imposition of administrative fines; grounds.--

(1) The agency shall impose an administrative fine in the manner provided in chapter 120 for any of the actions or violations as set forth within this section by an assisted living facility, for the actions of any person subject to level 2 background screening under s. 400.4174, for the actions of any facility employee, or for an intentional or negligent act seriously affecting the health, safety, or welfare of a resident of the facility.

~~(2)(4)~~ Each violation of this part and adopted rules shall be classified according to the nature of the violation and the gravity of its probable effect on facility residents. The agency shall indicate the classification on the written notice of the violation as follows:

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

exceeding \$10,000 for each violation. A fine may be levied notwithstanding the correction of the violation.

(b) Class "II" violations are those conditions or occurrences related to the operation and maintenance of a facility or to the personal care of residents which the agency determines directly threaten the physical or emotional health, safety, or security of the facility residents, other than class I violations. The agency shall impose an administrative fine for a cited class II violation in an amount not less than \$1,000 and not exceeding \$5,000 for each violation. A fine shall be levied notwithstanding the correction of the violation. A citation for a class II violation must specify the time within which the violation is required to be corrected.

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

(d) Class "IV" violations are those conditions or occurrences related to the operation and maintenance of a building or to required reports, forms, or documents that do not have the potential of negatively affecting residents. These violations are of a type that the agency determines do not threaten the health, safety, or security of residents of the facility. The agency shall impose an administrative fine for a cited class IV violation in an amount not less than \$100 and not exceeding \$200 for each violation. A citation for a class IV violation must specify the time within which the violation is required to be corrected. If a class IV violation is corrected within the time specified, no fine shall be imposed. Any class IV violation that is corrected during the time an agency survey is being conducted will be identified as an agency finding and not as a violation.

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

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

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

(c) Any previous violations.

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

(e) The licensed capacity of the facility.

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

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

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

(7)(6) Any unlicensed facility that continues to operate after agency notification is subject to a \$1,000 fine per day.

(8)(7) Any licensed facility whose owner or administrator concurrently operates an unlicensed facility shall be subject to an administrative fine of \$5,000 per day.

(9)(8) Any facility whose owner fails to apply for a change-of-ownership license in accordance with s. 400.412 and operates the facility under the new ownership is subject to a fine of \$5,000.

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

the complaint or monitoring visits conducted under s. 400.428(3)(c) to verify the correction of the violations.

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

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

(13)(12) The agency shall develop and disseminate an annual list of all facilities sanctioned or fined \$5,000 or more for violations of state standards, the number and class of violations involved, the penalties imposed, and the current status of cases. The list shall be disseminated, at no charge, to the Department of Elderly Affairs, the Department of Health, the Department of Children and Family Services, the area agencies on aging, the Florida Statewide Advocacy Council, and the state and local ombudsman councils. The Department of Children and Family Services shall disseminate the list to service providers under contract to the department who are responsible for referring persons to a facility for residency. The agency may charge a fee commensurate with the cost of printing and postage to other interested parties requesting a copy of this list.

Section 22. Subsections (1) and (2) of section 400.0239, Florida Statutes, are amended to read:

400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.--

(1) There is created within the Agency for Health Care Administration a Quality of Long-Term Care Facility Improvement Trust Fund to support activities and programs directly related to improvement of the care of nursing home and assisted living facility residents. The trust fund shall be funded through proceeds generated pursuant to ss. 400.0238 and 400.4298, through funds specifically appropriated by the Legislature, and through gifts, endowments, and other charitable contributions allowed under federal and state law, and through federal nursing home civil monetary penalties collected by the Centers for Medicare and Medicaid Services and returned to the state. These funds must be utilized in accordance with federal requirements.

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(a) Development and operation of a mentoring program, in consultation with the Department of Health and the Department of Elderly Affairs, for increasing the competence, professionalism, and career preparation of long-term care facility direct care staff, including nurses, nursing assistants, and social service and dietary personnel.

(b) Development and implementation of specialized training programs for long-term care facility personnel who provide direct care for residents with Alzheimer's disease and other dementias, residents at risk of developing pressure sores, and residents with special nutrition and hydration needs.

(c) Addressing areas of deficient practice identified through regulation or state monitoring.

(d)(e) Provision of economic and other incentives to enhance the stability and career development of the nursing home direct care workforce, including paid sabbaticals for exemplary direct care career staff to visit facilities throughout the state to train and motivate younger workers to commit to careers in long-term care.

(e)(4) Promotion and support for the formation and active involvement of resident and family councils in the improvement of nursing home care.

(f) Evaluation of special residents' needs in long-term care facilities, including challenges in meeting special residents' needs, appropriateness of placement and setting, and cited deficiencies related to caring for special needs.

(g) Other initiatives authorized by the Centers for Medicare and Medicaid Services for the use of federal civil monetary penalties, including projects recommended through the Medicaid "Up-or-Out" Quality of Care Contract Management Program pursuant to s. 400.148.

Section 23. Subsection (15) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home

facilities.--Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

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

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

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

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

(d) A nursing facility that has failed to comply with state minimum-staffing requirements for 2 consecutive days is prohibited from accepting new admissions until the facility has achieved the minimum-staffing requirements for a period of 6 consecutive days. For the purposes of this paragraph, any person who was a resident of the facility and was absent from the facility for the purpose of receiving medical care at a separate location or was on a leave of absence is not considered a new admission. Failure to impose such an admissions moratorium constitutes a class II deficiency.

(e) A nursing facility which does not have a conditional license may be cited for failure to comply with the standards in s. 400.23(3)(a) only if it has failed to meet those standards on 2 consecutive days or if it has failed to meet at least 97 percent of those standards on any one day.

(f) A facility which has a conditional license must be in compliance with the standards in s. 400.23(3)(a) at all times.

Nothing in this section shall limit the agency's ability to impose a deficiency or take other actions if a facility does not have enough staff to meet the residents' needs.

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

Section 24. Paragraph (b) of subsection (5) of section 400.235, Florida Statutes, is amended to read:

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

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

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule. Such standards must include, but not be limited to, criteria for the use of financial statements that are prepared in accordance with generally accepted accounting principles and that are reviewed or audited by certified public accountants.

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

Section 25. Subsections (1), (2), (7), (8), and (9) of section 400.452, Florida Statutes, are amended to read:

400.452 Staff training and educational programs; core educational requirement.--

(1) The department shall ensure that provide, or cause to be provided, training and educational programs for the administrators and other assisted living facility staff have met training and education requirements that to better enable them to appropriately respond to the needs of residents, to maintain resident care and facility standards, and to meet licensure requirements.

(2) The department shall ~~also~~ establish a core educational requirement ~~to be used in these programs~~. Successful completion of the core educational requirement must include successful completion of a competency test. ~~Programs must be provided by the department or by a provider approved by the department at least quarterly.~~ The core educational requirement must cover at least the following topics:

(a) State law and rules relating to assisted living facilities.

(b) Resident rights and identifying and reporting abuse, neglect, and exploitation.

(c) Special needs of elderly persons, persons with mental illness, and persons with developmental disabilities and how to meet those needs.

(d) Nutrition and food service, including acceptable sanitation practices for preparing, storing, and serving food.

(e) Medication management, recordkeeping, and proper techniques for assisting residents with self-administered medication.

(f) Firesafety requirements, including fire evacuation drill procedures and other emergency procedures.

(g) Care of persons with Alzheimer's disease and related disorders.

~~(7) A facility that does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee for such training and education programs. A facility that has one or more such residents shall pay a reduced fee that is proportional to the percentage of such residents in the facility. Any facility more than 90 percent of whose residents receive monthly optional state supplementation payments is not required to pay for the training and continuing education programs required under this section.~~

~~(7)(8)~~ If the department or the agency determines that there are problems in a facility that could be reduced through specific staff training or education beyond that already required under this section, the department or the agency may require, and provide, or cause to be provided, the training or education of any personal care staff in the facility.

~~(8)(9)~~ The department shall adopt rules to establish training programs, standards and curriculum for training, staff training requirements, procedures for approving training programs, and training fees.

Section 26. Subsections (7), (8), and (9) are added to section 430.502, Florida Statutes, to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.--

(7) The Agency for Health Care Administration and the department shall seek a federal waiver to implement a Medicaid home and community-based waiver targeted to persons with Alzheimer's disease to test the effectiveness of Alzheimer's specific interventions to delay or to avoid institutional placement.

(8) The department will implement the waiver program specified in subsection (7). The agency and the department shall ensure that providers are selected that have a history of successfully serving persons with Alzheimer's disease. The department and the agency shall develop specialized standards for providers and services tailored to persons in the early, middle, and late stages of Alzheimer's disease and designate a level of care determination process and standard that is most appropriate to this population. The department and the agency shall include in the waiver services designed to assist the caregiver in continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.

(9) Authority to continue the waiver program specified in subsection (7) shall be automatically eliminated at the close of the 2008 Regular Session of the Legislature unless further legislative action is taken to continue it prior to such time.

Section 27. Subsection (1) of section 400.557, Florida Statutes, is amended to read:

400.557 Expiration of license; renewal; conditional license or permit.--

(1) A license issued for the operation of an adult day care center, unless sooner suspended or revoked, expires 2 years after the date of issuance. The agency shall notify a licensee ~~by certified mail, return receipt requested,~~ at least 120 days before the expiration date that license renewal is required to continue operation. The notification must be provided electronically or by mail delivery. At least 90 days prior to the expiration date, an application for renewal must be submitted to the agency. A license shall be renewed, upon

the filing of an application on forms furnished by the agency, if the applicant has first met the requirements of this part and of the rules adopted under this part. The applicant must file with the application satisfactory proof of financial ability to operate the center in accordance with the requirements of this part and in accordance with the needs of the participants to be served and an affidavit of compliance with the background screening requirements of s. 400.5572.

Section 28. Subsection (3) of section 400.619, Florida Statutes, is amended to read:

400.619 Licensure application and renewal.--

(3) The agency shall notify a licensee at least 120 days before the expiration date that license renewal is required to continue operation. The notification must be provided electronically or by mail delivery. Application for a license or annual license renewal must be made on a form provided by the agency, signed under oath, and must be accompanied by a licensing fee of \$100 per year.

Section 29. Subsection (4) of section 400.980, Florida Statutes, is reenacted and amended to read:

400.980 Health care services pools.--

(4) Each applicant for registration must comply with the following requirements:

(a) Upon receipt of a completed, signed, and dated application, the agency shall require background screening, in accordance with the level 1 standards for screening set forth in chapter 435, of every individual who will have contact with patients. The agency shall require background screening of the managing employee or other similarly titled individual who is responsible for the operation of the entity, and of the financial officer or other similarly titled individual who is responsible for the financial operation of the entity, including billings for services in accordance with the level 2 standards for background screening as set forth in chapter 435.

(b) The agency may require background screening of any other individual who is affiliated with the applicant if the agency has a reasonable basis for believing that he or she has been convicted of a crime or has committed any other offense prohibited under the level 2 standards for screening set forth in chapter 435.

(c) Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care or assisted living licensure requirements of this state is acceptable in fulfillment of paragraph (a).

(d) A provisional registration may be granted to an applicant when each individual required by this section to undergo background screening has met the standards for the Department of Law Enforcement background check but the agency has not yet received background screening results from the Federal Bureau of Investigation. A standard registration may be granted to the applicant upon the agency's receipt of a report of the results of the Federal Bureau of Investigation background screening for each individual required by this section to undergo background screening which confirms that all standards have been met, or upon the granting of a disqualification exemption by the agency as set forth in chapter 435. Any other person who is required to undergo level 2 background screening may serve in his or her capacity pending the agency's receipt of the report from the Federal Bureau of Investigation. However, the person may not continue to serve if the report indicates any violation of background screening standards and if a disqualification exemption has not been requested of and granted by the agency as set forth in chapter 435.

(e) Each applicant must submit to the agency, with its application, a description and explanation of any exclusions, permanent suspensions, or terminations of the applicant from the Medicare or Medicaid programs. Proof of compliance with the requirements for disclosure of ownership and controlling interests under the Medicaid or Medicare programs may be accepted in lieu of this submission.

(f) Each applicant must submit to the agency a description and explanation of any conviction of an offense prohibited under the level 2 standards of chapter 435 which was committed by a member of the board of directors of the applicant, its officers, or any individual owning 5 percent or more of the applicant. This requirement does not apply to a director of a not-for-profit corporation or organization who serves solely in a voluntary capacity for the corporation or organization, does not regularly take part in the day-to-day operational decisions of the corporation or organization, receives no remuneration for his or her services on the corporation's or organization's

board of directors, and has no financial interest and no family members having a financial interest in the corporation or organization, if the director and the not-for-profit corporation or organization include in the application a statement affirming that the director's relationship to the corporation satisfies the requirements of this paragraph.

(g) A registration may not be granted to an applicant if the applicant or managing employee has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any offense prohibited under the level 2 standards for screening set forth in chapter 435, unless an exemption from disqualification has been granted by the agency as set forth in chapter 435.

~~(h) The provisions of this section which require an applicant for registration to undergo background screening shall stand repealed on June 30, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~

~~(h)(+) Failure to provide all required documentation within 30 days after a written request from the agency will result in denial of the application for registration.~~

~~(i)(+) The agency must take final action on an application for registration within 60 days after receipt of all required documentation.~~

~~(j)(+) The agency may deny, revoke, or suspend the registration of any applicant or registrant who:~~

1. Has falsely represented a material fact in the application required by paragraph (e) or paragraph (f), or has omitted any material fact from the application required by paragraph (e) or paragraph (f); or

2. Has had prior action taken against the applicant under the Medicaid or Medicare program as set forth in paragraph (e).

3. Fails to comply with this section or applicable rules.

4. Commits an intentional, reckless, or negligent act that materially affects the health or safety of a person receiving services.

Section 30. Section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidential information; immunity.--

(1) The agency may require the submission by health care facilities, health care providers, and health insurers of data necessary to carry out the agency's duties. Specifications for data to be collected under this section shall be developed by the agency with the assistance of technical advisory panels including representatives of affected entities, consumers, purchasers, and such other interested parties as may be determined by the agency.

(a) Data to be submitted by health care facilities may include, but are not limited to: case-mix data, patient admission or discharge data with patient and provider-specific identifiers included, actual charge data by diagnostic groups, financial data, accounting data, operating expenses, expenses incurred for rendering services to patients who cannot or do not pay, interest charges, depreciation expenses based on the expected useful life of the property and equipment involved, and demographic data. Data may be obtained from documents such as, but not limited to: leases, contracts, debt instruments, itemized patient bills, medical record abstracts, and related diagnostic information.

(b) Data to be submitted by health care providers may include, but are not limited to: Medicare and Medicaid participation, types of services offered to patients, amount of revenue and expenses of the health care provider, and such other data which are reasonably necessary to study utilization patterns.

(c) Data to be submitted by health insurers may include, but are not limited to: claims, premium, administration, and financial information.

(d) Data required to be submitted by health care facilities, health care providers, or health insurers shall not include specific provider contract reimbursement information. However, such specific provider reimbursement data shall be reasonably available for onsite inspection by the agency as is necessary to carry out the agency's regulatory duties. Any such data obtained by the agency as a result of onsite inspections may not be used by the state for purposes of direct provider contracting and are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) A requirement to submit data shall be adopted by rule if the submission of data is being required of all members of any type of health care facility, health care provider, or health insurer. Rules are not required, however, for the submission of data for a special study mandated by the Legislature or when information is being requested for a single health care facility, health care provider, or health insurer.

(2) The agency shall, by rule, after consulting with appropriate professional and governmental advisory bodies and holding public hearings and considering existing and proposed systems of accounting and reporting utilized by health care facilities, specify a uniform system of financial reporting for each type of facility based on a uniform chart of accounts developed after considering any chart of accounts developed by the national association for such facilities and generally accepted accounting principles. Such systems shall, to the extent feasible, use existing accounting systems and shall minimize the paperwork required of facilities. This provision shall not be construed to authorize the agency to require health care facilities to adopt a uniform accounting system. As a part of such uniform system of financial reporting, the agency may require the filing of any information relating to the cost to the provider and the charge to the consumer of any service provided in such facility, except the cost of a physician's services which is billed independently of the facility.

(3) When more than one licensed facility is operated by the reporting organization, the information required by this section shall be reported for each facility separately.

~~(4)(a)~~ Within 120 days after the end of its fiscal year, each health care facility, excluding continuing care facilities and nursing homes as defined in s. 408.07(14) and (36), shall file with the agency, on forms adopted by the agency and based on the uniform system of financial reporting, its actual financial experience for that fiscal year, including expenditures, revenues, and statistical measures. Such data may be based on internal financial reports which are certified to be complete and accurate by the provider. However, hospitals' actual financial experience shall be their audited actual experience. ~~Nursing homes that do not participate in the Medicare or Medicaid programs shall also submit audited actual experience.~~ Every nursing home shall submit to the agency, in a format designated by the agency, a statistical profile of the nursing home residents. The agency, in conjunction with the Department of Elderly Affairs and the Department of Health, shall review these statistical profiles and develop recommendations for the types of residents who might more appropriately be placed in their homes or other noninstitutional settings.

~~(b) Each nursing home shall also submit a schedule of the charges in effect at the beginning of the fiscal year and any changes that were made during the fiscal year. A nursing home which is certified under Title XIX of the Social Security Act and files annual Medicaid cost reports may substitute copies of such reports and any Medicaid audits to the agency in lieu of a report and audit required under this subsection. For such facilities, the agency may require only information in compliance with this chapter that is not contained in the Medicaid cost report. Facilities that are certified under Title XVIII, but not Title XIX, of the Social Security Act must submit a report as developed by the agency. This report shall be substantially the same as the Medicaid cost report and shall not require any more information than is contained in the Medicare cost report unless that information is required of all nursing homes. The audit under Title XVIII shall satisfy the audit requirement under this subsection.~~

(5) In addition to information submitted in accordance with subsection (4), each nursing home shall track and file with the agency, on a form adopted by the agency, data related to each resident's admission, discharge, or conversion to Medicaid; health and functional status; plan of care; and other information pertinent to the resident's placement in a nursing home.

~~(6) Any nursing home which assesses residents a separate charge for personal laundry services shall submit to the agency data on the monthly charge for such services, excluding drycleaning. For facilities that charge based on the amount of laundry, the most recent schedule of charges and the average monthly charge shall be submitted to the agency.~~

~~(6)(7)~~ The agency may require other reports based on the uniform system of financial reporting necessary to accomplish the purposes of this chapter.

~~(7)(8)~~ Portions of patient records obtained or generated by the agency containing the name, residence or business address, telephone number, social security or other identifying number, or photograph of any person or the spouse, relative, or guardian of such person, or any other identifying information which is patient-specific or otherwise identifies the patient, either directly or indirectly, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(8)(9)~~ The identity of any health care provider, health care facility, or health insurer who submits any data which is proprietary business information to the agency pursuant to the provisions of this section shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I

of the State Constitution. As used in this section, "proprietary business information" shall include, but not be limited to, information relating to specific provider contract reimbursement information; information relating to security measures, systems, or procedures; and information concerning bids or other contractual data, the disclosure of which would impair efforts to contract for goods or services on favorable terms or would injure the affected entity's ability to compete in the marketplace. Notwithstanding the provisions of this subsection, any information obtained or generated pursuant to the provisions of former s. 407.61, either by the former Health Care Cost Containment Board or by the Agency for Health Care Administration upon transfer to that agency of the duties and functions of the former Health Care Cost Containment Board, is not confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such proprietary business information may be used in published analyses and reports or otherwise made available for public disclosure in such manner as to preserve the confidentiality of the identity of the provider. This exemption shall not limit the use of any information used in conjunction with investigation or enforcement purposes under the provisions of s. 456.073.

~~(9)(10)~~ No health care facility, health care provider, health insurer, or other reporting entity or its employees or agents shall be held liable for civil damages or subject to criminal penalties either for the reporting of patient data to the agency or for the release of such data by the agency as authorized by this chapter.

~~(10)(11)~~ The agency shall be the primary source for collection and dissemination of health care data. No other agency of state government may gather data from a health care provider licensed or regulated under this chapter without first determining if the data is currently being collected by the agency and affirmatively demonstrating that it would be more cost-effective for an agency of state government other than the agency to gather the health care data. The director shall ensure that health care data collected by the divisions within the agency is coordinated. It is the express intent of the Legislature that all health care data be collected by a single source within the agency and that other divisions within the agency, and all other agencies of state government, obtain data for analysis, regulation, and public dissemination purposes from that single source. Confidential information may be released to other governmental entities or to parties contracting with the agency to perform agency duties or functions as needed in connection with the performance of the duties of the receiving entity. The receiving entity or party shall retain the confidentiality of such information as provided for herein.

~~(11)(12)~~ The agency shall cooperate with local health councils and the state health planning agency with regard to health care data collection and dissemination and shall cooperate with state agencies in any efforts to establish an integrated health care database.

~~(12)(13)~~ It is the policy of this state that philanthropic support for health care should be encouraged and expanded, especially in support of experimental and innovative efforts to improve the health care delivery system.

~~(13)(14)~~ For purposes of determining reasonable costs of services furnished by health care facilities, unrestricted grants, gifts, and income from endowments shall not be deducted from any operating costs of such health care facilities, and, in addition, the following items shall not be deducted from any operating costs of such health care facilities:

(a) An unrestricted grant or gift, or income from such a grant or gift, which is not available for use as operating funds because of its designation by the health care facility's governing board.

(b) A grant or similar payment which is made by a governmental entity and which is not available, under the terms of the grant or payment, for use as operating funds.

(c) The sale or mortgage of any real estate or other capital assets of the health care facility which the health care facility acquired through a gift or grant and which is not available for use as operating funds under the terms of the gift or grant or because of its designation by the health care facility's governing board, except for recovery of the appropriate share of gains and losses realized from the disposal of depreciable assets.

Section 31. Section 408.062, Florida Statutes, is amended to read:

408.062 Research, analyses, studies, and reports.--

(1) The agency shall have the authority to conduct research, analyses, and studies relating to health care costs and access to and quality of health care services as access and quality are affected by changes in health care costs. Such research, analyses, and studies shall include, but not be limited to,

research and analysis relating to:

(a) The financial status of any health care facility or facilities subject to the provisions of this chapter.

(b) The impact of uncompensated charity care on health care facilities and health care providers.

(c) The state's role in assisting to fund indigent care.

(d) The availability and affordability of health insurance for small businesses.

(e) Total health care expenditures in the state according to the sources of payment and the type of expenditure.

(f) The quality of health services, using techniques such as small area analysis, severity adjustments, and risk-adjusted mortality rates.

(g) The development of physician payment systems which are capable of taking into account the amount of resources consumed and the outcomes produced in the delivery of care.

(h) The impact of subacute admissions on hospital revenues and expenses for purposes of calculating adjusted admissions as defined in s. 408.07.

~~(2) The agency shall evaluate data from nursing home financial reports and shall document and monitor:~~

~~(a) Total revenues, annual change in revenues, and revenues by source and classification, including contributions for a resident's care from the resident's resources and from the family and contributions not directed toward any specific resident's care.~~

~~(b) Average resident charges by geographic region, payor, and type of facility ownership.~~

~~(c) Profit margins by geographic region and type of facility ownership.~~

~~(d) Amount of charity care provided by geographic region and type of facility ownership.~~

~~(e) Resident days by payor category.~~

~~(f) Experience related to Medicaid conversion as reported under s. 408.061.~~

~~(g) Other information pertaining to nursing home revenues and expenditures.~~

~~The findings of the agency shall be included in an annual report to the Governor and Legislature by January 1 each year.~~

~~(2)(3) The agency may assess annually the caesarean section rate in Florida hospitals using the analysis methodology that the agency determines most appropriate. To assist the agency in determining the impact of this chapter on Florida hospitals' caesarean section rates, each provider hospital, as defined in s. 383.336, shall notify the agency of the date of implementation of the practice parameters and the date of the first meeting of the hospital peer review board created pursuant to this chapter. The agency shall use these dates in monitoring any change in provider hospital caesarean section rates. An annual report based on this monitoring and assessment shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by the agency, with the first annual report due January 1, 1993.~~

~~(3)(4) The agency may also prepare such summaries and compilations or other supplementary reports based on the information analyzed by the agency under this section, as will advance the purposes of this chapter.~~

~~(4)(5)(a) The agency may conduct data-based studies and evaluations and make recommendations to the Legislature and the Governor concerning exemptions, the effectiveness of limitations of referrals, restrictions on investment interests and compensation arrangements, and the effectiveness of public disclosure. Such analysis may include, but need not be limited to, utilization of services, cost of care, quality of care, and access to care. The agency may require the submission of data necessary to carry out this duty, which may include, but need not be limited to, data concerning ownership, Medicare and Medicaid, charity care, types of services offered to patients, revenues and expenses, patient-encounter data, and other data reasonably necessary to study utilization patterns and the impact of health care provider ownership interests in health-care-related entities on the cost, quality, and accessibility of health care.~~

~~(b) The agency may collect such data from any health facility as a special study.~~

Section 32. Subsection (2) of section 408.831, Florida Statutes, is renumbered as subsection (3) and a new subsection (2) is added to said section to read:

408.831 Denial, suspension, or revocation of a license, registration, certificate, or application.--

(2) In reviewing any application requesting a change of ownership or change of the licensee, registrant, or certificate holder, the transferor shall, prior to agency approval of the change, repay or make arrangements to repay any amounts owed to the agency. Should the transferor fail to repay or make arrangements to repay the amounts owed to the agency, the issuance of a license, registration, or certificate to the transferee shall be delayed until repayment or until arrangements for repayment are made.

Section 33. Subsection (1) of section 409.9116, Florida Statutes, is amended to read:

409.9116 Disproportionate share/financial assistance program for rural hospitals.--In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall administer a federally matched disproportionate share program and a state-funded financial assistance program for statutory rural hospitals. The agency shall make disproportionate share payments to statutory rural hospitals that qualify for such payments and financial assistance payments to statutory rural hospitals that do not qualify for disproportionate share payments. The disproportionate share program payments shall be limited by and conform with federal requirements. Funds shall be distributed quarterly in each fiscal year for which an appropriation is made. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(1) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the rural hospital disproportionate share program or the financial assistance program:

$$TAERH = (CCD + MDD)/TPD$$

Where:

CCD = total charity care-other, plus charity care-Hill-Burton, minus 50 percent of unrestricted tax revenue from local governments, and restricted funds for indigent care, divided by gross revenue per adjusted patient day; however, if CCD is less than zero, then zero shall be used for CCD.

MDD = Medicaid inpatient days plus Medicaid HMO inpatient days.

TPD = total inpatient days.

TAERH = total amount earned by each rural hospital.

In computing the total amount earned by each rural hospital, the agency must use the most recent actual data reported in accordance with s. 408.061(4)(a).

Section 34. This act shall take effect upon becoming a law.

Remove the entire title,

and insert:

A bill to be entitled

An act relating to the protection and delivery of services to persons who are disabled, vulnerable, or elderly; creating s. 393.506, F.S.; allowing administration of medication by certain unlicensed staff for persons with developmental disabilities; providing requirements for such administration; creating s. 400.9685, F.S.; allowing administration of medication by certain unlicensed staff in nursing homes and related health care facilities for persons with developmental disabilities; providing requirements for such administration; amending s. 394.74, F.S.; providing for alternative payment methods for contracts for provision of local substance abuse and mental health programs; amending s. 415.102, F.S.; clarifying definitions; amending s. 765.401, F.S.; providing additional persons which may be given a proxy for the making of health care decisions; amending s. 744.102, F.S.; providing that a public guardian shall be considered a professional guardian for certain purposes; amending s. 744.108, F.S.; providing that certain costs relating to determination of certain fees shall be payable from the guardianship estate; amending s. 744.1083, F.S.; deleting obsolete language; increasing the maximum annual fee for registration as a professional guardian; requiring additional information for registration; transferring certain rule adoption authority and registration responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; authorizing the Department of Elderly Affairs to contract with a not-for-profit entity to register professional guardians; providing that certain educational institutions may act as professional guardians without registering; amending s. 744.1085, F.S.; providing for additional regulation of professional guardians; providing

for a professional examination as a condition of registration; providing additional requirements for registration as a professional guardian; providing that certain financial institutions are exempt from the regulations governing professional guardians; amending s. 744.3135, F.S.; limiting certain requirements to professional guardians; authorizing the court to require guardians to submit to credit history investigations and background screening; amending s. 744.3145, F.S.; providing training requirements for parents appointed as guardians of the property of their minor children; amending s. 744.444, F.S.; allowing guardians to employ care managers and disclose confidential information to an ombudsman without court approval; providing that such information shall remain confidential; authorizing the payment of certain costs; amending ss. 744.534 and 744.7021, F.S.; providing that the executive director of the Statewide Public Guardianship Office shall be appointed by the Secretary of Elderly Affairs, rather than by the Governor; transferring certain responsibilities from the Statewide Public Guardianship Office to the Department of Elderly Affairs; amending s. 744.704, F.S.; removing a limitation on what wards a public guardian may serve; creating the Guardianship Task Force to examine and make recommendations regarding guardianship in this state; providing for membership; providing for appointment; providing for term of existence; providing that certain prior offenses shall be considered in conducting employment screening, notwithstanding the provisions of section 64 of ch. 95-228, Laws of Florida; amending s. 400.071, F.S.; requiring applicants for licensure as a nursing home to provide proof of a legal right to occupy the property; amending s. 400.414, F.S.; delineating the types and number of deficiencies justifying denial, revocation, or suspension of a license as an assisted living facility; amending s. 400.417, F.S.; providing an alternative method of providing notice to an assisted living facility that a license must be renewed; amending s. 400.419, F.S.; providing that administrative fines for assisted living facilities or its personnel shall be imposed by the Agency for Health Care Administration in the manner provided in ch. 120, F.S.; amending s. 400.0239, F.S.; providing for deposit of civil monetary fines in the Quality of Long-Term Care Facility Improvement Trust Fund; providing for additional purposes for which funds from such trust fund may be expended; amending s. 400.141, F.S.; providing for enforcement of minimum staffing standards for a nursing facility within a range; amending s. 400.235, F.S.; allowing reviewed financial statements to be submitted for the Gold Seal program; amending s. 400.452, F.S.; revising training and education requirements of the Department of Elderly Affairs for assisted living facilities; deleting a requirement that fees for training and education programs be based on the percentage of residents receiving monthly optional supplementation payments; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Health to seek and implement a Medicaid home and community-based waiver for persons with Alzheimer's disease; requiring the development of waiver program standards; providing for consultation with the presiding officers of the Legislature; providing for a contingent future repeal of such waiver program; amending s. 400.557, F.S.; providing an alternative method of providing notice to an adult day care center that a license must be renewed; amending s. 400.619, F.S.; requiring that the Agency for Health Care Administration provide advance notice to an adult family-care home that a license must be renewed; reenacting and amending s. 400.980, F.S.; providing that the provisions governing background screening of persons involved with health care services pools shall not stand repealed; amending s. 408.061, F.S.; exempting nursing homes and continuing care facilities from certain financial reporting requirements; amending s. 408.062, F.S.; providing that the Agency for Health Care Administration is not required to evaluate financial reports of nursing homes; amending s. 408.831, F.S.; requiring that licensees of the Agency for Health Care Administration pay or arrange for payment of amounts owed to the agency by the licensee prior to transfer of the license or issuance of a license to a transferee; amending s. 409.9116, F.S.; correcting a cross reference; providing an effective date.

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

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.

On motion by Rep. Barreiro, the House returned to consideration of HB 1687.

Special Orders

Special Order Calendar

HB 1687—A bill to be entitled An act relating to governmental reorganization; providing legislative intent; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.101, F.S.; creating the Department of State and Community Partnerships; providing that the department shall be headed by a secretary appointed by, and serving at the pleasure of, the Governor; providing primary policy and administrative functional areas of the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; amending s. 20.22, F.S.; providing that the secretary of the Department of Management Services shall serve as the custodian of records; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall become the Secretary of State and Community Partnerships without further appointment or confirmation; providing transitional provisions; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Zapata to adopt Amendment 4.

The question recurred on the adoption of **Amendment 4**, which was adopted.

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.

HB 1925—A bill to be entitled An act relating to health; amending s. 17.41, F.S.; providing for funds from the tobacco settlement to be transferred to the Biomedical Research Trust Fund within the Department of Health; amending s. 20.43, F.S.; renaming certain divisions within the Department of Health; establishing the Division of Disability Determinations within the department; amending s. 154.01, F.S.; providing for environmental health services to include investigations of elevated blood lead levels; authorizing the expenditure of funds for such investigations; creating s. 216.342, F.S.; authorizing the expenditure of funds of the United States Trust Fund for the operation of the Division of Disability Determinations; amending s. 381.0011, F.S.; revising duties of the Department of Health with respect to injury prevention and control; amending s. 381.004, F.S.; revising requirements for the release of HIV test results; amending s. 381.0065, F.S., relating to onsite sewage treatment and disposal systems; clarifying a definition; deleting obsolete provisions; amending s. 381.0072, F.S.; clarifying provisions governing the authority of the Department of Health to adopt and enforce sanitation rules; revising exemptions; creating s. 381.104, F.S.; authorizing state agencies to establish employee health and wellness programs; providing requirements for the programs; requiring the use of an employee health and wellness activity agreement form; requiring an evaluation and improvement process for the program; requiring the Department of Health to provide model program guidelines; creating s. 381.86, F.S.; creating the Review Council for Human Subjects within the Department of Health; providing duties and membership; providing for reimbursement for per diem and travel expenses; requiring the department to charge for costs incurred by the council for research oversight; providing an exception; amending s. 381.89, F.S.; revising the fees imposed for the licensure of tanning facilities; amending s. 381.90, F.S.; revising the membership of the Health Information Systems Council; revising the date for submitting an annual plan; amending s. 383.14, F.S.; clarifying provisions with respect to the screening of newborns; amending s. 384.25, F.S.; revising requirements for the reporting of sexually transmissible diseases; requiring the Department of Health to adopt rules relating to newborns or infants exposed to HIV; amending s. 385.204, F.S.; revising requirements for the purchase and distribution of insulin by the Department of Health; amending s. 391.021, F.S.; redefining the term "children with special health care needs" for purposes of the Children's Medical Services Act;

amending s. 391.025, F.S.; revising applicability and scope of the act; amending s. 391.029, F.S.; revising requirements for program eligibility; amending s. 391.055, F.S.; requiring the referral to the Children's Medical Services network of a newborn having a certain abnormal screening result; creating s. 391.309, F.S.; establishing the Florida Infants and Toddlers Early Intervention Program; providing requirements for the Department of Health under the program; requiring certain federal waivers; amending s. 393.064, F.S.; transferring to the Department of Health authority for the supervision and management of the Raymond C. Philips Research and Education Unit; amending s. 394.4615, F.S.; limiting a patient's access to his or her records where the patient's life or safety is endangered; amending s. 394.9151, F.S.; authorizing the Department of Children and Family Services to contract with the Correctional Medical Authority to conduct surveys of medical services and to provide medical quality assurance and improvement assistance at secure confinement and treatment facilities for certain persons; amending s. 395.3025, F.S.; clarifying access to patient records for professional disciplinary purposes and for research purposes; amending s. 395.404, F.S.; revising requirements for reports to the Department of Health concerning certain brain or spinal cord injuries; amending s. 395.7015, F.S.; conforming cross references; amending s. 400.141, F.S.; requiring copies of records to be provided to the Department of Health upon subpoena; amending s. 400.145, F.S.; requiring certification of copies of records requested pursuant to subpoena or patient release; amending s. 400.211, F.S.; reducing inservice training hours for nursing assistants; creating s. 400.455, F.S.; requiring a certified copy of subpoenaed records under certain circumstances; amending s. 401.113, F.S.; providing for the use of funds generated from interest on certain grant moneys dispensed from the Emergency Medical Services Trust Fund; amending s. 401.211, F.S.; providing legislative intent with respect to a comprehensive statewide injury prevention and control program; creating s. 401.243, F.S.; providing duties of the Department of Health in operating the program; amending s. 401.27, F.S.; authorizing electronically submitted applications for certification or recertification as an emergency medical technician or a paramedic; removing a provision authorizing a temporary certificate; revising requirements for an insignia identifying such person; requiring submission of information and fingerprints for a criminal history check; requiring fees; providing additional grounds for denial of certification or recertification; providing for certain exemptions; amending s. 401.2701, F.S.; requiring emergency medical services training programs to advise students of certification and regulatory requirements; amending s. 401.2715, F.S.; requiring recognition, upon application, of entities approved by the Continuing Education Coordinating Board for Emergency Medical Services for recertification training; amending s. 401.272, F.S.; providing that paramedics may provide life support services in hospital emergency departments under certain circumstances; amending s. 404.056, F.S.; revising requirements for mandatory testing of certain buildings and facilities for radon; amending s. 409.814, F.S.; authorizing certain children to participate in the Florida Healthy Kids program or the Medikids program; amending s. 455.227, F.S.; conforming a cross reference; amending s. 456.017, F.S.; providing for electronic posting of examination scores; amending s. 456.025, F.S.; deleting the requirement for the Department of Health to develop and maintain a continuing education tracking system; amending s. 456.0375, F.S.; providing exemption from registration for community college and university clinics; providing distinction between supervision of administrative services and supervision of health care delivery services; providing exemption from registration for clinical facilities where training is provided by certain medical schools; amending s. 456.039, F.S.; deleting a cross reference; amending s. 456.049, F.S.; specifying amount of final professional liability claims to be reported for physicians and dentists; amending s. 456.063, F.S.; providing professional regulatory boards, or the Department of Health if there is no board, rulemaking authority for reporting allegations of sexual misconduct; amending s. 456.072, F.S.; clarifying grounds for discipline for performing or attempting to perform health care services on the wrong patient or that are otherwise wrong or unnecessary or leaving a foreign body in the patient; providing for discipline for prescribing, administering, dispensing, or distributing certain medications without a valid professional relationship; providing for additional costs to be assessed as part of any penalty or other form of discipline; requiring clear and convincing evidence to revoke or suspend a license and the greater weight of the evidence for other forms of discipline; conforming a cross reference; amending s. 456.073, F.S.; extending the time within which the subject of an investigation may submit a written

response to the information in the complaint or other documentation; requiring the Department of Health to give 45 days' notice to the Division of Administrative Hearings when a hearing is needed; requiring the division to charge its expenses to the Medical Quality Assurance Trust Fund; providing for certain fees and charges; amending s. 456.077, F.S.; providing that citations for first offenses do not constitute discipline; deleting the required period for issuing a citation; amending s. 456.078, F.S.; requiring designation of certain violations as appropriate for mediation; excluding certain violations from mediation; requiring successful mediation to include a statement of whether or not the resolution constitutes discipline; requiring payment for the administrative costs of mediation; prohibiting mediation more than once involving a breach of the standard of care for health care professionals; providing rulemaking authority; amending s. 458.303, F.S.; conforming cross references; amending s. 458.311, F.S.; consolidating and revising provisions relating to requirements for licensure of physicians; amending s. 458.3124, F.S.; conforming a cross reference; amending s. 458.315, F.S.; consolidating and revising provisions relating to requirements for limited licensure of physicians; amending s. 458.319, F.S.; deleting a cross reference; amending s. 458.320, F.S.; conforming a cross reference; creating s. 458.3215, F.S.; providing for reactivation of a physician's license for clinical research purposes; providing for fees and continuing education; amending s. 458.331, F.S.; increasing the threshold amount of claims against a physician that represent repeated malpractice; revising a reporting requirement to conform; reducing the time period for a physician to respond to information contained in a complaint or other documentation; amending ss. 458.345 and 458.347, F.S.; conforming cross references; amending s. 459.008, F.S.; deleting a cross reference; creating s. 459.0091, F.S.; providing for reactivation of an osteopathic physician's license for clinical research purposes; providing for fees and continuing education; amending s. 459.015, F.S.; increasing the threshold amount of claims against an osteopathic physician that represent repeated malpractice; revising a reporting requirement to conform; reducing the time period for an osteopathic physician to respond to information contained in a complaint or other documentation; amending s. 460.406, F.S.; revising an accrediting agency for chiropractic education; amending s. 460.413, F.S.; reducing the time period for a chiropractic physician to respond to information contained in a complaint or other documentation; amending s. 461.013, F.S.; increasing the threshold amount of claims against a podiatric physician that represent repeated malpractice; revising a reporting requirement to conform; reducing the time period for a podiatric physician to respond to information contained in a complaint or other documentation; amending s. 463.006, F.S.; revising an accrediting agency for optometry education; amending s. 464.0205, F.S.; conforming a cross reference; amending s. 464.203, F.S.; clarifying requirements for criminal history checks of certified nursing assistants; reducing the hours of inservice training required each year; providing for biennial renewal of certification, including fees; amending s. 464.204, F.S.; revising a ground for disciplinary action for specificity and removal of the requirement of intentionality; amending s. 465.016, F.S.; providing for disciplinary action against a pharmacist for compounding, dispensing, or distributing legend drugs not prescribed in the course of a valid professional relationship; amending s. 467.009, F.S.; revising an accrediting agency for midwifery education and the licensing agency for midwives; amending s. 467.013, F.S.; providing for inactive licensure status for midwives pursuant to rule of the Department of Health and deleting statutory provisions to conform; amending s. 467.0135, F.S.; clarifying language for licensure status and fees for midwives; amending s. 467.017, F.S.; requiring a midwife's emergency care plan to be available upon request of the Department of Health; amending s. 468.302, F.S.; authorizing a nuclear medicine technologist to administer certain X radiation; excluding such technologist from creating or modifying certain tomography protocols and operating certain tomography devices; amending s. 468.352, F.S.; revising definitions applicable to regulation of respiratory therapy; amending s. 468.355, F.S.; revising licensure requirements to practice respiratory therapy; amending s. 468.368, F.S.; revising requirements for exemptions from respiratory care regulation; amending s. 468.509, F.S.; revising an accrediting agency for education of dietitians and nutritionists; amending s. 468.707, F.S.; revising an accrediting agency for education of athletic trainers; deleting a provision relating to a continuing education course on HIV/AIDS for initial licensure as an athletic trainer; amending ss. 486.031 and 486.102, F.S.; revising an accrediting agency for education of physical therapists and physical therapist assistants; amending s. 489.553, F.S.; revising registration requirements for

master septic tank contractors; amending s. 489.554, F.S.; revising registration renewal requirements for such contractors; providing for inactive status and reactivation of registration; amending ss. 490.005 and 491.005, F.S.; revising an accrediting agency for education of psychologists and psychotherapists; revising requirements for licensure as a clinical social worker; amending s. 491.0145, F.S.; prohibiting the licensure of a certified master social worker if not licensed before a certain date; creating s. 491.0146, F.S.; providing a saving clause for a certified master social worker licensed from a certain date; amending s. 491.0147, F.S.; providing exemption from liability for disclosure of confidential information under certain circumstances; amending s. 499.003, F.S.; redefining the term "compressed medical gas" for purposes of the Florida Drug and Cosmetic Act; amending s. 499.007, F.S.; revising requirements for labeling medicinal drugs; amending s. 499.01, F.S.; authorizing the department to issue a prescription drug manufacturer permit to a nuclear pharmacy that is a health care entity; amending s. 499.0121, F.S.; providing requirements for retaining inventories and records; transferring and renumbering s. 501.122, F.S., relating to the control of nonionizing radiations; amending s. 627.912, F.S.; requiring insurers to report to the Department of Health final claims in certain amounts for physicians, osteopathic physicians, podiatric physicians, and dentists; amending s. 766.101, F.S.; including certain university committees as medical review committees; amending s. 766.314, F.S.; exempting children born in certain family practice teaching hospitals from fee assessments used to finance the Florida Birth-Related Neurological Injury Compensation Plan; conforming a cross reference; amending s. 784.081, F.S.; providing for the reclassification of the offense of assault or battery if committed on an employee of the Department of Health or upon a direct service contract provider of the department; amending s. 817.567, F.S.; revising an accrediting agency for institutions awarding academic degrees and titles; creating s. 945.6038, F.S.; authorizing the Correctional Medical Authority to contract with other agencies to provide medical quality improvement services; amending s. 1009.992, F.S.; revising the definition of the term "institution" to update a reference to an accrediting agency; amending s. 1012.46, F.S.; revising provisions relating to athletic trainers in school districts; removing a legislative goal; clarifying a cross reference; providing for payments by the Department of Health and the Division of Administrative Hearings with respect to billings for hearings; requiring a joint audit of hearings and billings of the Division of Administrative Hearings; requiring a report to the Legislature on billing practices of the Division of Administrative Hearings; repealing s. 381.0098(9), F.S., relating to obsolete transition provisions concerning biomedical waste; repealing s. 381.85, F.S., relating to biomedical and social research; repealing s. 385.103(2)(f), F.S., relating to rulemaking authority of the department with respect to the operation of community intervention programs; repealing s. 385.205, F.S., relating to programs in kidney disease control; repealing s. 385.209, F.S., relating to dissemination of information on cholesterol health risks; repealing s. 445.033(7), F.S., relating to an exemption from biomedical and social research requirements for evaluations of TANF-funded programs conducted by Workforce Florida, Inc.; repealing s. 456.031, F.S., relating to a requirement for instruction on domestic violence; repealing s. 456.033, F.S., relating to requirement for instruction on HIV and AIDS for certain licensees; repealing s. 456.034, F.S., relating to requirement for instruction on HIV and AIDS for athletic trainers and massage therapists; repealing s. 458.313, F.S., relating to physician licensure by endorsement; repealing s. 458.316, F.S., relating to public health certificates; repealing s. 458.3165, F.S., relating to public psychiatry certificates; repealing s. 458.317, F.S., relating to limited licenses for physicians; repealing s. 468.356, F.S., relating to approval of educational programs for respiratory therapy licensure; repealing s. 468.357, F.S., relating to respiratory therapy licensure by examination; repealing s. 468.711(3), F.S., relating to a continuing education course on HIV/AIDS for athletic trainers seeking relicensure; providing an effective date.

—was read the second time by title.

Representative Richardson offered the following:

(Amendment Bar Code: 903583)

Amendment 1 (with directory and title amendments)—Between lines 350 and 351, insert:

(4) There is established within the Department of Health the Office of Minority Health.

Remove lines 340 through 342, and insert:

Section 2. Paragraphs (f) and (j) of subsection (3) of section 20.43, Florida Statutes, are amended, paragraph (k) is added to said subsection, subsections (4) through (8) are renumbered as subsections (5) through (9), respectively, and a new subsection (4) is added to said section, to read:

Remove line 8, and insert:

Determinations within the department; establishing the Office of Minority Health within the department; amending s. 154.01

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

Representative Richardson offered the following:

(Amendment Bar Code: 797663)

Amendment 2 (with title amendment)—Between lines 719 and 720, insert:

Section 10. Paragraph (e) of subsection (2) of section 381.7353, Florida Statutes, is amended to read:

381.7353 Reducing Racial and Ethnic Health Disparities: Closing the Gap grant program; administration; department duties.--

(2) The department shall:

(e) Coordinate with existing community-based programs, such as chronic disease community intervention programs, cancer prevention and control programs, diabetes control programs, oral health care programs, the Healthy Start program, the Florida KidCare Program, the HIV/AIDS program, immunization programs, and other related programs at the state and local levels, to avoid duplication of effort and promote consistency.

Section 11. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.--

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the project will address. The proposal must address one or more of the following priority areas:

1. Decreasing racial and ethnic disparities in maternal and infant mortality rates.
2. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cancer.
3. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to HIV/AIDS.
4. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to cardiovascular disease.
5. Decreasing racial and ethnic disparities in morbidity and mortality rates relating to diabetes.
6. Increasing adult and child immunization rates in certain racial and ethnic populations.
7. Decreasing racial and ethnic disparities in oral health care.

Between lines 30 and 31, insert:

amending ss. 381.7353 and 381.7355, F.S.; including oral health care in the Closing the Gap grant program;

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

Representative Galvano offered the following:

(Amendment Bar Code: 441447)

Amendment 3 (with directory and title amendments)—Remove lines 2051-2058

Remove line 2022, and insert:
amended, and

Remove lines 137-139, and insert:
patient;

Rep. Galvano moved the adoption of the amendment.

Further consideration of **Amendment 3** was temporarily postponed under Rule 11.10.

Representative Farkas offered the following:

(Amendment Bar Code: 945109)

Amendment 4 (with title amendment)—Between lines 4253 and 4254, insert:

Section 105. (1) The Department of Health, in consultation with the Miami-Dade Community College Physician Assistant Program, the University of Florida Physician Assistant Program, the Nova Southeastern University Physician Assistant Program, and the Barry University Physician Assistant Program, shall conduct a study to establish the most advantageous methods to utilize the medical skills of foreign-trained physicians to practice as physician assistants in this state. Such study shall indicate:

(a) The existing pathways or methods for a foreign-trained physician to receive a license to practice as a physician assistant in Florida.

(b) National standards, national examinations, and credentialing requirements for a foreign-trained physician to be licensed to practice as a physician assistant in other states in the United States.

(c) Training, education requirements, remedial courses, and supervisory needs of a foreign-trained physician desiring to become eligible to practice as a physician assistant.

(d) The scope of practice of a foreign-trained physician assistant.

(e) Any other areas of study that the department and educational institutions deem appropriate to further the intent of this section.

(2) A copy of the study, including results and recommendations, shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2004.

Remove line 295, and insert:
of the Division of Administrative Hearings; requiring the Department of Health, in consultation with specified educational institutions, to conduct a study with respect to using skills of foreign-trained physicians to practice as physician assistants in this state and to report the results and recommendations to the Governor and Legislature; repealing s.

Rep. Farkas moved the adoption of the amendment.

Representative Farkas offered the following:

(Amendment Bar Code: 024049)

Amendment 1 to Amendment 4—Remove line(s) 19, and insert:
Program, the Florida Academy of Physician Assistants, and the Barry University Physician Assistant Program.

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

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

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.

CS for SB 1214—A bill to be entitled An act relating to the Florida Civil Rights Act of 1992; creating s. 760.021, F.S.; authorizing the Attorney

General to commence a civil action against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for venue; providing for a hearing to determine a prima facie case; providing for attorney's fees and costs; providing for a deposit of civil penalties into General Revenue Fund; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under the Florida Civil Rights Act of 1992; conforming statutory cross-references to the Attorney General's authority to investigate and initiate actions for discriminatory practices in violation of civil rights; amending ss. 110.105, 110.233, 112.042, and 760.10, F.S.; revising provisions relating to state employment policy, career service appointments, and county and municipal employment practices, to provide that discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions; reenacting ss. 104.31(3) and 760.11(15), F.S., to incorporate amendments to ss. 110.233 and 760.10, F.S., in references thereto; providing effective dates.

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

Representative Kottkamp offered the following:

(Amendment Bar Code: 515193)

Amendment 3 (with directory and title amendments)—Remove everything after the enacting clause

and insert:

Section 1. This act shall be known by the popular name the "Dr. Marvin Davies Florida Civil Rights Act."

Section 2. Section 760.021, Florida Statutes, is created to read:

760.021 Enforcement.--If the Attorney General has reasonable cause to believe that:

(1) Any person or group of persons is engaged in a pattern or practice of discrimination as defined by the laws of this state; or

(2) Any person or group of persons has been discriminated against as defined by the laws of this state and such discrimination raises an issue of general public importance.

the Attorney General may commence a civil action in any appropriate court for damages, injunctive relief, civil penalties not to exceed \$10,000 per violation, and such other relief as may be appropriate under the circumstances. Any damages recovered under this section shall accrue to the injured person or group of persons. The Attorney General is entitled to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an action brought under this section.

Section 3. Section 16.57, Florida Statutes, is amended to read:

16.57 Office of Civil Rights.--There is created in the Department of Legal Affairs an Office of Civil Rights. The office may investigate and initiate actions authorized by chapter 760 ~~s. 760.51~~. In investigating violations of constitutional and statutory rights under chapter 760 ~~s. 760.51~~, the Attorney General may administer oaths and affirmations, subpoena witnesses or matter, and collect evidence.

Section 4. Subsection (11) is added to section 760.02, Florida Statutes, to read:

760.02 Definitions.--For the purposes of ss. 760.01-760.11 and 509.092, the term:

(11) "Public accommodations" means places of public accommodation, lodgings, facilities principally engaged in selling food for consumption on the premises, gasoline stations, places of exhibition or entertainment, and other covered establishments. Each of the following establishments which serves the public is a place of public accommodation within the meaning of this section:

(a) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than four rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his or her residence.

(b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the

premises of any retail establishment, or any gasoline station.

(c) Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment.

(d) Any establishment which is physically located within the premises of any establishment otherwise covered by this subsection, or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

Section 5. Section 760.08, Florida Statutes, is created to read:

760.08 Discrimination in places of public accommodation.--

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this chapter, without discrimination or segregation on the ground of race, color, national origin, sex, handicap, familial status, or religion.

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

Remove the entire title

and insert:

A bill to be entitled

An act relating to the Florida Civil Rights Act of 1992; providing that this act shall be known by the popular name the "Dr. Marvin Davies Florida Civil Rights Act"; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action to obtain damages or other relief for a civil rights violation under certain circumstances; providing for attorney's fees and costs; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under ch. 760, F.S.; amending s. 760.02, F.S.; defining "public accommodations"; creating 760.08, F.S.; making unlawful discrimination or segregation in places of public accommodation; providing an effective date.

Rep. Kottkamp moved the adoption of the amendment.

Motion

Rep. Cantens moved the previous question on the amendment and the bill, which was agreed to.

The question recurred on the adoption of **Amendment 3**, which was adopted.

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.

On motion by Rep. Russell, the House returned to the consideration of CS for SB 1762.

CS for SB 1762—A bill to be entitled An act relating to road and bridge designations; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating Mamie Langdale Memorial Bridge in Glades County; designating George Crady Bridge in Nassau and Duval Counties; designating J.C. Penney Memorial Boulevard in the town of Penney Farms; designating C. Fred and Marvin Arrington Bridge; designating a portion of State Road 121 as the "Deputy Renee Danell Azure Memorial Highway"; designating Rodolfo Garcia Memorial Avenue; designating Monsignor Bryan O. Walsh Boulevard; designating Joe Celestin Boulevard; designating Monsignor Emilio Vallina Boulevard; designating "Bill Seidle Boulevard"; designating "Robert 'Bullet Bob' Hayes Avenue"; designating a portion of U.S. 192 as the "Howard E. Futch Memorial Highway"; directing the Department of Transportation to erect suitable signs; designating the Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; directing the Department of Transportation to erect suitable markers; designating a portion of Interstate 95 as the Trooper Charles W. Parks Memorial Highway; directing the Department of Transportation to erect suitable markers; designating a portion of State Road 16 as the "John S. 'Steve' Dennard Bridge"; directing the Department of Transportation to erect suitable markers; designating the Ed Fraser Memorial Highway; directing the Department of Transportation to erect suitable markers; designating the "Clyde Hart Highway" in Volusia County; directing the Department of Transportation to erect suitable markers; designating "T. Stewart Greer Boulevard" in Miami-Dade County; directing the Department of

Transportation to erect suitable markers; providing an effective date.

—was taken up, having been read the first and second times, and amended, earlier today.

Representatives Pickens, Cantens, Wiles, and Zapata offered the following:

(Amendment Bar Code: 743335)

Amendment 4 (with title amendment)—On page 7, line(s) 10, insert:

Section 20. Upchurch Memorial Highway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 1 North in St. Johns County from the St. Augustine city limits to the boundary at Duval County is designated as "Upchurch Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Upchurch Memorial Highway as described in subsection (1).

Section 21. Augustus H. Craig Memorial Highway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 1 South in St. Johns County from the St. Augustine city limits to the boundary at Flagler County is designated as "Augustus H. Craig Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Augustus H. Craig Memorial Highway as described in subsection (1).

Section 22. Browning-Pearce Memorial Highway designated; department to erect suitable markers.--

(1) That portion of State Road 207 between Interstate Highway 95 in St. Johns County and the intersection with U.S. Highway 17 in Putnam County is designated as "Browning-Pearce Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Browning-Pearce Memorial Highway as described in subsection (1).

Section 23. Ramon Puig Way designated; department to erect suitable markers.--

(1) That portion of S.W. 8th Street between 60th Avenue and 57th Avenue in Miami-Dade County is hereby designated as "Ramon Puig Way."

(2) The Department of Transportation is directed to erect suitable markers designating Ramon Puig Way as described in subsection (1).

Section 24. Cesar Calas Way designated; department to erect suitable markers.--

(1) That portion of 8th Street between 60th Avenue and S.W. 62nd Avenue in Miami-Dade County is hereby designated as "Cesar Calas Way."

(2) The Department of Transportation is directed to erect suitable markers designating Cesar Calas Way as described in subsection (1).

Section 25. Firpo Garcia Way designated; department to erect suitable markers.--

(1) That portion of Kendall Drive between 127th Avenue and 130th Avenue in unincorporated Miami-Dade County is hereby designated as "Firpo Garcia Way."

(2) The Department of Transportation is directed to erect suitable markers designating Firpo Garcia Way as described in subsection (1).

On page 2, line(s) 8, remove: All of said line

and insert:

Boulevard" in Miami-Dade County; designating Upchurch Memorial Highway and Augustus H. Craig Memorial Highway in St. Johns County; designating Browning-Pearce Memorial Highway in St. Johns County and Putnam County; designating Ramon Puig Way, Cesar Calas Way, and Firpo Garcia Way in Miami-Dade County; directing the

Rep. Pickens moved the adoption of the amendment.

Representative Pickens offered the following:

(Amendment Bar Code: 348011)

Amendment 1 to Amendment 4 (with title amendment)—Between line(s) 16 and 17, insert:

Section 20. Solano-Sanchez Bridge designated; department to erect suitable markers.--

(1) That portion of State Road 16 in St. Johns County over the San Sebastian Bridge is designated as the "Solano-Sanchez Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the Solano-Sanchez Bridge as described in subsection (1).

Remove line(s) 74 and 75, and insert:
Boulevard" in Miami-Dade County; designating Solano-Sanchez Bridge, Upchurch Memorial Highway, and Augustus H. Craig Memorial Highway in

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

The question recurred on the adoption of **Amendment 4**, as amended, which was adopted.

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.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 204, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Commerce, Economic Opportunities, and Consumer Services, Banking and Insurance and Senator Miller—

CS for CS for SB 204—A bill to be entitled An act relating to the use of credit reports and credit scores by insurers; creating s. 626.9741, F.S.; specifying that the act's purpose is to regulate and limit the use of credit reports and credit scores by insurers for underwriting and rating purposes; specifying the types of insurance to which the act applies; defining terms; requiring that an insurer identify the items in a credit report which resulted in an adverse decision; prohibiting an insurer from making an adverse decision based solely on a credit report or score or certain other factors; requiring an insurer to provide a means for appeal to an applicant or insured under certain circumstances; prohibiting the use of a credit report or score unless the Office of Insurance Regulation determines, based on a filing by the insurer, that such use is valid and reasonable; authorizing the Office of Insurance Regulation to disapprove such filings; requiring an insurer to adhere to certain laws and rules; requiring an insurer to provide for an adjustment in the premium of an insured to reflect an improvement in credit history; authorizing the Financial Services Commission to adopt rules; providing for application; providing an effective date.

—was read the first time by title. On motion by Rep. Rivera, the rules were waived and the bill was read the second time by title.

Representative Rivera offered the following:

(Amendment Bar Code: 288477)

Amendment 1—On page 4, line(s) 24-26, Remove all of said lines, and insert:

a. Treat the consumer as otherwise approved by the Department of Financial Services if the insurer presents information that such an absence or inability is related to the risk for the insurer;

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

Representative Rivera offered the following:

(Amendment Bar Code: 737515)

Amendment 2 (with title amendments)—On page 8, line(s) 1-3, Remove all of said lines,

and insert:

Section 2. Contingent upon HB 1895, providing a public records exemption for trade secrets for credit scoring methodologies and related data and information which are required to be filed with the Office of Insurance Regulation, becoming a law, this act shall take effect January 1, 2004, and shall apply to policies issued or renewed on or after that date.

On page 1, line(s) 29,
Remove all of said line, and insert:
providing a contingent effective date.

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

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.

Special Orders

Special Order Calendar

HB 1075—A bill to be entitled An act relating to the use of farm lands; creating s. 163.3162, F.S.; providing a popular name; providing legislative findings and purpose with respect to agricultural activities conducted on land in urban areas; defining the terms "farm," "farm operation," and "farm product" for purposes of the act; prohibiting a local government from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm or farm operation on certain land that is an integral part of a farm operation or that is classified as agricultural land; prohibiting a local government from changing the land use classification or zoning designation of such agricultural land without a written agreement from the affected landowner; providing an effective date.

The Committee on Agriculture recommended the following:

HB 1075 CS—A bill to be entitled An act relating to the use of farm lands; creating s. 163.3162, F.S.; providing a popular name; providing legislative findings and purpose with respect to agricultural activities conducted on land in urban areas; defining the terms "farm," "farm operation," and "farm product" for purposes of the act; prohibiting a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a bona fide farm or farm operation on certain land that is an integral part of a farm operation or that is classified as agricultural land; prohibiting a county from changing the land use classification or zoning designation or lowering the current residential density designation of agricultural land unless the property owner is compensated by the county; providing an effective date.

—was read the second time by title.

Representative Henriquez offered the following:

(Amendment Bar Code: 280249)

Amendment 1 (with title amendment)—Remove line(s) 61-67, and insert:
any duplicative ordinance, resolution, regulation, rule, or policy to prohibit, restrict, or regulate an activity of an existing bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated

Remove line(s) 17, and insert:
from adopting any duplicative ordinance, resolution, regulation, rule,

Rep. Henriquez moved the adoption of the amendment.

Further consideration of **HB 1075**, with pending amendment, was temporarily postponed under Rule 11.10.

CS for SB 2366—A bill to be entitled An act relating to aggravated child abuse; amending s. 827.03, F.S.; defining the term "maliciously" for purposes of the offense of aggravated child abuse; providing an effective date.

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

Representative Barreiro and Seiler offered the following:

(Amendment Bar Code: 546431)

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

and insert:

Section 1. Section 827.03, Florida Statutes, is amended to read:

827.03 Abuse, aggravated abuse, and neglect of a child; penalties.--

(1) "Child abuse" means:

- (a) Intentional infliction of physical or mental injury upon a child;
- (b) An intentional act that could reasonably be expected to result in physical or mental injury to a child; or
- (c) Active encouragement of any person to commit an act that results or could reasonably be expected to result in physical or mental injury to a child.

A person who knowingly or willfully abuses a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) "Aggravated child abuse" occurs when a person:

- (a) Commits aggravated battery on a child;
- (b) Willfully tortures, maliciously punishes, or willfully and unlawfully cages a child; or
- (c) Knowingly or willfully abuses a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child.

A person who commits aggravated child abuse commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Neglect of a child" means:

1. A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or
2. A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person.

Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child.

(b) A person who willfully or by culpable negligence neglects a child and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) A person who willfully or by culpable negligence neglects a child without causing great bodily harm, permanent disability, or permanent disfigurement to the child commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For purposes of this section, "maliciously" means wrongfully, intentionally, and without legal justification or excuse. Maliciousness may be established by circumstances from which one could conclude that a reasonable parent would not have engaged in the damaging acts toward the child for any valid reason and that the primary purpose of the acts was to cause the victim unjustifiable pain or injury.

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

Remove the entire title

and insert:

A bill to be entitled

An act relating to abuse of children; amending s. 827.03, F.S.; providing a definition for the term "maliciously" for purposes of aggravated child abuse; providing an effective date.

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

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.

HB 1405—A bill to be entitled An act relating to water policy; amending s. 373.0693, F.S.; redrawing the boundaries of certain water basins; providing for the transfer of assets between such water basins; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water and management plans and programs; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; exempting the approval process for such plans from the rule adoption requirements of chapter 120, F.S.; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; deleting cross references; providing an effective date.

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

Representative Machek offered the following:

(Amendment Bar Code: 353123)

Amendment 5 (with title amendment)—Between lines 454 and 455, insert:

Section 10. Subsection (6) of section 403.1837, Florida Statutes, is amended to read:

403.1837 Florida Water Pollution Control Financing Corporation.--

(6) The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts received from payment of loans and other moneys received by the corporation, including, but not limited to, amounts payable to the corporation by the department under a service contract entered into under subsection (5). ~~The corporation may not issue bonds in excess of an amount authorized by general law or an appropriations act except to refund previously issued bonds. The corporation may issue bonds in amounts not exceeding \$50 million in fiscal year 2000-2001, \$75 million in fiscal year 2001-2002, and \$100 million in fiscal year 2002-2003.~~ The proceeds of the bonds may be used for the purpose of providing funds for projects and activities provided for in subsection (1) or for refunding bonds previously issued by the corporation. The corporation may select a financing team and issue obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Any such indebtedness of the corporation does not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state.

Remove lines 11-47, and insert:

An act relating to water policy; repealing s. 373.0693(11), F.S.; deleting a provision requiring legislative approval to abolish or combine basins existing within the Southwest Florida Water Management District; amending s. 373.0693, F.S.; authorizing basin board boundaries within the Southwest Florida Water Management District to be amended by governing board resolution; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water and management plans and programs; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs; requiring review of plans developed by water management districts by various state agencies within a specified time; deleting the requirement that state agencies be on certain advisory committees; authorizing water management districts to enter into contracts with governmental agencies regarding the development and implementation of water improvement and management programs; amending s. 373.459, F.S.; providing for appropriation of funds for surface water improvement and management activities by water management districts; providing for release of funds by the Department of Environmental Protection; repealing s. 373.455, F.S., relating to review of surface water improvement and management plans; repealing s. 373.456, F.S., relating to approval of surface water improvement and management plans; repealing s. 373.457, F.S., relating to implementation of surface water improvement and management plans and programs; amending ss. 259.101, 373.4136, 403.067, and 403.1835, F.S.; deleting cross references; amending s. 403.1837, F.S.; removing the cap on the issuance of bonds by the Florida Water Pollution Control Financing Corporation; deleting obsolete language; providing an effective date.

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

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.

HB 1245—A bill to be entitled An act relating to municipal police and firefighter pensions; amending s. 175.351, F.S.; authorizing certain municipalities to provide extra benefits to firefighter pension plans prior to the receipt of additional premium tax revenues; providing a procedure; amending s. 185.35, F.S.; authorizing certain municipalities to provide extra benefits in police officer pension plans under certain circumstances; providing a procedure; providing an effective date.

The Committee on Insurance recommended the following:

HB 1245 CS—A bill to be entitled An act relating to municipal police and firefighter pensions; amending s. 175.351, F.S.; authorizing certain municipalities to provide extra benefits to firefighter pension plans prior to the receipt of additional premium tax revenues; providing a procedure; amending s. 185.35, F.S.; authorizing certain municipalities to provide extra benefits in police officer pension plans under certain circumstances; providing a procedure; providing an effective date.

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

HB 1819—A bill to be entitled An act relating to motor vehicle insurance affordability reform; creating the Motor Vehicle Insurance Affordability Reform Act of 2003; providing legislative findings and declarations; providing purposes; amending s. 95.11, F.S.; providing a statute of limitations for certain personal injury protection benefit actions; amending s. 119.105, F.S.; requiring certain persons to maintain confidential and exempt status of certain information under certain circumstances; providing construction; prohibiting use of certain confidential or exempt information relating to motor vehicle accident victims for certain commercial solicitation activities; deleting provisions relating to police reports as public records; amending s. 316.066,

F.S.; specifying conditions precedent to providing access to crash reports to persons entitled to such access; providing construction; providing for enforcement; providing a criminal penalty for using certain confidential information; creating s. 408.7058, F.S.; providing definitions; creating a dispute resolution organization for disputes between health care practitioners and insurers; providing duties of the Agency for Health Care Administration; providing duties of the dispute resolution organization; providing procedures, requirements, limitations, and restrictions for resolving disputes; providing agency rulemaking authority; amending s. 456.0375, F.S.; revising definitions; providing additional requirements relating to the registration of certain clinics; limiting participation by disqualified persons; providing for voluntary registration of exempt status; providing rulemaking authority; specifying unlawful charges; prohibiting the filing of certain false or misleading forms or information; providing criminal penalties; providing for inspections of and access to clinics under certain circumstances; providing for emergency suspension of registration; amending s. 456.057, F.S.; requiring health care practitioners to maintain certain medical records of certain activities relating to patient visits; providing a required statement be included in the medical records for patient visits pursuant to a claim of injury; providing statement requirements; amending s. 456.072, F.S.; providing additional grounds for discipline of health professionals; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to required personal injury protection benefits and payment thereof; specifying conditions of insurance fraud and recovery of certain charges; providing for recovery of costs and attorney's fees in certain insurer actions; specifying certain charges that are uncollectible and unenforceable; limiting charges for certain services; providing procedures and requirements for correcting certain information relating to processing claims; prohibiting an insurer from taking certain actions with respect to a claim submitted by a health care provider; prohibiting an insurer from taking certain actions with respect to an independent medical examination; requiring certain recordkeeping; deleting provisions relating to arbitration of certain disputes between insurers and medical providers; providing certain statements and forms requirements, limitations, and restrictions; specifying factors for court consideration in applying attorney contingency fee multipliers; extending the time within which an insurer may respond to a demand letter; expanding civil actions for insurance fraud; amending s. 627.745, F.S.; expanding the availability of mediation of certain claims; creating s. 627.747, F.S.; providing for legislative oversight of motor vehicle insurance; requiring the Office of Insurance Regulation of the Financial Services Commission and the Division of Insurance Fraud of the Department of Financial Services to regularly report certain data and analysis of certain information to specified officers of the Legislature; amending s. 768.79, F.S.; specifying applicability of provisions relating to offer of judgment and demand for judgment; amending s. 817.234, F.S.; increasing criminal penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing criminal penalties; prohibiting a person from organizing, planning, or participating in a staged motor vehicle accident; providing criminal penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing a criminal penalty for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting marketing or presenting false or fraudulent motor vehicle insurance cards; providing criminal penalties; creating s. 817.413, F.S.; prohibiting certain sale of used motor vehicle goods as new; providing criminal penalties; amending s. 860.15, F.S.; providing a criminal penalty for charging for certain motor vehicle repairs and parts to be paid from a motor vehicle insurance policy; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in criminal penalties and the creation of additional offenses under the act; providing that the amendment to s. 456.0375(1)(b)1., F.S., is intended to clarify existing intent; providing retroactive operation; requiring the Office of Insurance Regulation to report to the Legislature on the economic condition of private passenger automobile insurance in this state; providing for October 1, 2005, repeal of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted during the 2004 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing an effective date.

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

Reconsideration

On motion by Rep. Goodlette, the House agreed to reconsider the vote by which **Amendment 1** failed of adoption. The question recurred on the adoption of the amendment, which was adopted.

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.

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 10:30 a.m., Thursday, May 1. The motion was agreed to.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 533.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 747.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 761.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 773.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 947.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1203.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1501.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1579.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1593 by the required Constitutional two-thirds vote of the members of the Senate.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1813.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1839.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Allen:

Yeas—April 23: 127, 128; April 25: 205, 212

Nays—April 28: 219

Rep. Berfield:

Yeas—April 28: 237

Rep. Brummer:

Nays—April 24: 141

Rep. Gottlieb:

Yeas—April 25: 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217

Nays—April 4: 80, 81; April 23: 135

Rep. Roberson:

Yeas—April 28: 222

Rep. Zapata:

Yeas—April 23: 135; April 29: 255

Nays—April 4: 81, 82

Cosponsors

HB 37—Llorente

HB 173—Bendross-Mindingall, Gottlieb, Homan, Justice, Sansom

HB 175—Justice

HB 195—Homan

HJR 211—Sorensen

HB 289—Murzin

HB 387—Galvano

HB 399—Justice

HB 439—Justice

HB 467—Altman

HB 475—Bendross-Mindingall, Homan, Justice, Roberson, Sobel

HB 495—Dean

HB 591—Altman

HB 593—Justice

HB 627—Llorente

HB 669—Meadows, Seiler

HB 679—Cretul, Mahon

HB 705—Domino

HB 707—Needelman

HB 723—Homan

HB 751—Homan, Stargel

HB 779—Kilmer

HB 823—Anderson, Justice

HB 839—Benson

HB 861—Fiorentino

HB 865—Negron

HB 873—Llorente

HM 1077—Homan

HB 1105—Kilmer

HB 1455—Altman, Homan

HB 1469—Antone

HB 1475—Bean, Justice, Llorente

HB 1721—Justice

HB 1815—Cretul

HB 1841—Kravitz, McInvale, Sansom

HB 1929—Benson

HR 9021—Altman

HR 9139—Planas

Introduction and Reference

By Representative Mealor—

HR 9169—A resolution designating May 30, 2003, as “United States Navy Vigilante Day” in Florida.

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

HR 9171—Filed.

HR 9173—Filed.

By Representatives Cusack and Bullard—

HR 9175—A resolution recognizing April 20-26, 2003, as “Cancer Minority Awareness Week” in Florida.

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

House Resolutions Adopted by Publication

At the request of Rep. Farkas —

HR 9153—A resolution honoring J. Dennis Sexton, former President and CEO of All Children's Hospital.

WHEREAS, employed in 1971 as Director of Development and Community Relations, in 1973 J. Dennis Sexton was named President and CEO of All Children's Hospital, Inc., the leading children's hospital in West Central Florida, providing specialty and subspecialty pediatric care, and

WHEREAS, from year-end 1972 through his retirement at the end of 2002, Dennis Sexton was responsible for growth of the hospital as represented by increases in gross revenues from \$1,900,000 to \$389,000,000; in the number of employees from 165 to 2,115; in inpatient admissions from 3,931 to 8,768; and in outpatient visits from 12,379 to 199,610, and

WHEREAS, Dennis Sexton was instrumental in winning legislative matched funding in a combined dollar value of \$30,758,063 for Chairs dedicated to pediatric research and worked to establish clinics for children and families in Pinellas, Hillsborough, Pasco, Polk, Sarasota, Lee, and Citrus Counties, and

WHEREAS, a member of the Florida Hospital Cost Containment Board, the Florida Perinatal Advisory Council, Children's Medical Services Pediatric Network Advisory Council, the Pediatric Standards Advisory Council, the Campus Advisory Board of the University of South Florida, and the Children's Miracle Network Board, Dennis Sexton was also a member and Chairman of the Board of Trustees of the National Association of Children's Hospitals and Related Institutions, the association's Council on Public Policy,

and the Child Health Corporation of America, and

WHEREAS, J. Dennis Sexton retired on January 3, 2003, after 31 years of dedicated and loyal service to All Children's Hospital, leaving to the children of Florida and to the nation a legacy of improved pediatric health care in the areas of treatment, teaching, and research, NOW, THEREFORE,

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

That the House of Representative recognizes J. Dennis Sexton for his 31 years of exemplary service and leadership to All Children's Hospital and congratulates him on his retirement.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to J. Dennis Sexton as a tangible token of the sentiments expressed herein.

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

Excused

Rep. Baker

The following Conference Committee Managers were excused from time

to time:

General appropriations and implementing bills: Rep. Kyle, Chair; At Large—Reps. Harrington, Murman, Greenstein, and Berfield; Judicial Appropriations—Rep. Negron, Chair, Reps. Benson, Kottkamp, Gelber, Mahon, Ross, Seiler, and Adams (alternate); Health & Human Services—Rep. Green, Chair, Reps. Brown, Murman, Garcia, Fiorentino, Slosberg, Farkas, Gottlieb, and Domino (alternate); Education—Rep. Simmons, Chair, Reps. Kilmer, Baxley, Pickens, Mayfield, Stansel, Mealar, Arza, and Sansom (alternate); General Government (Commerce & Local Affairs and Agriculture & Environment)—Rep. Brummer, Chair, Reps. Paul, Bowen, Spratt, Mack, Machek, and Reagan (alternate); Transportation and Economic Development—Rep. Waters, Chair, Reps. Russell, Gardiner, Kendrick, Evers, Clarke, and Rivera (alternate); Public Safety—Rep. Bilirakis, Chair, Reps. Barreiro, Bean, Needelman, Holloway, Carassas, and Dean (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 12:01 a.m., to reconvene at 10:30 a.m., Thursday, May 1.