



# The Journal OF THE House of Representatives

FIRST SPECIAL SESSION—"A" of 2002-2004

Number 4

Friday, May 16, 2003

The House was called to order by the Speaker at 12:25 p.m.

Session Vote Sequence: 532

## Prayer

The following prayer was offered by the Honorable Donald D. Brown:

Father, we thank You for Your grace that takes away our sin. We thank You for Your mercy that sets aside the penalty of sin. Lord, we thank You, as Elohim our God of Creation. We thank You as El Shad-ai, our Almighty God, the great shedder forth of blessings. We thank You as our Jehovah Rapha, the God that heals, as You healed the waters for the children of Israel and changed them from bitter to sweet. You also are the God that can take life's bitter experiences and make them sweet. We thank You as Adonai, our Lord and Master.

We call upon You, O Lord, Yashewa. You are worthy to be praised. We call upon You for wisdom this day, O Lord. Empower us with the wisdom of Solomon, the courage of David, and the compassion of Jesus. As we are called upon to govern over Your people, Lord, give us a servant's heart.

O Lord, we pray for the peace of Jerusalem. We ask for Your divine protection on all of our armed forces. Lord, we ask that You would make their hands strong, their feet swift, and their aim sure.

We ask for Your great and extraordinary wisdom for our President and for all of his advisors. Let it be said of him that he had an understanding of the times. We pray for our Governor; we pray for our Speaker Byrd, and for the President of the Senate, President King. We ask Your richest blessings on every Member in this Chamber today and for their families.

Lord, let it encourage us, the words of Your servant when he said:

He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty. I will say of the LORD, He is my refuge and my fortress: my God; in him will I trust.

Surely He shall deliver thee from the snare of the fowler, and from the noisome pestilence. He shall cover thee with His feathers, and under His wings shalt thou trust: His truth shall be thy shield and buckler. Thou shalt not be afraid for the terror by night; nor for the arrow that flieth by day. [Psalms 91:1-5 KJV]

May we all be strengthened by Your Holy Word, and it is in Your Holy Name that we pray. Amen.

The following Members were recorded present:

Speaker Byrd in the Chair.

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
Barreiro	Fields	Kravitz	Rubio
Baxley	Fiorentino	Kyle	Russell
Bean	Galvano	Littlefield	Ryan
Bendross-Mindingall	Gannon	Llorente	Sansom
Bense	Garcia	Machek	Seiler
Benson	Gardiner	Mack	Simmons
Berfield	Gelber	Mahon	Slosberg
Bilirakis	Gibson, A.	Mayfield	Smith
Bowen	Gibson, H.	McInvale	Sobel
Brandenburg	Goodlette	Meadows	Sorensen
Brown	Gottlieb	Mealor	Spratt
Brummer	Green	Murman	Stansel
Brutus	Greenstein	Murzin	Stargel
Bucher	Harper	Needelman	Troutman
Bullard	Harrell	Negron	Vana
Byrd	Harrington	Patterson	Waters
Cantens	Hasner	Paul	Wiles
Carassas	Henriquez	Peterman	Wishner
Carroll	Holloway	Pickens	Zapata
Clarke	Homan	Planas	
Cretul	Jennings	Poppell	
Culp	Johnson	Quinones	

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

A quorum was present.

## Pledge

The Members, led by the Honorable Aaron P. Bean, pledged allegiance to the Flag.

## Correction of the *Journal*

The *Journal* of May 15 was corrected and approved as corrected.

## Introduction and Reference

### Motion

Rep. Evers moved that **HB 151-A** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote and—

By Representatives Evers, Benson, Clarke, Jordan, Murzin, Quinones, and Sansom—

**HB 151-A**—A bill to be entitled An act relating to military readiness; creating s. 163.3175, F.S.; providing legislative findings relating to the compatibility of development with military installations; amending s. 163.3164, F.S.; providing a definition of military installations; amending s. 163.3177, F.S.; providing for consideration of the compatibility with military installations in developing a future land use element to a comprehensive plan; providing for the state land planning agency to coordinate with the Department of Defense on use compatibility issues relating to military installations; creating s. 163.31779, F.S.; requiring certain counties and municipalities to enter into memoranda of agreement with military installations to coordinate future land use changes, local government comprehensive plans, land development regulations, and development orders; requiring a schedule for completion of such agreements; requiring local governments to seek public advice on such agreements; identifying provisions that must be included in such agreements at a minimum; requiring such agreements to be consistent with adopted comprehensive plans or amendments to such plans adopted within one year after execution of the agreement; providing for the provision of information regarding community planning assistance grants; amending s. 163.3187, F.S.; exempting from certain restrictions on the adoption of amendments to comprehensive plans an amendment that addresses compatibility with military installations based on a memorandum of agreement; amending s. 163.3191, F.S.; requiring an evaluation of the success or failure of the military installation memorandum of agreement in resolving land use compatibility; amending s. 163.3167, F.S.; prohibiting certain judicial abrogation of quasi-judicial development orders issued by local governments; providing for retroactive application; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing effective dates.

—was read the first time by title.

## Reports of Standing Committees

### Report of the Subcommittee on Rules

*The Honorable Johnnie Byrd*  
*Speaker, House of Representatives*

May 15, 2003

*Dear Mr. Speaker:*

Your Subcommittee on Rules herewith submits Special Orders for Friday, May 16, 2003. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

#### I. Consideration of the following bill(s):

HB 21A CS - Kyle  
Appropriations  
HB 63A - Prieguez  
Florida Clean Indoor Air Act  
HB 81A - Murman, Holloway  
Health Care Facilities  
HB 115A - Ambler  
Public Records and Public Meetings Exemptions  
HB 143A - Kottkamp, Zapata  
Florida Civil Rights Act of 1992  
HB 3A - Brummer  
Deposit of Insurance Premium Taxes

HB 5A - Brummer  
Public Employees Relations Commission  
HB 57A - Baxley  
Credits for Contributions to Nonprofit Scholarship-Funding Organizations  
HB 87A - Spratt, Davis, M.  
Acquisition and Conservation of Lands  
HB 33A - Bilirakis  
Criminal History Information Fees  
HB 35A CS - Green  
Health Care  
HB 37A - Brummer  
Educational Enhancement Trust Fund  
HB 59A CS - Johnson  
Tax Administration  
HB 67A - Kyle  
Trust Funds  
HB 69A - Waters  
Trust Funds  
HB 23A - Kyle  
Implementing the 2003-2004 General Appropriations Act

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 above report was adopted.

## Communications

The following amended proclamation was read by John B. Phelps, Clerk of the House:

### PROCLAMATION

#### STATE OF FLORIDA EXECUTIVE OFFICE OF THE GOVERNOR TALLAHASSEE

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND  
HOUSE OF REPRESENTATIVES

WHEREAS, the 2003 regular session of the Legislature of the State of Florida adjourned on May 2 without passing a General Appropriations Act for fiscal year 2003-2004; and

WHEREAS, I have called a Special Session commencing at 12:00 p.m. on Monday, May 12, 2003, and extending through 6:00 p.m. on Tuesday, May 27, 2003; and

WHEREAS, in addition to working diligently on the General Appropriations Act, the Legislature has reached agreement on legislation that will greatly benefit the people of our State by reforming the workers' compensation system; and

WHEREAS, it is therefore prudent to expand the call for this Special Session;

NOW, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

The call to the Legislature of the State of Florida is expanded for the sole purpose of considering the following:

HB 25A, relating to workers' compensation.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 15th day of May, 2003.

JEB BUSH
Governor

Ryan Smith Stargel Wishner
Sansom Sobel Troutman Zapata
Seiler Sorensen Vana
Simmons Spratt Waters
Slosberg Stansel Wiles

Nays—None

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

ATTEST:

GLEND A. HOOD
Secretary of State

Bills and Joint Resolutions on Third Reading

HB 83-A—A bill to be entitled An act relating to prescription drugs; 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; 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 for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

Session Vote Sequence: 533

Speaker Byrd in the Chair.

Yeas—117

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

HB 77-A—A bill to be entitled An act relating to statewide research institutes; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation; prohibiting certain activities by such for profit subsidiaries; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; amending s. 1004.445, F.S.; renaming the Florida Alzheimer's Center and Research Institute as the Johnnie Bryars Byrd, Sr., Alzheimer's Center and Research Institute; deleting obsolete language; authorizing the establishment of for-profit subsidiaries of the governing corporation; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of Alzheimer's disease; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

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

Session Vote Sequence: 534

Speaker Byrd in the Chair.

Yeas—116

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

Waters Wiles Wisher Zapata

Nays—None

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

On motion by Rep. Ambler, consideration of **HB 29-A** was temporarily postponed under Rule 11.10.

**HB 105-A**—A bill to be entitled An act relating to water resources; amending s. 159.803, F.S.; revising the definition of "priority project"; 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; requiring local governments to include projected water use in comprehensive plans; amending s. 367.081, F.S.; revising procedure for fixing and changing rates to include the recovery of costs of alternative water supply facilities; amending s. 367.0814, F.S.; revising limit on the amount of revenues received by a utility to qualify for staff assistance in changing rates or charges; creating s. 373.227, F.S.; providing for the development of a water conservation guidance manual by the Department of Environmental Protection; providing for purpose and contents of the manual and requirements with respect thereto; requiring the Department of Environmental Protection to adopt the manual by rule by a specified date; providing program requirements for public water supply utilities that choose to design a comprehensive water conservation program based on the water conservation guidance manual; amending s. 373.0361, F.S.; providing for a public workshop on the development of regional water supply plans that include the consideration of population projections; providing for a list of water source options in regional water supply plans; providing additional regional water supply plan components; including conservation measures in regional water supply plans; revising specified reporting requirements of the Department of Environmental Protection; providing that a district water management plan may not be used as criteria for the review of permits for consumptive uses of water unless the plan or applicable portion thereof has been adopted by rule; providing construction; amending s. 373.0831, F.S.; revising the criteria by which water supply development projects may receive priority consideration for funding assistance; providing for permitting and funding of a proposed alternative water supply project identified in the relevant approved regional water supply plan; amending s. 373.1961, F.S.; providing funding priority; providing for the establishment of a revolving loan fund for alternative water supply projects; providing conditions for certain projects to receive funding assistance; amending s. 373.116, F.S.; providing for notice of applications for specified water use permits, specified permits for construction or alteration of dams, impoundments, reservoirs, and appurtenant works, dredge and fill permits for certain stormwater management systems, and consumptive use permits to be transmitted by electronic mail; amending s. 373.1963, F.S.; prohibiting the West Coast Regional Water Supply Authority from seeking permits from the South Florida Water Management District for the consumptive use of water from groundwater in a specified area; amending s. 373.223, F.S.; requiring the Department of Environmental Protection and the water management districts to submit specified recommendations to the Legislature; creating s. 373.2234, F.S.; authorizing the governing board of a water management district to adopt rules identifying certain preferred water supply sources; providing requirements with respect to such rules; providing construction; amending s. 373.250, F.S.; authorizing water management districts to require the use of reclaimed water in lieu of surface or groundwater when the use of uncommitted reclaimed water is environmentally, economically, and technically feasible; providing construction with respect to such authority; amending s. 373.536, F.S.; expanding requirements of the 5-year water resource development work program for water management districts; providing legislative findings and intent with regard to landscape irrigation design; requiring water management districts to develop landscape irrigation and xeriscape design standards; amending s. 378.212, F.S.; providing for the granting of a variance from pt. III of ch. 378, F.S., relating to

phosphate land reclamation, for specified reclamation, and from pt. IV of ch. 373, for certain projects under described circumstances; amending s. 378.404, F.S.; authorizing the department to grant variances from the provisions of part IV of chapter 378 to accommodate reclamation that provides for water supply development or water resource development under specified circumstances; amending s. 403.064, F.S.; revising provisions relating to reuse feasibility studies; providing for metering use of reclaimed water and volume-based rates therefor; requiring wastewater utilities to submit plans for metering use and volume-based rate structures to the department; amending s. 403.1835, F.S.; authorizing the Department of Environmental Protection to make specified deposits for the purpose of enabling below-market interest rate loans for treatment of polluted water; providing for development of rate structures for alternative water supply systems; providing criteria; providing for a study of the feasibility of discharging reclaimed wastewater into canals and the aquifer system in a specified area as an environmentally acceptable means of accomplishing described objectives; requiring reports; providing severability; 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 for applicability; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

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

Session Vote Sequence: 535

Speaker Byrd in the Chair.

Yeas—83

Adams	Davis, D.	Jordan	Poppell
Altman	Davis, M.	Kallinger	Quinones
Antone	Dean	Kilmer	Rivera
Arza	Detert	Kosmas	Robaina
Attkisson	Domino	Kottkamp	Ross
Barreiro	Evers	Kravitz	Rubio
Bean	Galvano	Kyle	Russell
Bense	Gannon	Llorente	Ryan
Benson	Garcia	Machek	Sansom
Bowen	Gardiner	Mack	Seiler
Brandenburg	Gelber	Mayfield	Simmons
Brown	Gibson, H.	McInvale	Slosberg
Brummer	Goodlette	Meadows	Smith
Bucher	Green	Mealor	Sorensen
Bullard	Greenstein	Murman	Stansel
Byrd	Harrell	Murzin	Stargel
Cantens	Harrington	Needelman	Troutman
Carroll	Hasner	Negron	Vana
Clarke	Holloway	Patterson	Wiles
Cretul	Homan	Paul	Wishner
Culp	Johnson	Pickens	

Nays—29

Allen	Fields	Kendrick	Ritter
Anderson	Fiorentino	Littlefield	Roberson
Berfield	Gibson, A.	Mahon	Sobel
Bilirakis	Gottlieb	Peterman	Waters
Brutus	Harper	Planas	Zapata
Carassas	Henriquez	Reagan	
Cusack	Joyner	Rich	
Farkas	Justice	Richardson	

## Votes after roll call:

Yeas—Bendross-Mindingall, Spratt  
Nays to Yeas—Cusack, Reagan, Roberson

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

**Special Orders**

**HB 21-A**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

The Committee on Appropriations recommended the following:

**HB 21-A CS**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Representative(s) Kyle offered the following:

(Amendment Bar Code: 990127)

**Profile Amendment 1—**

In Section: 05 On Page: 162 Specific Appropriation: 1276  
DELETE INSERT

AGRICULTURE AND CONSUMER SERVICES,  
DEPARTMENT OF, AND COMMISSIONER OF  
AGRICULTURE  
Program: Office Of The Commissioner And  
Administration  
Executive Direction And Support Services

In Section 05 On Page 162  
1276 Salaries And Benefits

In Section 05, on Page 162, after Specific Appropriation 1276, DELETE the following:

From the funds appropriated in Specific Appropriation 1276, the department shall consider the impacts specifically to the greater Hillsborough County area prior to expending funds or leasing state lands on behalf of the State Fair Authority for expansion of the Florida State Fairgrounds, located in Hillsborough County, in relation to the construction of an amphitheater. The department shall utilize input from the Downtown Partnership, the Tampa City Commission and the Hillsborough County Commission and report back to the Legislature no later than March 1, 2004.

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

Representative(s) Paul offered the following:

(Amendment Bar Code: 990128)

**Profile Amendment 2—**

In Section: 21 On Page: 334 Specific Appropriation:  
DELETE INSERT

In Section 21 On Page 334

In Sections 21 and 22, on Page 334 and 335, DELETE the following:

SECTION 21. Effective upon this act becoming law, \$100 million of funds in the Debt Service Reserve Fund for Preservation 2000 and Florida Forever bonds is hereby appropriated to the Sinking Fund for the Preservation 2000 and Florida Forever Programs. The Division of Bond Finance and the Department of Environmental Protection shall purchase a surety bond to replace these funds. The amount of \$100 million is hereby

transferred from the Land Acquisition Trust Fund to the Save Our Everglades Trust Fund.

SECTION 22. Of the funds in the Debt Service Reserve Fund for Preservation 2000 and Florida Forever bonds, \$200 million is hereby appropriated to the Sinking Fund for the Preservation 2000 and Florida Forever Programs. The Division of Bond Finance and the Department of Environmental Protection shall purchase a surety bond to replace these funds. The amount of \$100 million is hereby transferred from the Land Acquisition Trust Fund to the Save Our Everglades Trust Fund and \$100 million is transferred from the Land Acquisition Trust Fund to the Florida Forever Trust Fund.

and insert in lieu thereof:

Section 21. Effective upon this act becoming law, \$100 million of funds in the Florida Preservation 2000 Trust Fund is transferred to the Save Our Everglades Trust Fund in the Department of Environmental Protection as a result of the purchase of surety bonds authorized pursuant to the Division of Bond Finance Twenty-Second Subsequent Resolution adopted by the Governor and Cabinet on February 25, 2003, for Specific Appropriation 1770 of Chapter 2002-394, Laws of Florida.

Section 22. \$100 million of funds in the Florida Preservation 2000 Trust Fund is transferred to the Save Our Everglades Trust Fund in the Department of Environmental Protection as a result of the purchase of surety bonds authorized pursuant to the Division of Bond Finance Twenty-Second Subsequent Resolution adopted by the Governor and Cabinet on February 25, 2003.

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

Representative(s) Brummer and Bean offered the following:

(Amendment Bar Code: 990130)

**Profile Amendment 4—**

In Section: 06 On Page: 294 Specific Appropriation:  
DELETE INSERT

MANAGEMENT SERVICES, DEPARTMENT OF  
Workforce Programs  
Program: Human Resource Management

In Section 06 On Page 294

DELETE the first paragraph of proviso immediately following PROGRAM: HUMAN RESOURCE MANAGEMENT.

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

Representative(s) Cantens offered the following:

(Amendment Bar Code: 990132)

**Profile Amendment 6—**

In Section: 01 On Page: 003 Specific Appropriation: 4C  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - Non  
FEFP

In Section 01 On Page 003  
4C Special Categories  
Grants And Aids - Mentoring/Student  
Assistance Initiatives

DELETE the proviso immediately following Specific Appropriation 4C:

Funds in Specific Appropriation 4C are provided for the purpose of contracting for mentoring services to at-risk children as part of the Governor's Mentoring Initiative. Programs eligible to receive funding include, but are not limited to, non-profit organizations such as Big Brothers/Big Sisters, Learning for Life, Girl and Boy Scout Mentoring Programs, Take Stock in Children, Black Male Explorers, and other mentoring programs as well as schools and school districts. All programs receiving funds shall meet the request for proposal guidelines, which shall include a required final report on mentoring outcomes.

and insert in lieu thereof:

Funds in Specific Appropriation 4C are provided for the purpose of contracting for mentoring services to at-risk children as part of the Governor's Mentoring Initiative. Programs eligible to receive funding include, but are not limited to, a statewide mentoring program for individuals with mental disabilities, non-profit organizations such as Big Brothers/Big Sisters, Learning for Life, Girl and Boy Scout Mentoring Programs, Take Stock in Children, Black Male Explorers, and other mentoring programs as well as schools and school districts. All programs receiving funds shall meet the request for proposal guidelines, which shall include a required final report on mentoring outcomes.

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

Consideration of **Profile Amendment 7** was temporarily postponed under Rule 11.10.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 990139)

**Profile Amendment 13—**

In Section: 02 On Page: 021 Specific Appropriation: 64  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Public Schools, Division Of  
Program: State Grants/K-12 Program - FEFP

64 In Section 02 On Page 021  
Aid To Local Governments  
Florida Teachers Lead Program

Immediately following Specific Appropriation 64, DELETE the second paragraph of proviso as follows:

Funds in Specific Appropriation 64 are provided for private sector business partnership incentives to assist with implementation of Florida's constitutional amendment to reduce class size. Should House Bill 805 or House Bill 703 or similar legislation become law, the Executive Office of the Governor shall withhold the release of these funds to the same level as the bill's fiscal impact on the General Revenue Fund.

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

Representative(s) Simmons offered the following:

(Amendment Bar Code: 990138)

**Profile Amendment 12—**

In Section: 02 On Page: 028 Specific Appropriation: 99  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Workforce Development, Division Of  
Program: Workforce Education Administered  
Funds

99 In Section 02 On Page 028  
Aid To Local Governments  
Workforce Development

Immediately following Specific Appropriation 99, DELETE the entire list of school districts.

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

**Profile Amendment 14** was withdrawn.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 990141)

**Profile Amendment 15—**

In Section: 02 On Page: 033 Specific Appropriation: 122A  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Universities, Division Of  
Program: Educational And General  
Activities

122A In Section 02 On Page 033  
Aid To Local Governments  
Grants And Aids - Alzheimer's Research

Immediately following Specific Appropriation 122A, DELETE:

Funds in Specific Appropriation 122A shall be used by the University of South Florida to award a grant to the Florida Alzheimer's Center and Research Institute to be used for research relating to the prevention, treatment, and cure of Alzheimer's disease.

Immediately following Specific Appropriation 122A, INSERT:

Funds provided in Specific Appropriation 122A are for the Florida Alzheimer's Center and Research Institute at the University of South Florida. Funds from this specific appropriation shall be expended at the discretion of the institute board. From these funds, the institute may enter into contractual agreements with other entities for research relating to the prevention, treatment, and cure of Alzheimer's disease.

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

**Profile Amendment 16** was withdrawn.

Representative(s) Green offered the following:

(Amendment Bar Code: 990145)

**Profile Amendment 19—**

In Section: 03 On Page: 040 Specific Appropriation: 145  
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Services  
Children's Special Health Care

145 In Section 03 On Page 040  
Special Categories  
Grants And Aids - Florida Healthy Kids  
Corporation

From General Revenue Fund	16,323,782	17,891,150
From Tobacco Settlement Trust Fund		60,567,868
From Medical Care Trust Fund	50,346,458	164,191,904

Immediately following Specific Appropriation 145, DELETE:

Funds in Specific Appropriation 145 reflect a reduction of \$23,016,485 from the General Revenue Fund, \$68,419,651 from the Tobacco Settlement Trust Fund and \$186,154,676 from the Medical Care Trust Fund achieved by reorganizing the Florida KidCare Program, which has the Agency for Health Care Administration provide health and dental benefits for the members of Florida Healthy Kids through the MediKids Program.

The Florida Healthy Kids Corporation shall return \$4,000,000 from cash reserve to the Agency for Health Care Administration to be used to support non-Title XXI children.

and insert in lieu thereof:

Funds in Specific Appropriation 145 reflect a reduction of \$27,669,562 from the General Revenue Fund, \$7,851,783 from the Tobacco Settlement Trust Fund and \$87,810,076 from the Medical Care Trust Fund achieved by reorganizing the Florida KidCare Program, which has the Agency for Health Care Administration providing dental benefits for the members of Florida Healthy Kids through the MediKids Program and enacting new requirements for Florida Healthy Kids contracts.

The corporation shall use at least \$7,000,000 from local funds, \$4,000,000 from cash reserve and no more than \$9,632,452 from the General Revenue Fund to serve non-Title XXI eligible children. Additional local funds may be used as match to earn additional federal funds to serve additional Title XXI eligible children or non-Title XXI eligible children.

146	Special Categories Medikids		
	From General Revenue Fund	4,947,534	7,380,166
	From Tobacco Settlement Trust Fund	71,855,012	8,266,335
	From Medical Care Trust Fund	159,256,174	38,217,227

Immediately following Specific Appropriation 146, DELETE:

Funds in Specific Appropriation 146 reflect an increase of \$3,787,813 in the General Revenue Fund, \$63,588,677 in the Tobacco Settlement Trust Fund and \$136,439,793 in the Medical Care Trust Fund achieved by reorganizing the Florida KidCare Program, which has the Agency for Health Care Administration provide health and dental benefits for the members of Florida Healthy Kids through the Medikids Program.

Contingent upon receiving at least \$7,000,000 from local funds and \$4,000,000 from Florida Healthy Kid Corporation's cash reserve, the agency shall use no more than \$9,632,452 from General Revenue funds to support non-Title XXI children. Additional local funds may be used to earn federal funds to serve Title XXI eligible children or used to serve additional non-Title XXI children.

and insert in lieu thereof:

Funds in Specific Appropriation 146 reflect an increase of \$6,220,445 in the General Revenue Fund and \$15,400,846 in the Medical Care Trust Fund achieved by reorganizing the Florida KidCare Program, which has the Agency for Health Care Administration provide dental benefits for the members of Florida Healthy Kids through the Medikids Program.

Medicaid Services To Individuals

169	In Section 03 On Page 044 Special Categories Hospital Inpatient Services		
	From General Revenue Fund	174,145,577	170,145,577
	From Grants And Donations Trust Fund	284,448,902	288,448,902

In Section 03, on Page 46, DELETE the following:

Funds in Specific Appropriation 169 reflect a fund shift of \$31,000,000 from the General Revenue fund to the Grants and Donations Trust Fund to be used in funding the state share of hospital expenditures. Funds in Specific Appropriations 165, 170 and 188 are contingent upon the receipt of the \$31,000,000 from county or other governmental funds.

and insert in lieu thereof:

Funds in Specific Appropriation 169 reflect a fund shift of \$35,000,000 from the General Revenue fund to the Grants and Donations Trust Fund to be used in funding the state share of hospital expenditures. Funds in Specific Appropriations 165, 170 and 188 are contingent upon the receipt of the \$35,000,000 from county or other governmental funds.

HEALTH, DEPARTMENT OF  
Program: Children's Medical Services  
Children's Special Health Care

557	In Section 03 On Page 095 Special Categories Grants And Aids - Medical Services For Abused/Neglected Children		
	From Donations Trust Fund	7,801,379	4,780,570
	From Tobacco Settlement Trust Fund		3,020,809

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

Representative(s) Murman offered the following:

(Amendment Bar Code: 990146)

Profile Amendment 20—

In Section: 03 On Page: 071 Specific Appropriation: 326  
DELETE INSERT

CHILDREN AND FAMILIES, DEPARTMENT OF  
Services  
Program: Mental Health Program  
Adult Community Mental Health Services

326	In Section 03 On Page 071 Special Categories Grants And Aids - Community Mental Health Services		
	From Alcohol, Drug Abuse And Mental Health Trust Fund	19,295,272	20,010,914

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

Representative(s) Kyle offered the following:

(Amendment Bar Code: 990147)

Profile Amendment 21—

In Section: 02 On Page: 006 Specific Appropriation: 12A  
DELETE INSERT

EDUCATION, DEPARTMENT OF  
Program: Education - Fixed Capital Outlay

12A	In Section 02 On Page 006 Fixed Capital Outlay Maintenance, Repair, Renovation, And Remodeling		
	From Public Education Capital Outlay And Debt Service Trust Fund	203,715,290	197,415,290

DELETE the proviso immediately following Specific Appropriation 12A:

Funds in Specific Appropriation 12A shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Public Schools.....	132,182,318
Community Colleges.....	17,301,343
State University System.....	20,231,629
Charter Schools.....	34,000,000

Funds in Specific Appropriation 12A for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds from the Land Acquisition and Facilities Maintenance Operations Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, facilities construction, facilities maintenance, facilities operations, transportation and procurement are consistent with recommendations of the Land Acquisition and Facilities Maintenance Operations Advisory Board and will accomplish the corrective action recommended by the Auditor General.

From the funds in Specific Appropriation 12A, \$34,000,000 for charter schools shall be distributed by the Department of Education only to charter schools that received state capital outlay funds in the 2002-2003 school year, based upon the following priorities: charter schools with tax-exempt bonds issued by local governments, charter schools with long-term financing, and then all remaining charter schools.

and insert in lieu thereof:

Funds in Specific Appropriation 12A shall be allocated in accordance with section 1013.64(1), Florida Statutes, as follows:

Public Schools.....	132,182,318
Community Colleges.....	17,301,343
State University System.....	20,231,629
Charter Schools.....	27,700,000

Funds in Specific Appropriation 12A for the Miami-Dade County School Board shall be placed in reserve by the Executive Office of the Governor until the Commissioner of Education certifies that conditions for the release of funds have been met. These conditions shall include a recommendation for release of funds from the Land Acquisition and Facilities Maintenance Operations Advisory Board appointed by the Governor and the Legislature. Any recommendation from the Advisory Board for the release of funds shall include certification that policies established, procedures followed, and expenditures made by the Miami-Dade County School Board related to site acquisition and facilities planning, facilities construction, facilities maintenance, facilities operations, transportation and procurement are consistent

with recommendations of the Land Acquisition and Facilities Maintenance Operations Advisory Board and will accomplish the corrective action recommended by the Auditor General.

From the funds in Specific Appropriation 12A, \$27,700,000 for charter schools shall be distributed by the Department of Education only to charter schools that received state capital outlay funds in the 2002-2003 school year, based upon the following priorities: charter schools with tax-exempt bonds issued by local governments, charter schools with long-term financing, and then all remaining charter schools.

In Section 02 On Page 007  
 12B Fixed Capital Outlay  
 Survey Recommended Needs - Public Schools

From Public Education Capital	99,101,081	105,401,081
Outlay And Debt Service Trust Fund		

DELETE the following proviso after Specific Appropriation 12B:

From the funds in Specific Appropriation 12B, \$10,000,000 is appropriated to the School Infrastructure Thrift Program.

and insert in lieu thereof:

From the funds in Specific Appropriation 12B, \$6,300,000 is appropriated to the School Infrastructure Thrift Program.

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

On motion by Rep. Simmons, consideration of **Prefile Amendment 18** was temporarily postponed under Rule 11.10.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 990133)

**Prefile Amendment 7—**

In Section: 02 On Page: 018 Specific Appropriation: 59  
 DELETE INSERT

EDUCATION, DEPARTMENT OF  
 Public Schools, Division Of  
 Program: State Grants/K-12 Program - FEFP

In Section 02 On Page 018  
 59 Aid To Local Governments  
 Grants And Aids - Florida Educational  
 Finance Program

From General Revenue Fund	6,636,921,401	6,653,921,401
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In Section 01 On Page 002  
 3B Aid To Local Governments  
 Better Educated Students And Teachers  
 (Best)

From Educational Enhancement Trust Fund	44,498,613	34,000,000
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DELETE all of the proviso immediately following Specific Appropriation 3B:

and insert in lieu thereof:

From the funds in Specific Appropriation 3B, \$31,000,000 is provided to create the Voluntary Innovator Program (VIP). The purpose of the VIP is to encourage the implementation of the BEST teacher compensation program in early innovator schools by January 1 of the 2003-2004 school year. Each district is authorized to implement that portion of the BEST program set forth herein for those schools within the district that received a D or F grade for performance during the 2002-2003 school year. If a district has no school that received a D or F grade during 2002-2003, then the district may choose two of its lowest performing schools for the VIP program.

That portion of the BEST program that may be implemented pursuant to VIP shall be a program for those "Professional Teachers" employed during the 2003-2004 school year in the above described schools who are entitled to performance compensation pursuant to Sections 1012.22(1)(c) and 1012.34(3), Florida Statutes, in accordance with a plan developed by each district for compensation in conjunction with its performance pay plan and reviewed by the State Board of Education. The \$31,000,000

appropriated for the VIP program shall be distributed pro rata to each district based upon the total number of potentially qualifying teachers in such district, to be then distributed at the end of the 2003-2004 school year to those qualifying Professional Teachers who meet the performance standards of Section 1012.34(3), Florida Statutes, in an amount and as determined by each district and approved by the State Board of Education, except that the distribution to any one teacher shall not exceed \$5,000. Those Professional Teachers who receive performance compensation awards in 2003-2004 shall be considered for promotion to Lead Teacher in 2004-2005.

In order to further encourage the development of BEST teachers, there is also hereby created the Voluntary Innovator Principal Program (VIP-II) for early innovator districts that desire to compensate principals based on student performance improvement, school grade improvement, and teacher recruitment and retention during the 2003-2004 school year. From the funds in Specific Appropriation 3B, \$3,000,000 is provided for this program. Each district is authorized to implement a recognition program for those principals of schools that received a D or F rating for 2002-2003 within the district who achieve an increase in the rating of such school by one or more levels. If there are no D or F schools within a district, then the district may choose two of its lowest performing schools for participation in VIP-II. The \$3,000,000 appropriated for the VIP-II plan shall be distributed pro rata to each district based upon the number of potentially qualifying principals in such district, to then be distributed by the district, in an amount and as determined by the district, to qualifying principals, except that the distribution to any one principal shall not exceed \$10,000. Such compensation shall be distributed at the end of the 2003-2004 school year to qualifying principals within a participating district.

In Section 02 On Page 020  
 59A Aid To Local Governments  
 Grants And Aids - Class Size Reduction

From General Revenue Fund	300,000,000	453,501,387
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DELETE the proviso immediately following Specific Appropriation 59A:

and insert in lieu thereof:

Funds in Specific Appropriation 59A are provided to implement the requirements of HB 47-A or similar legislation. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be \$179.96, for grades 4 to 8 shall be \$163.16, and for grades 9 to 12 shall be \$160.13. The class size reduction allocation shall be recalculated based on FTE enrollment. In subsequent calculations, if the total class size reduction allocation is greater than the appropriation in Specific Appropriations 3C and 59A, funds shall be prorated to the level of the appropriations based on each district's calculated amount.

In Section 01 On Page 001  
 3C Aid To Local Governments  
 Grants And Aids - Class Size Reduction

From Educational Enhancement Trust Fund		10,498,613
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Immediately following Specific Appropriation 3C, INSERT:

Funds in Specific Appropriation 3C are provided to implement the requirements of HB 47-A or similar legislation. The class size reduction allocation factor for grades pre-kindergarten to grade 3 shall be \$179.96, for grades 4 to 8 shall be \$163.16, and for grades 9 to 12 shall be \$160.13. The class size reduction allocation shall be recalculated based on FTE enrollment. In subsequent calculations, if the total class size reduction allocation is greater than the appropriation in Specific Appropriations 3C and 59A, funds shall be prorated to the level of the appropriations based on each district's calculated amount.

In Section 02 On Page 017  
 58D Aid To Local Governments  
 Better Educated Students And Teachers  
 (Best)

From General Revenue Fund	170,501,387	0
---------------------------	-------------	---

DELETE the proviso immediately following Specific Appropriation 58D:

Funds in Specific Appropriation 58D are provided for increasing teacher compensation and shall be distributed according to House Bill 901 or similar legislation becoming law.



Rep. Simmons moved the adoption of the amendment.

Representative(s) Kosmas, Antone, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gelber, Gottlieb, Greenstein, Henriquez, Jennings, Joyner, Justice, Kendrick, Machek, McInvale, Meadows, Rich, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, and Wishner offered the following:

(Amendment Bar Code: 990153)

Profile Substitute Amendment 7S—

In Section: 02 On Page: 018 Specific Appropriation: 59 DELETE INSERT

EDUCATION, DEPARTMENT OF
Public Schools, Division Of
Program: State Grants/K-12 Program - FEFP

59 In Section 02 On Page 018
Aid To Local Governments
Grants And Aids - Florida Educational
Finance Program
From General Revenue Fund 6,636,921.401 6,731,921.401

3B In Section 01 On Page 002
Aid To Local Governments
Better Educated Students And Teachers
(Best)
From Educational Enhancement Trust 44,498,613 10,000,000
Fund

DELETE all of the proviso immediately following Specific Appropriation
3B:

58D In Section 02 On Page 017
Aid To Local Governments
Better Educated Students And Teachers
(Best)
From General Revenue Fund 170,501.387 110,000,000

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

The question recurred on the adoption of Profile Amendment 7, which was adopted.

Representative(s) Cretul offered the following:

(Amendment Bar Code: 990148)

Profile Amendment 22—

In Section: 02 On Page: 009 Specific Appropriation: 12D DELETE INSERT

EDUCATION, DEPARTMENT OF
Program: Education - Fixed Capital Outlay

12D In Section 02 On Page 009
Fixed Capital Outlay
State University System Projects

DELETE the following proviso after Specific Appropriation 12D:

UF
Utilities/Infrastructure/Capital Renewal/
Roofs (P.C) (P.C) (P.C)..... 6,500,000
Library West Addition and Renovation (ce)..... 12,152,000

and insert in lieu thereof:

UF
Utilities/Infrastructure/Capital Renewal/
Roofs (P.C) (P.C) (P.C)..... 6,500,000
Library West Addition and Renovation (ce)..... 10,152,000
Genetics Building (c)..... 2,000,000

and at the end of existing proviso following Specific

Appropriation 12D. INSERT:

The University of Florida Board of Trustees may allocate its funds in Specific Appropriation 12D among the following projects: 1) Genetics Institute, 2) Utilities/Infrastructure/Capital Renewal/Roofs, 3) Library West Addition/Renovation. The Board of Trustees shall report to the Board of Governors the amount of funding it allocates to each specific project to which the Board of Trustees decides to allocate funds.

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

Representative(s) Kilmer offered the following:

(Amendment Bar Code: 990151)

Profile Amendment 25—

In Section: 02 On Page: 009 Specific Appropriation: 12D DELETE INSERT

EDUCATION, DEPARTMENT OF
Program: Education - Fixed Capital Outlay

12D In Section 02 On Page 009
Fixed Capital Outlay
State University System Projects

DELETE the following proviso after Specific Appropriation 12D:

FSU
Florida State University/Panama City Campus Expansion..... 300,000
Florida State University/Panama City Campus Academic Bldg... 500,000
Utilities/Infrastructure/Capital Renewal/
-Roofs (P.C) (P.C) (P.C)..... 4,300,000
Building Envelope Improvements - Phase II (C)..... 1,500,000
Science Bldg. Support Systems (P.C) (P.C)..... 4,000,000

and insert in lieu thereof:

FSU
Florida State University/Panama City Campus Expansion..... 300,000
Florida State University/Panama City Campus Academic Bldg... 500,000
Utilities/Infrastructure/Capital Renewal/
-Roofs (P.C) (P.C) (P.C)..... 4,300,000
Building Envelope Improvements - Phase II (C)..... 1,500,000
Psychology Center (C)(E)..... 4,000,000

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

Representative(s) Allen offered the following:

(Amendment Bar Code: 990129)

Profile Amendment 3—

In Section: 06 On Page: 246 Specific Appropriation: 2145 DELETE INSERT

BUSINESS AND PROFESSIONAL REGULATION,
DEPARTMENT OF
Program: Professional Regulation
Standards And Licensure

2145 In Section 06 On Page 246
Salaries And Benefits

Following Specific Appropriation 2145. INSERT:

From the funds in Specific Appropriations 2145 through 2157A, neither the Department of Business and Professional Regulation nor the Florida Engineers Management Corporation (FEMC) may utilize any funds to investigate, prosecute or maintain any action against any employee or contractor of a sole proprietorship, firm, limited liability company, partnership, joint stock association, corporation or other business entity that:

- 1. Provides products, services, or a project, as defined in s. 288.1045(1)(i), to an agency or department of the United States, any agency or department of a state government, or the government of a foreign country which involves the design, development, production, sale, or provision of defense or aerospace products or services;
2. Consists of or supports commercial aircraft and the entity holds a

certificate issued by the Federal Aviation Administration under Chapter 21, Title 14, Code of Federal Regulations:

3. Consists of space vehicles or space services that are subject to licensing or regulation by an agency or department of the United States under Title 14, 47 or 48 of the Code of Federal Regulations, or for sale or use outside the United States:

4. Prohibits the use of the term "engineer" or "engineering" in a job title or personnel classification by an employee or contractor to the extent that the use of the title or classification is related to activities described in this paragraph: or

5. Is employed by an entity not offering engineering services to the public. Such employee or contractor may use the title "engineer" or any title listed in paragraph (1)(b) except "professional engineer", "licensed engineer", or "registered engineer", so long as such use does not indicate that the person is duly licensed and is authorized to practice engineering beyond the scope of the exemptions set forth in s. 471.003(2).

This proviso language is necessary to clarify the application of existing law and the use of the funds appropriated to the department.

Rep. Allen moved the adoption of the amendment. Subsequently, **Profile Amendment 3** was withdrawn.

Representative(s) Smith and Arza offered the following:

(Amendment Bar Code: 990131)

**Profile Amendment 5—**

In Section: 06 On Page: 294 Specific Appropriation: DELETED INSERT

MANAGEMENT SERVICES, DEPARTMENT OF Workforce Programs Program: Human Resource Management

In Section 06 On Page 294

DELETED the first paragraph of proviso immediately following PROGRAM: HUMAN RESOURCE MANAGEMENT.

Rep. Smith moved the adoption of the amendment. Subsequently, **Profile Amendment 5** was withdrawn.

Representative(s) Bendross-Mindingall, Antone, Ausley, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gelber, Gottlieb, Greenstein, Henriquez, Jennings, Joyner, Justice, Kendrick, Kosmas, Macheck, McInvale, Meadows, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, Wishner, and Rich offered the following:

(Amendment Bar Code: 990134)

**Profile Amendment 8—**

In Section: 01 On Page: 002 Specific Appropriation: DELETED INSERT

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program From Educational Enhancement Trust Fund 295,849,000 175,849,000

4E In Section 01 On Page 004 Aid To Local Governments Grants And Aids - Florida Educational Finance Program From Educational Enhancement Trust Fund 120,000,000

Rep. Bendross-Mindingall moved the adoption of the amendment, which

failed of adoption.

Representative(s) Ritter, Henriquez, Antone, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gelber, Gottlieb, Greenstein, Jennings, Joyner, Justice, Kallinger, Kendrick, Kosmas, Macheck, McInvale, Meadows, Rich, Richardson, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, and Wishner offered the following:

(Amendment Bar Code: 990135)

**Profile Amendment 9—**

In Section: 01 On Page: 002 Specific Appropriation: DELETED INSERT

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program From Educational Enhancement Trust Fund 295,849,000 175,849,000

Office Of Student Financial Assistance Program: Student Financial Aid Program - State

2 In Section 01 On Page 001 Special Categories Grants And Aids - Florida's Bright Futures Scholarship Program From Educational Enhancement Trust Fund 218,970,000 338,970,000

In proviso following Specific Appropriation 2, DELETED the last paragraph:

Recipients of Bright Futures Scholarships shall pay the difference between the subsidy and the tuition established under the authority of the university boards of trustees (Specific Appropriation 123). Bright Futures Scholarship recipients choosing to attend eligible private institutions shall receive an amount equivalent to the subsidy paid to public institutions.

Rep. Ritter moved the adoption of the amendment.

Representative(s) Ritter, Henriquez, Antone, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gelber, Gottlieb, Greenstein, Jennings, Joyner, Justice, Kendrick, Kosmas, Macheck, McInvale, Meadows, Rich, Richardson, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, and Wishner offered the following:

(Amendment Bar Code: 990155)

**Profile Substitute Amendment 9S—**

In Section: 01 On Page: 002 Specific Appropriation: DELETED INSERT

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program From Educational Enhancement Trust Fund 295,849,000 280,849,000

Office Of Student Financial Assistance Program: Student Financial Aid Program - State

2 In Section 01 On Page 001 Special Categories

Grants And Aids - Florida's Bright Futures Scholarship Program

From Educational Enhancement Trust Fund 218,970,000 233,970,000

In proviso following Specific Appropriation 2. DELETE the last paragraph:

Recipients of Bright Futures Scholarships shall pay the difference between the subsidy and the tuition established under the authority of the university boards of trustees (Specific Appropriation 123). Bright Futures Scholarship recipients choosing to attend eligible private institutions shall receive an amount equivalent to the subsidy paid to public institutions.

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

The question recurred on the adoption of Profile Amendment 9.

Subsequently, Profile Amendment 9 was abandoned.

Representative(s) Rich, Gelber, Kosmas, Wishner, Antone, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gottlieb, Henriquez, Jennings, Joyner, Justice, Kendrick, Machek, McInvale, Meadows, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, and Greenstein offered the following:

(Amendment Bar Code: 990136)

Profile Amendment 10—

In Section: 01 On Page: 002 Specific Appropriation: 4 DELETE INSERT

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program From Educational Enhancement Trust Fund 295,849,000 175,849,000

Universities, Division Of Program: Educational And General Activities

7 In Section 01 On Page 004 Aid To Local Governments Grants And Aids - Education And General Activities From Educational Enhancement Trust Fund 126,634,132 246,634,132

123 In Section 02 On Page 033 Aid To Local Governments Grants And Aids - Education And General Activities

Immediately following Specific Appropriation 123. DELETE:

Each university board of trustees is authorized to increase the tuition fees established herein by up to 12.5 percent for any level of instruction.

and insert in lieu thereof:

Each university board of trustees is authorized to increase the tuition fees established herein by a fixed rate of 6 percent for any level of instruction.

Rep. Rich moved the adoption of the amendment.

Representative(s) Rich, Gelber, Kosmas, Wishner, Antone, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Gannon, Gottlieb, Henriquez, Jennings, Joyner, Justice, Kendrick, Machek, McInvale,

Meadows, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Stansel, Vana, Wiles, and Greenstein offered the following:

(Amendment Bar Code: 990154)

Profile Substitute Amendment 10S—

In Section: 01 On Page: 002 Specific Appropriation: 4 DELETE INSERT

EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program From Educational Enhancement Trust Fund 295,849,000 175,849,000

Universities, Division Of Program: Educational And General Activities

7 In Section 01 On Page 004 Aid To Local Governments Grants And Aids - Education And General Activities From Educational Enhancement Trust Fund 126,634,132 246,634,132

123 In Section 02 On Page 033 Aid To Local Governments Grants And Aids - Education And General Activities

Immediately following Specific Appropriation 123. DELETE:

Each university board of trustees is authorized to increase the tuition fees established herein by up to 12.5 percent for any level of instruction.

and insert in lieu thereof:

Each university board of trustees is authorized to increase the tuition fees established herein by a fixed rate of 7.5 percent for any level of instruction.

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

Session Vote Sequence: 536

Speaker Byrd in the Chair.

Yeas—42

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

Nays—72

- Adams, Allen, Altman, Anderson, Arza, Attkisson, Barreiro, Baxley, Bean, Bense, Benson, Berfield, Bilirakis, Bowen, Brown, Brummer, Byrd, Cantens, Carroll, Clarke

Cretul	Gibson, H.	Littlefield	Planas
Culp	Goodlette	Llorente	Poppell
Davis, D.	Green	Mack	Quinones
Davis, M.	Harrell	Mahon	Reagan
Dean	Harrington	Mayfield	Rivera
Detert	Hasner	Mealor	Ross
Domino	Homan	Murman	Rubio
Evers	Johnson	Murzin	Russell
Farkas	Jordan	Needelman	Simmons
Fiorentino	Kallinger	Negron	Spratt
Galvano	Kilmer	Patterson	Stargel
Garcia	Kottkamp	Paul	Troutman
Gardiner	Kyle	Pickens	Waters

Compliance And Enforcement  
 In Section 06 On Page 251  
 2224A Lump Sum  
 FLORIDA CLEAN AIR IMPLEMENTATION  
 Positions: 0 27  
 From Alcoholic Beverage And Tobacco 1,740,851  
 Trust Fund

Immediately following Specific Appropriation 2224A. INSERT:

Funds provided in Specific Appropriation 2224A are contingent upon House Bill 63A or similar legislation becoming law.

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

On motion by Rep. Carroll, the following late-filed prefile amendment was considered.

Representative(s) Carroll offered the following:

(Amendment Bar Code: 990160)

**Profile Amendment 29—**

In Section: 02 On Page: 022 Specific Appropriation: 70  
 DELETE INSERT

EDUCATION, DEPARTMENT OF  
 Public Schools, Division Of  
 Program: State Grants/K-12 Program - Non  
 FEFP

In Section 02 On Page 022  
 70 Special Categories  
 Grants And Aids - Education Partnerships

At the end of existing proviso language, following Specific Appropriation 70. INSERT:

From the funds in Specific Appropriation 70, \$100,000 is provided for planning the Columbia Residential Mathematics, Science and Technology School which is to be located at the Kennedy Space Center in Brevard County.

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

**Disclosure of Interest**

Although I will not directly receive any funding from this proposed appropriation, my employer will benefit from this budget amendment in performing their duties. Therefore the amendment by Rep. Carroll, Bar Code# 990160, Log: 0046 will be voted on with full disclosure of its possible connection.

*Rep. Bob Allen  
 District 32*

**Motion**

Rep. Rubio moved the previous question on the bill, which was agreed to.

On motion by Rep. Kyle, the rules were waived and HB 21-A, as amended, was read the third time by title.

**Profile Amendments 11, 17, 18, 18A, 23, 24, 26, and 30** were abandoned.

On motion by Rep. Richardson, **Profile Amendment 31** was withdrawn.

Rep. Simmons suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 537].

Further consideration of **HB 21-A** was temporarily postponed under Rule 11.10.

**Votes after roll call:**

Yeas—Robaina  
 Nays—Sansom  
 Nays to Yeas—Quinones

The question recurred on the adoption of **Profile Amendment 10**, which was withdrawn.

On motion by Rep. Kyle, the following late-filed prefile amendment was considered.

Representative(s) Kyle offered the following:

(Amendment Bar Code: 990164)

**Profile Amendment 27—**

In Section: 06 On Page: 288 Specific Appropriation: 2545  
 DELETE INSERT

LEGISLATIVE BRANCH  
 Auditor General

In Section 06 On Page 288  
 2545 Lump Sum  
 Auditor General

Immediately following Specific Appropriation 2545. INSERT:

From the funds in Specific Appropriation 2545, the Council for Education Policy Research and Improvement shall conduct a study of the feasibility of 5-year contracts between the State of Florida and the University of Florida and the State of Florida and Florida State University to provide programs and services at a level no less than that currently available to Florida residents. At a minimum the study shall identify the services and programs to be provided by each institution; the desired outcomes of each contract, including performance measure and standards for evaluating the achievement of such outcomes; the procedures to be used to collect data to demonstrate compliance with the terms and conditions of each contract; penalties, if any, for failure to comply with the terms and conditions of each contract; any anticipated obstacles to successful implementation of such contracts; and the cost of each contract to the State. A final report and recommendations shall be submitted to the Governor, the Speaker of the House of Representatives and the President of the Senate by November 1, 2003.

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

On motion by Rep. Goodlette, the following late-filed prefile amendment was considered.

Representative(s) Goodlette offered the following:

(Amendment Bar Code: 990159)

**Profile Amendment 28—**

In Section: 06 On Page: 251 Specific Appropriation: 2224A  
 DELETE INSERT

BUSINESS AND PROFESSIONAL REGULATION,  
 DEPARTMENT OF  
 Program: Alcoholic Beverages And Tobacco

On motion by Rep. Ambler, the House moved to the consideration of HB 29-A on Bills and Joint Resolutions on Third Reading.

**Bills and Joint Resolutions on Third Reading**

**HB 29-A**—A bill to be entitled An act relating to public records and public meetings exemptions; amending s. 1004.445, F.S.; creating a public records exemption for proprietary confidential business information owned or controlled by the Florida Alzheimer's Center and Research Institute; categorizing specified types of information as proprietary confidential business information; defining "managed care"; providing for access to proprietary confidential business information by specified agencies; creating a public meetings exemption for specified meetings or portions of meetings of the governing board of the Florida Alzheimer's Center and Research Institute; providing for future review and repeal of the exemption; providing a statement of public necessity; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the third time by title.

Rep. Johnson suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 538].

The question recurred on the passage of HB 29-A. The vote was:

Session Vote Sequence: 539

Speaker Byrd in the Chair.

Yeas—80

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

Nays—36

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

Votes after roll call:

Nays—Harper  
Yeas to Nays—Fiorentino, Meadows

So the bill passed by the required constitutional two-thirds vote of the

membership and was immediately certified to the Senate.

**Consideration of HB 21-A**

On motion by Rep. Kyle, the House agreed to take up HB 21-A for consideration.

**HB 21-A**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was taken up, having been read the third time earlier today; now pending roll call.

REPRESENTATIVE MURMAN IN THE CHAIR

Rep. Bense suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 540].

The question recurred on the passage of HB 21-A. The vote was:

Session Vote Sequence: 541

Rep. Murman in the Chair.

Yeas—76

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

Nays—38

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

Votes after roll call:

Yeas—Waters

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

**Special Orders**

On motion by Rep. Kallinger, consideration of **HB 63-A** was temporarily postponed under Rule 11.10.

On motion by Rep. Ross, consideration of **HB 81-A** was temporarily postponed under Rule 11.10.

**HB 115-A**—A bill to be entitled 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 owned or controlled by the Florida Alzheimer's Center and Research Institute; categorizing specified types of information as proprietary confidential business information; defining "managed care"; providing for access to proprietary confidential business information by specified agencies; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Representative Ambler offered the following:

(Amendment Bar Code: 016007)

**Amendment 1**—Remove line 2, and insert:

An act relating to public records

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

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

On motion by Rep. Kottkamp, consideration of **HB 143-A** was temporarily postponed under Rule 11.10.

**HB 3-A**—A bill to be entitled An act relating to deposit of insurance premium taxes; amending ss. 626.932 and 626.938, F.S.; adjusting the percentage of surplus lines tax and independently procured coverages tax deposited into the Insurance Commissioner's Regulatory Trust Fund and the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 653469)

**Amendment 1 (with title amendment)**—Between lines 30 and 31, insert: Section 3. Section 175.1015, Florida Statutes, is created to read:

175.1015 Determination of local premium tax situs.--

(1)(a) Any insurance company that is obligated to report and remit the excise tax on property insurance premiums imposed under s. 175.101 shall be held harmless from any liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction if the insurance company exercises due diligence in applying an electronic database provided by the Department of Revenue under subsection (2). Insurance companies that do not use the electronic database provided by the Department of Revenue or that do not exercise due diligence in applying the electronic database are subject to a 0.5-percent penalty on the portion of the premium pertaining to any insured risk that is improperly assigned, whether assigned to an improper local taxing jurisdiction, not assigned to a local taxing jurisdiction when it should be assigned to a local taxing jurisdiction, or assigned to a local taxing jurisdiction

when it should not be assigned to a local taxing jurisdiction.

(b) Any insurance company that is obligated to report and remit the excise tax on commercial property insurance premiums imposed under s. 175.101 and is unable, after due diligence, to assign an insured property to a specific local taxing jurisdiction for purposes of complying with paragraph(a) shall remit the excise tax on commercial property insurance premiums using a methodology of apportionment in a manner consistent with the remittance for the 2002 calendar year.

(2)(a) The Department of Revenue shall, subject to legislative appropriation, create as soon as practical and feasible, and thereafter shall maintain, an electronic database that conforms to any format approved by the American National Standards Institute's Accredited Standards Committee X12 and that designates for each street address and address range in the state, including any multiple postal street addresses applicable to one street location, the local taxing jurisdiction in which the street address and address range is located, and the appropriate code for each such participating local taxing jurisdiction, identified by one nationwide standard numeric code. The nationwide standard numeric code must contain the same number of numeric digits, and each digit or combination of digits must refer to the same level of taxing jurisdiction throughout the United States and must be in a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission. Each address or address range must be provided in standard postal format, including the street number, street number range, street name, and zip code. Each year after the creation of the initial database, the Department of Revenue shall annually create and maintain a database for the current tax year. Each annual database must be calendar-year specific.

(b)1. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create the electronic database as soon as practical and feasible. The information furnished to the Department of Revenue must specify an effective date.

2. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create and update the current year's database, including changes in annexations, incorporations, and reorganizations and any other changes in jurisdictional boundaries, as well as changes in eligibility to participate in the excise tax imposed under this chapter. The information must specify an effective date and must be furnished to the Department of Revenue by July 1 of the current year.

3. The Department of Revenue shall create and update the current year's database in accordance with the information furnished by participating local taxing jurisdictions under subparagraph 1. or subparagraph 2., as appropriate. To the extent practicable, the Department of Revenue shall post each new annual database on a web site by September 1 of each year. Each participating local taxing jurisdiction shall have access to this web site and, within 30 days thereafter, shall provide any corrections to the Department of Revenue. The Department of Revenue shall finalize the current year's database and post it on a web site by November 1 of the tax year. If a dispute in jurisdictional boundaries cannot be resolved so that changes in boundaries may be included, as appropriate, in the database by November 1, the changes may not be retroactively included in the current year's database and the boundaries will remain the same as in the previous year's database. The finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due on the following March 1. The Department of Revenue shall furnish the annual database on magnetic or electronic media to any insurance company or vendor that requests the database for the sole purpose of assigning insurance premiums to the proper local taxing jurisdiction for the excise tax imposed under this chapter. Information contained in the electronic database is conclusive for purposes of this chapter. The electronic database is not an order, a rule, or a policy of general applicability.

4. Each annual database must identify the additions, deletions, and other changes to the preceding version of the database.

(3)(a) As used in this section, the term "due diligence" means the care and attention that is expected from and is ordinarily exercised by a reasonable and prudent person under the circumstances.

(b) Notwithstanding any law to the contrary, an insurance company is exercising due diligence if the insurance company complies with the provisions of paragraph (1)(b) or if the insurance company assigns an insured's premium to local taxing jurisdictions in accordance with the Department of Revenue's annual database and:

1. Expends reasonable resources to accurately and reliably implement such method;

2. Maintains adequate internal controls to correctly include in its database of policyholders the location of the property insured, in the proper address format, so that matching with the department's database is accurate; and

3. Corrects errors in the assignment of addresses to local taxing jurisdictions within 120 days after the insurance company discovers the errors.

(4) There is annually appropriated from the moneys collected under this chapter and deposited in the Police and Firefighter's Premium Tax Trust Fund an amount sufficient to pay the expenses of the Department of Revenue in administering this section, but not to exceed \$50,000 annually, adjusted annually by the lesser of a 5-percent increase or the percentage of growth in the total collections.

(5) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing procedures and forms.

(6) Any insurer that is obligated to collect and remit the tax on property insurance imposed under s. 175.101 shall be held harmless from any liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction, based on the collection and remission of the tax accruing before January 1, 2004, if the insurer collects and reports this tax consistent with filings for periods before January 1, 2004. Further, any insurer that is obligated to collect and remit the tax on property insurance imposed under this section is not subject to an examination under s. 624.316 or s. 624.3161 which would occur solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction, based on the collection and remission of such tax accruing before January 1, 2004.

Section 4. Section 185.085, Florida Statutes, is created to read:

185.085 Determination of local premium tax situs.--

(1)(a) Any insurance company that is obligated to report and remit the excise tax on casualty insurance premiums imposed under s. 185.08 shall be held harmless from any liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction if the insurance company exercises due diligence in applying an electronic database provided by the Department of Revenue under subsection (2). Insurance companies that do not use the electronic database provided by the Department of Revenue or that do not exercise due diligence in applying the electronic database are subject to a 0.5-percent penalty on the portion of the premium pertaining to any insured risk that is improperly assigned, whether assigned to an improper local taxing jurisdiction, not assigned to a local taxing jurisdiction when it should be assigned to a local taxing jurisdiction, or assigned to a local taxing jurisdiction when it should not be assigned to a local taxing jurisdiction.

(b) Any insurance company that is obligated to report and remit the excise tax on commercial casualty insurance premiums imposed under s. 185.08 and is unable, after due diligence, to assign an insured property to a specific local taxing jurisdiction for purposes of complying with paragraph(a) shall remit the excise tax on commercial casualty insurance premiums using a methodology of apportionment in a manner consistent with the remittance for the 2002 calendar year.

(2)(a) The Department of Revenue shall, subject to legislative appropriation, create as soon as practical and feasible, and thereafter shall maintain, an electronic database that conforms to any format approved by the American National Standards Institute's Accredited Standards Committee X12 and that designates for each street address and address range in the state, including any multiple postal street addresses applicable to one street location, the local taxing jurisdiction in which the street address and address range is located, and the appropriate code for each such participating local taxing jurisdiction, identified by one nationwide standard numeric code. The nationwide standard numeric code must contain the same number of numeric digits, and each digit or combination of digits must refer to the same level of taxing jurisdiction throughout the United States and must be in a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission. Each address or address range must be provided in standard postal format, including the street number, street number range, street name, and zip code. Each year after the creation of the initial database, the Department of Revenue shall annually create and maintain a database for the current tax year. Each annual database must be calendar-year specific.

(b)1. Each participating local taxing jurisdiction shall furnish to the

Department of Revenue all information needed to create the electronic database as soon as practical and feasible. The information furnished to the Department of Revenue must specify an effective date.

2. Each participating local taxing jurisdiction shall furnish to the Department of Revenue all information needed to create and update the current year's database, including changes in annexations, incorporations, and reorganizations and any other changes in jurisdictional boundaries, as well as changes in eligibility to participate in the excise tax imposed under this chapter. The information must specify an effective date and must be furnished to the Department of Revenue by July 1 of the current year.

3. The Department of Revenue shall create and update the current year's database in accordance with the information furnished by participating local taxing jurisdictions under subparagraph 1. or subparagraph 2., as appropriate. To the extent practicable, the Department of Revenue shall post each new annual database on a web site by September 1 of each year. Each participating local taxing jurisdiction shall have access to this web site and, within 30 days thereafter, shall provide any corrections to the Department of Revenue. The Department of Revenue shall finalize the current year's database and post it on a web site by November 1 of the tax year. If a dispute in jurisdictional boundaries cannot be resolved so that changes in boundaries may be included, as appropriate, in the database by November 1, the changes may not be retroactively included in the current year's database and the boundaries will remain the same as in the previous year's database. The finalized database must be used in assigning policies and premiums to the proper local taxing jurisdiction for the insurance premium tax return due on the following March 1. The Department of Revenue shall furnish the annual database on magnetic or electronic media to any insurance company or vendor that requests the database for the sole purpose of assigning insurance premiums to the proper local taxing jurisdiction for the excise tax imposed under this chapter. Information contained in the electronic database is conclusive for purposes of this chapter. The electronic database is not an order, a rule, or a policy of general applicability.

4. Each annual database must identify the additions, deletions, and other changes to the preceding version of the database.

(3)(a) As used in this section, the term "due diligence" means the care and attention that is expected from and is ordinarily exercised by a reasonable and prudent person under the circumstances.

(b) Notwithstanding any law to the contrary, an insurance company is exercising due diligence if the insurance company complies with the provisions of paragraph (1)(b) or if the insurance company assigns an insured's premium to local taxing jurisdictions in accordance with the Department of Revenue's annual database and:

1. Expends reasonable resources to accurately and reliably implement such method;

2. Maintains adequate internal controls to correctly include in its database of policyholders the location of the property insured, in the proper address format, so that matching with the department's database is accurate; and

3. Corrects errors in the assignment of addresses to local taxing jurisdictions within 120 days after the insurance company discovers the errors.

(4) There is annually appropriated from the moneys collected under this chapter and deposited in the Police and Firefighter's Premium Tax Trust Fund an amount sufficient to pay the expenses of the Department of Revenue in administering this section, but not to exceed \$50,000 annually, adjusted annually by the lesser of a 5-percent increase or the percentage of growth in the total collections.

(5) The Department of Revenue shall adopt rules necessary to administer this section, including rules establishing procedures and forms.

(6)(a) Notwithstanding any other law, no methodology, formula, or database that is adopted in any year after January 1, 2004, may result in a distribution to a participating municipality that has a retirement plan created pursuant to this chapter of an amount of excise tax which is less than the amount distributed to such participating municipality for calendar year 2003. However, if the total proceeds to be distributed for the current year from the excise tax imposed under s. 185.08 are less than the total amount distributed for calendar year 2003, each participating municipality shall receive a current year distribution that is proportionate to its share of the total 2003 calendar year distribution. If the total proceeds to be distributed for the current year from the excise tax imposed under s. 185.08 are greater than or equal to the total amount distributed for calendar year 2003, each participating municipality shall initially be distributed a minimum amount equal to the

amount received for calendar year 2003. The remaining amount to be distributed for the current year, which equals the total to be distributed for the current year, less minimum distribution amount, shall be distributed to those municipalities with a current-year reported amount that is greater than the amount distributed to such municipality for calendar year 2003. Each municipality eligible for distribution of this remaining amount shall receive its proportionate share of the remaining amount based upon the amount reported for that municipality, above the calendar year 2003 distribution for the current year, to the total amount over the calendar year 2003 distribution for all municipalities with a current year reported amount that is greater than the calendar year 2003 distribution.

(b) If a new municipality elects to participate under this chapter during any year after January 1, 2004, such municipality shall receive the total amount reported for the current year for such municipality. All other participating municipalities shall receive a current year distribution, calculated as provided in this section, which is proportionate to their share of the total 2003 calendar year distribution after subtracting the amount paid to the new participating plans.

(c) This subsection expires January 1, 2007.

(7) Any insurer that is obligated to collect and remit the tax on casualty insurance imposed under s. 185.08 shall be held harmless from any liability for taxes, interest, or penalties that would otherwise be due solely as a result of an assignment of an insured risk to an incorrect local taxing jurisdiction, based on the collection and remission of the tax accruing before January 1, 2004, if the insurer collects and reports this tax consistent with filings for periods before January 1, 2004. Further, any insurer that is obligated to collect and remit the tax on casualty insurance imposed under this section is not subject to an examination under s. 624.316 or s. 624.3161 which would occur solely as a result of an assignment of an insured risk to an incorrect local taxing jurisdiction, based on the collection and remission of such tax accruing before the effective date of this section.

Section 5. Subsection (1) of section 175.351, Florida Statutes, is amended to read:

175.351 Municipalities and special fire control districts having their own pension plans for firefighters.--For any municipality, special fire control district, local law municipality, local law special fire control district, or local law plan under this chapter, in order for municipalities and special fire control districts with their own pension plans for firefighters, or for firefighters and police officers, where included, to participate in the distribution of the tax fund established pursuant to s. 175.101, local law plans must meet the minimum benefits and minimum standards set forth in this chapter.

(1) PREMIUM TAX INCOME.--If a municipality has a pension plan for firefighters, or a pension plan for firefighters and police officers, where included, which in the opinion of the division meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the pension plan, as approved by a majority of firefighters of the municipality, may:

(a) Place the income from the premium tax in s. 175.101 in such pension plan for the sole and exclusive use of its firefighters, or for firefighters and police officers, where included, where it shall become an integral part of that pension plan and shall be used to pay extra benefits to the firefighters included in that pension plan; or

(b) Place the income from the premium tax in s. 175.101 in a separate supplemental plan to pay extra benefits to firefighters, or to firefighters and police officers where included, participating in such separate supplemental plan.

The premium tax provided by this chapter shall in all cases be used in its entirety to provide extra benefits to firefighters, or to firefighters and police officers, where included. However, local law plans in effect on October 1, 1998, shall be required to comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 175.162(2)(a). When a plan is in compliance with such minimum benefit provisions, as subsequent additional premium tax revenues become available, they shall be used to provide extra benefits. For the purpose of this chapter, "additional premium tax revenues" means revenues received by a municipality or special fire control district pursuant to s. 175.121 which that exceed that amount received for calendar year 1997, and the term "extra benefits" means benefits in addition to or greater than those provided to general employees of

the municipality and in addition to those in existence for firefighters on March 12, 1999. Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.

Section 6. Subsection (1) of section 185.35, Florida Statutes, is amended to read:

185.35 Municipalities having their own pension plans for police officers.--For any municipality, chapter plan, local law municipality, or local law plan under this chapter, in order for municipalities with their own pension plans for police officers, or for police officers and firefighters where included, to participate in the distribution of the tax fund established pursuant to s. 185.08, local law plans must meet the minimum benefits and minimum standards set forth in this chapter:

(1) PREMIUM TAX INCOME.--If a municipality has a pension plan for police officers, or for police officers and firefighters where included, which, in the opinion of the division, meets the minimum benefits and minimum standards set forth in this chapter, the board of trustees of the pension plan, as approved by a majority of police officers of the municipality, may:

(a) Place the income from the premium tax in s. 185.08 in such pension plan for the sole and exclusive use of its police officers, or its police officers and firefighters where included, where it shall become an integral part of that pension plan and shall be used to pay extra benefits to the police officers included in that pension plan; or

(b) May place the income from the premium tax in s. 185.08 in a separate supplemental plan to pay extra benefits to the police officers, or police officers and firefighters where included, participating in such separate supplemental plan.

The premium tax provided by this chapter shall in all cases be used in its entirety to provide extra benefits to police officers, or to police officers and firefighters, where included. However, local law plans in effect on October 1, 1998, shall be required to comply with the minimum benefit provisions of this chapter only to the extent that additional premium tax revenues become available to incrementally fund the cost of such compliance as provided in s. 185.162(2). When a plan is in compliance with such minimum benefit provisions, as subsequent additional tax revenues become available, they shall be used to provide extra benefits. For the purpose of this chapter, "additional premium tax revenues" means revenues received by a municipality pursuant to s. 185.10 which that exceed the amount received for calendar year 1997, and the term "extra benefits" means benefits in addition to or greater than those provided to general employees of the municipality and in addition to those in existence for police officers on March 12, 1999. Local law plans created by special act before May 23, 1939, shall be deemed to comply with this chapter.

Section 7. Subsection (7) is added to section 175.061, Florida Statutes, to read:

175.061 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.--For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter:

(7) The board of trustees may, upon written request by the retiree of the plan, or by a dependent, when authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments required by law.

Section 8. Present subsection (6) of section 185.05, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to said section, to read:

185.05 Board of trustees; members; terms of office; meetings; legal entity; costs; attorney's fees.--For any municipality, chapter plan, local law municipality, or local law plan under this chapter:

(6) The board of trustees may, upon written request by the retiree of the plan, or by a dependent, when authorized by the retiree or the retiree's beneficiary, authorize the plan administrator to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the governmental entity from which the employee retired, to pay the certified bargaining agent of the governmental entity, and to make any payments required by law.

Section 9. The sum of \$300,000 is appropriated from the General Revenue



Fund to the Department of Revenue for the one-time expense of creating the original database called for by sections 1 and 2 of this act, and to support the implementation process for use of the database. It is the intent of the Legislature in providing this appropriation that the database for sections 1 and 2 of this act be available for use in determining the allocation of premiums to the various municipalities and special fire control districts for the 2004 insurance premium tax return that is due by March 1, 2005.

Between lines 6 and 7, insert:  
 creating s. 175.1015, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on property insurance premiums; providing insurers with incentives for using the database; providing penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; creating s. 185.085, F.S.; authorizing the Department of Revenue to create and maintain a database for use by insurers that report and remit an excise tax on casualty insurers premiums; providing incentives to insurers for using the database and penalties for failure to use the database; requiring local governments to provide information to the department; appropriating funds to the department for the administration of the database; authorizing the department to adopt rules; providing for distribution of tax revenues through 2007; amending s. 175.351, F.S.; defining the term "extra benefits" with respect to pension plans for firefighters; amending s. 185.35, F.S.; providing for the meaning of the term "extra benefits" with respect to pension plans for municipal police officers; amending s. 175.061, F.S.; authorizing the plan administrator to withhold certain funds; amending s. 185.05, F.S.; authorizing the plan administrator to withhold certain funds; providing an appropriation to the Department of Revenue;

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

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

**HB 5-A**—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

**HB 57-A**—A bill to be entitled An act relating to credits for contributions to nonprofit scholarship-funding organizations; amending s. 220.187, F.S.; increasing the total amount of tax credit and carryforward of tax credit which may be granted each state fiscal year; requiring parental notification to the school district; allowing tax credits to be carried forward; providing procedures; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representative Ryan offered the following:

(Amendment Bar Code: 731767)

**Amendment 1**—Remove line(s) 45, and insert:  
January 1, 2003. A taxpayer may not convey, assign, or transfer

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

On motion by Rep. Baxley, the rules were waived and the House agreed to read HB 57-A the third time by title. The vote was:

Session Vote Sequence: 542

Rep. Murman in the Chair.

Yeas—72

Adams	Culp	Jordan	Planas
Altman	Davis, D.	Kallinger	Poppell
Anderson	Davis, M.	Kilmer	Quinones
Arza	Detert	Kottkamp	Reagan
Attkisson	Evers	Kravitz	Rivera
Barreiro	Farkas	Kyle	Robaina
Baxley	Fiorentino	Littlefield	Ross
Bean	Galvano	Llorente	Rubio
Bense	Gannon	Mack	Russell
Benson	Garcia	Mahon	Sansom
Berfield	Gardiner	Mayfield	Simmons
Bowen	Gibson, H.	McInvale	Smith
Brown	Goodlette	Mealor	Sorensen
Brummer	Green	Murzin	Stansel
Cantens	Harrington	Needelman	Stargel
Carroll	Hasner	Negron	Troutman
Clarke	Homan	Patterson	Waters
Cretul	Jennings	Paul	Zapata

Nays—35

Allen	Fields	Joyner	Roberson
Ambler	Gelber	Justice	Ryan
Bendross-Mindingall	Gibson, A.	Kendrick	Seiler
Brandenburg	Gottlieb	Kosmas	Slosberg
Brutus	Greenstein	Machek	Spratt
Bucher	Harper	Meadows	Vana
Bullard	Harrell	Peterman	Wiles
Cusack	Henriquez	Rich	Wishner
Domino	Holloway	Richardson	

Votes after roll call:

Nays—Sobel  
 Nays to Yeas—Harrell

HB 57-A was read the third time by title. On passage, the vote was:

Session Vote Sequence: 543

Rep. Murman in the Chair.

Yeas—73

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

Zapata

Nays—40

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

Votes after roll call:

Nays—Sobel

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

**Motion**

On motion by Rep. Kyle, the House requested the Senate to concur in HB 57-A as passed by the House, or failing to do so, agree to include the substance of the bill in the conference on the general appropriations act and related legislation.

On motion by Rep. Brummer, the House agreed to waive the rules and read HB 3-A the third time by title.

On motion by Rep. Brummer, the House agreed to waive the rules and read HB 5-A the third time by title.

**HB 87-A**—A bill to be entitled An act relating to the acquisition and conservation of lands; amending s. 253.025, F.S.; revising requirements for appraisals when acquiring state lands; amending s. 253.034, F.S.; providing conditions under which state-owned lands may be considered nonconservation lands; revising requirements for land management plans for conservation lands be submitted to the Division of State Lands; providing that land use plans for nonconservation lands be submitted to the Division of State Lands at least every 10 years; revising requirements for the sale of surplus lands; authorizing the Division of State Lands to determine the sale price of surplus lands; providing the Board of Trustees of the Internal Improvement Trust Fund with the authority to adopt rules; directing the Division of State Lands to prepare a state inventory of all federal lands, and all lands titled in the name of the state, a state agency, a water management district, or a local government; requiring the participation of counties in developing a county inventory; providing conditions under which certain lands may be made available for purchase under the state's land surplus process; creating s. 253.0341, F.S.; authorizing counties and local governments to submit requests to surplus state lands directly to the board of trustees; providing for an expedited surplus process; amending s. 253.042, F.S.; revising the circumstances under which the board of trustees may directly exchange state-owned lands; providing requirements for the exchange of donated conservation lands; providing requirements for the conveyance of donated nonconservation lands; providing requirements for the exchange of other state-owned lands; amending s. 253.7823, F.S.; revising requirements for the disposition of former barge canal surplus lands; amending s. 259.032, F.S.; revising requirements for updating land management plans; revising provisions allowing the use of reverted funds; requiring that state agencies prepare and submit to the Department of Revenue for certification application requests for payment in lieu of taxes from local governments; revising requirements for payment in lieu of taxes; amending s. 259.0322, F.S.; providing that payments in lieu of taxes be made for 20 consecutive years; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.139, F.S.; repealing obsolete requirements; revising requirements for appraisals when acquiring water management district lands; amending s. 373.59, F.S.; revising provisions requiring payments in lieu of

taxes from funds deposited into the Water Management Lands Trust Fund; amending s. 373.5905, F.S.; revising provisions requiring reinstatement of payments in lieu of taxes; amending s. 260.016, F.S.; revising powers of the department in evaluating lands for acquisition of greenways and trails; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a local government under certain conditions; providing purposes for which exchanged lands may be used; requiring the exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and a private entity by July 1, 2003; repealing s. 253.84, F.S., relating to the acquisition of lands containing cattle-dipping vats; repealing s. 259.0345, F.S., relating to the Florida Forever Advisory Council; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representative Spratt offered the following:

(Amendment Bar Code: 350539)

**Amendment 1**—Remove lines 404-445, and insert:

(8)(a) Notwithstanding other provisions of this section, the Division of State Lands is directed to prepare a state inventory of all federal lands and all lands titled in the name of the state, a state agency, a water management district, or a local government on a county-by-county basis. To facilitate the development of the state inventory, each county shall direct the appropriate county office with authority over the information to provide the division with a county inventory of all lands identified as federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government.

(b) The state inventory must distinguish between lands purchased by the state or a water management district as part of a core parcel or within original project boundaries, as those terms are used to meet the surplus requirements of subsection (6), and lands purchased by the state, a state agency, or a water management district which are not essential or necessary for conservation purposes.

(c) In any county in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands titled in the name of the state or a state agency that are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the state's surplus process. Rights-of-way for existing, proposed, or anticipated transportation facilities are exempt from the requirements of this paragraph. Priority consideration shall be given to buyers, public or private, willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of said local government.

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

Representative Spratt offered the following:

(Amendment Bar Code: 988885)

**Amendment 2 (with title amendment)**—Between lines 702-703, and insert:

Section 10. Present subsection (5) of section 373.089, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section, to read:

373.089 Sale or exchange of lands, or interests or rights in lands.--The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(5) In any county in which more than 50 percent of the lands within the county boundary are federal lands and lands titled in the name of the state, a state agency, a water management district, or a local government, those lands

titled in the name of a water management district that are not essential or necessary to meet conservation purposes may, upon request of a public or private entity, be made available for purchase through the surplusing process in this section. Priority consideration must be given to buyers, public or private, who are willing to return the property to productive use so long as the property can be reentered onto the county ad valorem tax roll. Property acquired with matching funds from a local government shall not be made available for purchase without the consent of the local government.

Remove lines 42-47, and insert:

in lieu of taxes be made for 10 consecutive years; amending s. 259.036, F.S.; requiring land management review teams to submit a 10-year land management plan update to the Acquisition and Restoration Council; amending s. 259.041, F.S.; clarifying certain requirements regarding the acquisition of state-owned lands; amending s. 373.089, F.S.; providing conditions under which lands titled in the name of a water management district may be made available for purchase through a surplusing process; amending

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

Representative Spratt offered the following:

(Amendment Bar Code: 411623)

Amendment 3—Remove lines 860-869, and insert:

Section 12. Section 373.5905, Florida Statutes, is amended to read: 373.5905 Reinstitution of payments in lieu of taxes; duration.--If the Department of Environmental Protection or a water management district has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment, the department or water management district shall reinstitute appropriate payments and continue the payments in consecutive years until the governmental entity has received a total of 10 payments for each tax loss.

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

Representative Greenstein offered the following:

(Amendment Bar Code: 904341)

Amendment 4 (with title amendment)—Remove lines 945-969, and insert:

Remove lines 61-63, and insert:

may be used; repealing s. 253.84,

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

Representative Greenstein offered the following:

(Amendment Bar Code: 636601)

Amendment 5 (with title amendment)—Between lines 971 and 972, insert:

Section 17. This act does not apply to predominantly urbanized counties with a population greater than 1,500,000 and more than 25 municipalities, not operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII of the Constitution of 1968.

Remove lines 66, and insert: to the Florida Forever Advisory Council; providing nonapplicability of the act; providing for

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

adoption.

On motion by Rep. Gelber, Amendment 6 was withdrawn.

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

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

Bills and Joint Resolutions on Third Reading

Pursuant to a motion agreed to earlier today, the rules were waived and—

HB 3-A—A bill to be entitled An act relating to deposit of insurance premium taxes; amending ss. 626.932 and 626.938, F.S.; adjusting the percentage of surplus lines tax and independently procured coverages tax deposited into the Insurance Commissioner’s Regulatory Trust Fund and the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

Session Vote Sequence: 544

Rep. Murman in the Chair.

Yeas—111

Table with 4 columns of names: Adams, Allen, Altman, Ambler, Anderson, Antone, Arza, Attkisson, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bowen, Brandenburg, Brown, Brummer, Brutus, Bucher, Bullard, Byrd, Cantens, Carassas, Carroll, Clarke, Cretul, Culp, Cusack, Davis, D., Davis, M., Dean, Detert, Domino, Farkas, Fields, Fiorentino, Galvano, Gannon, Garcia, Gardiner, Gelber, Gibson, A., Gibson, H., Goodlette, Gottlieb, Green, Greenstein, Harper, Harrell, Harrington, Hasner, Henriquez, Holloway, Homan, Jennings, Johnson, Jordan, Joyner, Justice, Kallinger, Kendrick, Kilmer, Kosmas, Kravitz, Kyle, Littlefield, Llorente, Machek, Mack, Mahon, Mayfield, McInvale, Meadows, Mealor, Murzin, Negron, Patterson, Paul, Peterman, Pickens, Planas, Poppell, Quinones, Reagan, Rich, Richardson, Ritter, Rivera, Robaina, Ross, Rubio, Russell, Ryan, Sansom, Seiler, Simmons, Slosberg, Smith, Sorensen, Spratt, Stansel, Stargel, Troutman, Vana, Waters, Wiles, Wishner, Zapata

Nays—None

Votes after roll call:

Yeas—Needelman, Roberson, Sobel

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

Pursuant to a motion agreed to earlier today, the rules were waived and—

HB 5-A—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of

registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

Session Vote Sequence: 545

Rep. Murman in the Chair.

Yeas—90

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

Nays—26

Antone	Gannon	Kosmas	Ryan
Bendross-Mindingall	Gibson, A.	McInvale	Slosberg
Brandenburg	Gottlieb	Peterman	Smith
Brutus	Greenstein	Rich	Vana
Bucher	Holloway	Richardson	Wiles
Bullard	Jennings	Ritter	
Cusack	Joyner	Roberson	

Votes after roll call:

Nays—Sobel  
Yeas to Nays—Harper, Kendrick, Meadows, Seiler, Stansel, Wishner

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

**Motion**

On motion by Rep. Kyle, the House requested the Senate to concur in HB 3-A and HB 5-A as passed by the House, or failing to do so, agree to include the substance of the bills in the conference on the general appropriations act and related legislation.

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

**Special Orders**

**HB 143-A**—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 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; 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 for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representatives Gannon and Rich offered the following:

(Amendment Bar Code: 237073)

**Amendment 1 (with title amendment)**—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.--

(1) The Attorney General may commence a civil action for damages, injunctive relief, civil penalties not to exceed \$10,000 per violation, and such other relief as may be appropriate under the laws of this state if the Attorney General has reasonable cause to believe that any person or group:

(a) Has engaged in a pattern or practice of discrimination as defined by the laws of this state; or

(b) Has been discriminated against as defined by the laws of this state and such discrimination raises an issue of great public interest.

(2) The Attorney General may file an action under this section in the circuit court of the county where the cause of action arises or in the circuit court of the Second Judicial Circuit, in and for Leon County.

(3) In any proceeding under this section, the respondent may request, before any responsive pleading is due, that a hearing be held no earlier than 5 days but no more than 30 days after the filing of the complaint, at which hearing the court shall determine whether the complaint on its face makes a prima facie showing that a pattern or practice of discrimination exists or that, as a result of discrimination, an issue of great public interest exists.

(4) The prevailing party in an action brought under this section is entitled to an award of reasonable attorney's fees and costs.

(5) Any damages recovered under this section shall accrue to the injured party.

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. 760.54~~. In investigating violations of constitutional and statutory rights under ~~chapter 760 s. 760.54~~, 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. Subsection (2) of section 110.105, Florida Statutes, is amended to read:

110.105 Employment policy of the state.--

(2) All appointments, terminations, assignments and maintenance of status, compensation, privileges, and other terms and conditions of employment in state government shall be made without regard to age, sex, pregnancy status, as defined in s. 760.10, race, religion, national origin, political affiliation, marital status, or handicap, except when a specific sex, age, or physical requirement constitutes a bona fide occupational qualification necessary to proper and efficient administration.

Section 7. Subsection (1) of section 110.233, Florida Statutes, is amended to read:

110.233 Political activities and unlawful acts prohibited.--

(1) 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, pregnancy status, as defined in s. 760.10, handicap, religious creed, or political opinion or affiliation.

Section 8. Subsection (1) of section 112.042, Florida Statutes, is amended to read:

112.042 Discrimination in county and municipal employment; relief.--

(1) 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, pregnancy status, as defined in s. 760.10, 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.

Section 9. Subsection (10) of section 760.10, Florida Statutes, is renumbered 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 because or on the basis of pregnancy status. Pregnancy status 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.

Section 10. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 11. 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 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; 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 s. 760.08, F.S.; making unlawful discrimination or segregation in places of public accommodation; amending ss. 110.105, 110.233, 112.042, and 760.10, F.S.; revising provisions relating to state employment policy, career service appointments, county and

municipal employment, and unlawful employment practices to provide that discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions; providing a limitation with respect to employer health insurance benefits; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

Rep. Gannon moved the adoption of the amendment.

REPRESENTATIVE GOODLETTE IN THE CHAIR

The question recurred on the adoption of Amendment 1, which failed of adoption. The vote was:

Session Vote Sequence: 546

Rep. Goodlette in the Chair.

Yeas—42

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

Nays—75

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

On motion by Rep. Kottkamp, the rules were waived and HB 143-A was read the third time by title.

Statement of Legislative Intent on HB 143-A

On motion by Rep. Stargel, the following questions and answers were ordered spread upon the Journal, in order to establish legislative intent:

Rep. Planas: Representative Kottkamp, is it the intent of this legislation to be read broadly to include other persons or groups of persons not specifically enumerated in the bill?

Rep. Kottkamp: This legislation should be narrowly construed to recognize groups that are already protected under our laws and constitution.

Rep. Rivera: Representative Kottkamp, is it the intent of this legislation

to deny the use of public accommodations to houses of worship or to events hosted by religious groups if the reason for the discrimination is based upon a sincerely-held religious belief of the house of worship or religious group?

**Rep. Kottkamp:** The phrase "house of worship" is not included in the definition of public accommodation under this bill nor would the provisions of this bill in any way supersede the Religious Freedom Restoration Act of 1998.

**Rep. Murzin:** Is it the intent of this legislation to expand the term "sex" or to include as a matter of "great public interest" any of the following: gender identity, cross-dressing, or sexual orientation?

**Rep. Kottkamp:** No.

**Rep. Stargel:** Representative Kottkamp, is it the intent of this legislation to infringe on actions or statements protected by the rights of the freedom of speech, freedom of the press, or freedom of the exercise of religion?

**Rep. Kottkamp:** The answer is no. This bill would in no way supersede the freedoms protected by our Constitution.

The question recurred on the passage of HB 143-A. The vote was:

Session Vote Sequence: 547

Rep. Goodlette in the Chair.

Yeas—112

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

Nays—1

Kyle

Votes after roll call:

Yeas—Sobel

**Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the

assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. Sandra "Sandy" Adams  
District 33*

**Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. Frank Attkisson  
District 79*

**Explanation of Vote for Sequence Number 547**

"The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill."

*Rep. Dennis K. Baxley  
District 24*

**Explanation of Vote for Sequence Number 547**

"The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill."

*Rep. Aaron P. Bean  
District 12*

**Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. Donald D. "Don" Brown  
District 5*

**Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a

prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill

*Rep. Mike Davis*  
*District 101*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill."

*Rep. Gayle B. Harrell*  
*District 81*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. Dave Murzin*  
*District 2*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. Juan-Carlos "J.C." Planas*  
*District 115*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed in the regular session have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill

*Rep. Ralph Poppell*  
*District 29*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed have improved this bill by

protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill.

*Rep. John "Q" Quinones*  
*District 49*

#### **Explanation of Vote for Sequence Number 547**

"The changes made from the version passed have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill."

*Rep. Ron Reagan*  
*District 67*

#### **Explanation of Vote for Sequence Number 547**

The changes made from the version passed in the regular session have improved this bill by protecting small businesses and those wrongfully accused by allowing a prevailing party to recover fees. Further, my vote was predicated upon the assurances made in the floor debate that the intention of this legislation was not to be read broadly to include other persons or groups not specifically enumerated in the bill. The answers to the questions asked by Representatives Planas, Rivera, Murzin, and Stargel were especially instructive in my understanding of the interpretation of this bill

*Rep. John K. Stargel*  
*District 64*

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

**HB 81-A**—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 quarterly reports to the agency relating to patient days; amending s. 400.021, F.S.; redefining the term "resident care plan," as used in part II 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. 400.211, 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 shared services contracts or projects from expedited review; revising expedited review requirements for transfer of a certificate of need and conversion of beds for mental health services or general acute care; subjecting projects relating to replacement of a nursing home and relocation of nursing home beds to expedited review; removing the exemption from review for establishment of certain specialty hospitals and a satellite facility; revising

requirements for certain projects that are exempt from review; exempting from review projects relating to provision of percutaneous coronary intervention, replacement of a statutory rural hospital, and conversion of mental health services beds; 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; providing for payment of attorney's fees and costs when a hospital is the losing party; providing for review of an application for a certificate of need pending on the effective date of the act; creating the Hospital Statutory and Regulatory Reform Council; providing legislative intent; providing for membership and duties of the council; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

Representative Murman offered the following:

(Amendment Bar Code: 360443)

**Amendment 1 (with title amendment)**—Between line(s) 733 and 734, insert:

Section 12. Pursuant to s. 383.19(2), Florida Statutes, there is hereby authorized and established an additional regional perinatal intensive care center in Tampa. The additional regional perinatal intensive care center shall be operated in collaboration with an existing regional perinatal intensive care center. Consistent with s. 383.15, Florida Statutes, the additional regional perinatal intensive care center shall not receive payments authorized under s. 409.9112, Florida Statutes.

Remove line(s) 57, and insert:  
for membership and duties of the council; authorizing and establishing an additional regional perinatal intensive care center in Tampa; providing for

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

Representative Murman offered the following:

(Amendment Bar Code: 732061)

**Amendment 2 (with title amendment)**—Remove line(s) 609-620, and insert:

(x) For consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict, by providers that operate multiple nursing homes within that planning subdistrict, provided there is no increase in the planning subdistrict total of nursing home beds and the relocation does not exceed 30 miles from the original location.

(4) A request for exemption under subsection (3) may be made at any time and is not subject to the batching requirements of this section. The request shall be supported by such documentation as the agency requires by rule. The agency shall assess a fee of \$250 for each request for exemption submitted under subsection (3).

Section 8. Section 52 of chapter 2001-45, Laws of Florida, is amended to read:

Section 52. (1) Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006.

(2) The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides supportive services in a manner that is both more cost-effective and more in keeping with the wishes of the elderly residents of this state.

(3) This moratorium on certificates of need shall not apply to sheltered nursing home beds in a continuing care retirement community certified by the Department of Insurance pursuant to chapter 651, Florida Statutes.

(4)(a) This moratorium on certificates of need shall not apply, and a certificate of need for additional community nursing home beds may be approved, for a county that meets the following circumstances:

1. The county has no community nursing home beds.  
2. The lack of community nursing home beds occurs because all nursing home beds in the county that were licensed on July 1, 2001, have subsequently closed.

(b) The certificate-of-need review for such circumstances shall be subject to the comparative review process consistent with the provisions of s. 408.039, Florida Statutes, and the number of beds may not exceed the number of beds lost by the county after July 1, 2001.

Remove line(s) 45, and insert:  
of mental health services beds; amending s. 51, Ch. 2001-45, Laws of Florida; specifying nonapplication of a moratorium of certificates of need and authorizing approval of certain certificates of need for certain counties under certain circumstances; providing review requirements and bed limitations; amending s. 408.038, F.S.;

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

On motion by Rep. Murman, the rules were waived and HB 81-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 548

Rep. Goodlette in the Chair.

Yeas—93

Adams	Clarke	Homan	Paul
Allen	Cretul	Jennings	Pickens
Altman	Culp	Johnson	Poppell
Ambler	Cusack	Jordan	Quinones
Anderson	Davis, D.	Justice	Reagan
Antone	Davis, M.	Kallinger	Richardson
Arza	Detert	Kendrick	Rivera
Attkisson	Domino	Kilmer	Robaina
Barreiro	Evers	Kottkamp	Ross
Baxley	Farkas	Kravitz	Rubio
Bean	Fields	Kyle	Russell
Bendross-Mindingall	Galvano	Littlefield	Sansom
Bense	Gannon	Llorente	Simmons
Benson	Garcia	Machek	Smith
Berfield	Gardiner	Mack	Sorensen
Bowen	Gibson, A.	Mahon	Spratt
Brandenburg	Gibson, H.	Mayfield	Stansel
Brown	Goodlette	McInvale	Stargel
Brummer	Green	Mealor	Waters
Brutus	Harrell	Murman	Wiles
Bullard	Harrington	Murzin	Zapata
Byrd	Hasner	Needelman	
Cantens	Henriquez	Negron	
Carroll	Holloway	Patterson	

Nays—15

Bucher	Greenstein	Rich	Seiler
Fiorentino	Harper	Ritter	Vana
Gelber	Meadows	Roberson	Wishner
Gottlieb	Peterman	Ryan	

Votes after roll call:

Yeas—Joyner, Planas, Sobel  
Nays—Kosmas

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



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

Nays—37

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2-A, and requests the concurrence of the House, and if the House refuses to concur in SB 2-A as passed by the Senate, the Senate requests a conference committee on the general appropriations and related bills.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Pruitt-Chair; Senator Wasserman Schultz-Vice Chair; Senators Diaz de la Portilla, Jones, Klein, and Lee, At Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair, Senators Aronberg, Haridopolos, Villalobos, and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair, Senators Argenziano, Constantine, Dawson, and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin, and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Alexander, Hill, Sebesta and Siplin.

Faye W. Blanton, Secretary

By the Committee on Appropriations—

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the first time by title. On motion by Rep. Kyle, the rules were waived and the bill was read the second time by title.

Rep. Kyle offered an amendment removing everything after the enacting clause and inserting the text of HB 21-A. Under Rule 12.10, the amendment was not printed in the Journal.

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

On motion by Rep. Kyle, the rules were waived and SB 2-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 549

Rep. Goodlette in the Chair.

Yeas—77

Table with 4 columns of names: Adams, Allen, Altman, Ambler, Anderson, Arza, Attkisson, Barreiro, Baxley, Bean, Bense, Benson, Berfield, Bowen, Brown, Brummer, Byrd, Cantens, Carroll, Clarke, Cretul, Culp, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Fiorentino, Galvano, Garcia, Gardiner, Gibson, H., Goodlette, Green, Harrell, Harrington, Hasner, Homan, Johnson, Jordan, Kallinger, Kilmer, Kottkamp, Kravitz, Kyle, Littlefield, Llorente, Mack, Mahon, Mayfield, Mealor, Murman, Murzin, Needelman, Negron, Patterson, Paul, Pickens, Planas, Poppell, Quinones, Reagan, Rivera, Robaina, Ross, Rubio, Russell, Sansom, Simmons, Sorensen, Spratt, Stansel, Stargel, Troutman, Waters.

Table with 4 columns of names: Antone, Bendross-Mindingall, Brandenburg, Brutus, Bucher, Bullard, Cusack, Fields, Gannon, Gelber, Gibson, A., Gottlieb, Greenstein, Harper, Henriquez, Holloway, Jennings, Joynes, Justice, Kendrick, Kosmas, Macheck, McInvale, Meadows, Peterman, Rich, Richardson, Ritter, Roberson, Ryan, Seiler, Slosberg, Smith, Vana, Wiles, Wishner, Zapata.

Votes after roll call:

Nays—Sobel

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has admitted for introduction and consideration by the required Constitutional two-thirds vote of the members of the Senate, and passed SB 22-A, as amended, and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

Faye W. Blanton, Secretary

By Senators Peaden and Dawson—

SB 22-A—A bill to be entitled An act relating to health care; amending s. 400.179, F.S.; deleting a repeal of provisions requiring payment of certain fees upon the transfer of the leasehold license for a nursing facility; amending s. 400.23, F.S.; delaying the effective date of certain requirements concerning hours of direct care per resident for nursing home facilities; amending s. 409.901, F.S.; defining the term "third party" to include a third-party administrator or pharmacy benefits manager; amending s. 409.904, F.S.; revising provisions governing the payment of optional medical benefits for certain Medicaid-eligible persons; amending s. 409.906, F.S.; deleting provisions authorizing payment for adult dental services; revising requirements for hearing and visual services to limit such services to persons younger than 21 years of age; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; providing for a fee to be paid to providers returning unused medications and credited to the Medicaid program; conforming a cross-reference; amending s. 409.9081, F.S.; providing a copayment under the Medicaid program for certain nonemergency hospital visits; amending ss. 409.911, 409.9112, 409.9116, and 409.9117, F.S.; revising the disproportionate share program; deleting definitions; requiring the Agency for Health Care Administration to use actual audited data to determine the Medicaid days and charity care to be used to calculate the disproportionate share payment; revising formulas for calculating payments; revising the formula for calculating payments under the disproportionate share program for regional perinatal intensive care centers; providing for estimates of the payments under the rural disproportionate share and financial assistance programs; providing a formula for calculating payments under the primary care disproportionate share program; repealing s. 409.9119, F.S., relating to disproportionate share program for specialty hospitals for children; amending s. 409.912, F.S.; providing for reimbursement of provider service networks; removing certain requirements for prior authorization for nursing home residents and institutionalized adults; prohibiting value-added rebates to a pharmaceutical manufacturer; deleting provisions authorizing certain benefits in conjunction with supplemental rebates; authorizing the agency to implement a utilization management program for certain services; amending s. 409.9122, F.S.; revising the percentage of Medicaid recipients required to be enrolled in managed care; amending s. 409.815, F.S., relating to benefits coverage; specifying a maximum annual benefit for children's dental services; providing for construction of the act in pari materia with laws enacted during

the Regular Session of the Legislature; providing an effective date.

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

Representative Green offered the following:

(Amendment Bar Code: 282567)

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

Section 1. Effective upon this act becoming a law, paragraph (d) of subsection (5) of section 400.179, Florida Statutes, is amended to read:

400.179 Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments.--

(5) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. A leasehold licensee may meet the requirements of subparagraph 1. by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid at the time of any subsequent annual license renewal, in the amount of 2 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility. If a preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Health Care Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the administration and management of this account, including withdrawals from the account, subject to federal review and approval. ~~This subparagraph is repealed on June 30, 2003.~~ This provision shall take effect upon becoming law and shall apply to any leasehold license application.

a. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits.

b. The agency, in consultation with the Florida Health Care Association and the Florida Association of Homes for the Aging, shall study and make recommendations on the minimum amount to be held in reserve to protect against Medicaid overpayments to leasehold licensees and on the issue of successor liability for Medicaid overpayments upon sale or transfer of ownership of a nursing facility. The agency shall submit the findings and recommendations of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

3. The leasehold licensee may meet the bond requirement through other arrangements acceptable to the agency. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

4. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

5. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of

such renewal to the agency annually at the time of application for license renewal.

6. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, cancel, revoke, or suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.

Section 2. Subsections (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), and (27) of section 409.811, Florida Statutes, are renumbered as subsections (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), and (28), respectively, and a new subsection (17) is added to said section to read:

409.811 Definitions relating to Florida Kidcare Act.--As used in ss. 409.810-409.820, the term:

(17) "Managed care plan" means a health maintenance organization authorized pursuant to chapter 641 or a prepaid health plan authorized pursuant to s. 409.912.

Section 3. Subsection (7) of section 409.8132, Florida Statutes, is amended to read:

409.8132 Medikids program component.--

(7) ENROLLMENT.--Enrollment in the Medikids program component may only occur during periodic open enrollment periods as specified by the agency. An applicant may apply for enrollment in the Medikids program component and proceed through the eligibility determination process at any time throughout the year. However, enrollment in Medikids shall not begin until the next open enrollment period; and a child may not receive services under the Medikids program until the child is enrolled in a managed care plan as defined in s. 409.811 or in MediPass. In addition, once determined eligible, an applicant may receive choice counseling and select a managed care plan or MediPass. The agency may initiate mandatory assignment for a Medikids applicant who has not chosen a managed care plan or MediPass provider after the applicant's voluntary choice period ends. An applicant may select MediPass under the Medikids program component only in counties that have fewer than two managed care plans available to serve Medicaid recipients and only if the federal Health Care Financing Administration determines that MediPass constitutes "health insurance coverage" as defined in Title XXI of the Social Security Act.

Section 4. Subsection (25) of section 409.901, Florida Statutes, is amended to read:

409.901 Definitions; ss. 409.901-409.920.--As used in ss. 409.901-409.920, except as otherwise specifically provided, the term:

(25) "Third party" means an individual, entity, or program, excluding Medicaid, that is, may be, could be, should be, or has been liable for all or part of the cost of medical services related to any medical assistance provided covered by Medicaid. Third party includes a third-party administrator or TPA and a pharmacy benefits manager or PBM.

Section 5. Subsection (2) of section 409.904, Florida Statutes, as amended by section 1 of chapter 2003-9, Laws of Florida, 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 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 6. Subsections (1), (12), and (23) of section 409.906, Florida Statutes, are amended to read:

409.906 Optional Medicaid services.--Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(1) ADULT DENTAL SERVICES.--The agency may pay for dentures, the procedures required to seat dentures, the repair and relining of dentures, emergency dental procedures necessary to alleviate pain or infection, and basic dental preventive procedures provided by or under the direction of a licensed dentist for a recipient who is age 65 or older medically necessary, emergency dental procedures to alleviate pain or infection. Emergency dental care shall be limited to emergency oral examinations, necessary radiographs, extractions, and incision and drainage of abscess, for a recipient who is age 21 or older. However, Medicaid will not provide reimbursement for dental services provided in a mobile dental unit, except for a mobile dental unit:

(a) Owned by, operated by, or having a contractual agreement with the Department of Health and complying with Medicaid's county health department clinic services program specifications as a county health department clinic services provider.

(b) Owned by, operated by, or having a contractual arrangement with a federally qualified health center and complying with Medicaid's federally qualified health center specifications as a federally qualified health center provider.

(c) Rendering dental services to Medicaid recipients, 21 years of age and older, at nursing facilities.

(d) Owned by, operated by, or having a contractual agreement with a state-approved dental educational institution.

(12) CHILDREN'S HEARING SERVICES.--The agency may pay for hearing and related services, including hearing evaluations, hearing aid devices, dispensing of the hearing aid, and related repairs, if provided to a recipient younger than 21 years of age by a licensed hearing aid specialist, otolaryngologist, otologist, audiologist, or physician.

(23) CHILDREN'S VISUAL SERVICES.--The agency may pay for visual examinations, eyeglasses, and eyeglass repairs for a recipient younger than 21 years of age, if they are prescribed by a licensed physician specializing in diseases of the eye or by a licensed optometrist.

Section 7. Paragraphs (c) and (d) are added to subsection (1) of section 409.9081, Florida Statutes, to read:

409.9081 Copayments.--

(1) The agency shall require, subject to federal regulations and limitations, each Medicaid recipient to pay at the time of service a nominal copayment for the following Medicaid services:

(c) Prescription drugs: a coinsurance equal to 5 percent of the Medicaid cost of the prescription drug at the time of purchase. The maximum coinsurance shall be \$15 per prescription drug purchased.

(d) Hospital outpatient services, emergency department: up to \$15 for each hospital outpatient emergency department encounter that is for nonemergency

purposes.

Section 8. Section 409.911, Florida Statutes, is amended to read:

409.911 Disproportionate share program.--Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. 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) Definitions.--As used in this section, s. 409.9112, and the Florida Hospital Uniform Reporting System manual:

(a) "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the Agency for Health Care Administration, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

(b) "Actual audited data" or "actual audited experience" means data reported to the Agency for Health Care Administration which has been audited in accordance with generally accepted auditing standards by the agency or representatives under contract with the agency.

~~(c) "Base Medicaid per diem" means the hospital's Medicaid per diem rate initially established by the Agency for Health Care Administration on January 1, 1999. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution.~~

~~(c)(4)~~ "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity.

~~(d)(e)~~ "Charity care days" means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

~~(f)~~ "Disproportionate share percentage" means a rate of increase in the Medicaid per diem rate as calculated under this section.

~~(e)(6)~~ "Hospital" means a health care institution licensed as a hospital pursuant to chapter 395, but does not include ambulatory surgical centers.

~~(f)(4)~~ "Medicaid days" means the number of actual days attributable to Medicaid patients as determined by the Agency for Health Care Administration.

(2) The Agency for Health Care Administration shall utilize the following actual audited data ~~criteria~~ to determine the Medicaid days and charity care to be used in the calculation of the if a hospital qualifies for a disproportionate share payment:

(a) ~~The Agency for Health Care Administration shall use the average of the 1997, 1998, and 1999 audited data to determine each hospital's Medicaid days and charity care. A hospital's total Medicaid days when combined with its total charity care days must equal or exceed 7 percent of its total adjusted patient days.~~

~~(b) In the event the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data for a hospital, the Agency for Health Care Administration shall use the average of the audited disproportionate share data for the years available. A hospital's total charity care days weighted by a factor of 4.5, plus its total Medicaid days weighted by a factor of 1, shall be equal to or greater than 10 percent of its total adjusted patient days.~~

~~(c) Additionally, In accordance with s. 1923(b) of the Social Security Act the seventh federal Omnibus Budget Reconciliation Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.~~

~~(3) In computing the disproportionate share rate:~~

~~(a) Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 170 percent.~~

~~(b) The agency shall use 1994 audited financial data for the calculation of disproportionate share payments under this section.~~

~~(e) If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars distributed from the trust fund do not exceed the total amount appropriated.~~

~~(d) The total amount calculated to be distributed under this section shall be made in quarterly payments subsequent to each quarter during the fiscal year.~~

~~(3)(4) Hospitals that qualify for a disproportionate share payment solely under paragraph (2)(c) shall have their payment calculated in accordance with the following formulas:~~

$$\begin{aligned} \text{DSHP} &= (\text{HMD}/\text{TSMD}) \times \$1 \text{ million} \\ \text{TAA} &= \text{TA} \times (1/5.5) \\ \text{DSHP} &= (\text{HMD}/\text{TSMD}) \times \text{TAA} \end{aligned}$$

Where:

- TAA = total amount available.
- TA = total appropriation.
- DSHP = disproportionate share hospital payment.
- HMD = hospital Medicaid days.
- TSMD = total state Medicaid days.

~~(4) The following formulas shall be used to pay disproportionate share dollars to public hospitals:~~

~~(a) For state mental health hospitals:~~

$$\text{DSHP} = (\text{HMD}/\text{TMDMH}) \times \text{TAAMH}$$

~~The total amount available for the state mental health hospitals shall be the difference between the federal cap for Institutions for Mental Diseases and the amounts paid under the mental health disproportionate share program.~~

Where:

- DSHP = disproportionate share hospital payment.
- HMD = hospital Medicaid days.
- TMDMH = total Medicaid days for state mental health hospitals.
- TAAMH = total amount available for mental health hospitals.

~~(b) For nonstate government owned or operated hospitals with 3,200 or more Medicaid days:~~

$$\begin{aligned} \text{DSHP} &= [(.82 \times \text{HCCD}/\text{TCCD}) + (.18 \times \text{HMD}/\text{TMD})] \times \text{TAAPH} \\ \text{TAAPH} &= \text{TAA} - \text{TAAMH} - 1,400,000 \end{aligned}$$

Where:

- DSHP = disproportionate share hospital payments.
- HCCD = hospital charity care dollars.
- TCCD = total charity care dollars for public nonstate hospitals.
- HMD = hospital Medicaid days.
- TMD = total Medicaid days for public nonstate hospitals.
- TAAPH = total amount available for public hospitals.
- TAA = total available appropriation.
- TAAMH = total amount available for mental health hospitals.

~~(c) For nonstate government owned or operated hospitals with less than 3,200 Medicaid days, a total of \$400,000 shall be distributed equally among these hospitals.~~

~~(5) The following formula shall be utilized by the agency to determine the maximum disproportionate share rate to be used to increase the Medicaid per diem rate for hospitals that qualify pursuant to paragraphs (2)(a) and (b):~~

$$\begin{aligned} \text{DSR} &= \frac{\text{CCD}}{\text{APD}} \times 4.5 + \frac{\text{MD}}{\text{APD}} \end{aligned}$$

Where:

- APD = adjusted patient days.
- CCD = charity care days.

~~DSR = disproportionate share rate.~~  
~~MD = Medicaid days.~~

~~(6)(a) To calculate the total amount earned by all hospitals under this section, hospitals with a disproportionate share rate less than 50 percent shall divide their Medicaid days by four, and hospitals with a disproportionate share rate greater than or equal to 50 percent and with greater than 40,000 Medicaid days shall multiply their Medicaid days by 1.5, and the following formula shall be used by the agency to calculate the total amount earned by all hospitals under this section:~~

$$\text{TAE} = \text{BMPD} \times \text{MD} \times \text{DSP}$$

Where:

- TAE = total amount earned.
- BMPD = base Medicaid per diem.
- MD = Medicaid days.
- DSP = disproportionate share percentage.

~~(5)(b) In no case shall total payments to a hospital under this section, with the exception of public nonstate facilities or state facilities, exceed the total amount of uncompensated charity care of the hospital, as determined by the agency according to the most recent calendar year audited data available at the beginning of each state fiscal year.~~

~~(7) The following criteria shall be used in determining the disproportionate share percentage:~~

~~(a) If the disproportionate share rate is less than 10 percent, the disproportionate share percentage is zero and there is no additional payment.~~

~~(b) If the disproportionate share rate is greater than or equal to 10 percent, but less than 20 percent, then the disproportionate share percentage is 1.8478498.~~

~~(c) If the disproportionate share rate is greater than or equal to 20 percent, but less than 30 percent, then the disproportionate share percentage is 3.4145488.~~

~~(d) If the disproportionate share rate is greater than or equal to 30 percent, but less than 40 percent, then the disproportionate share percentage is 6.3095734.~~

~~(e) If the disproportionate share rate is greater than or equal to 40 percent, but less than 50 percent, then the disproportionate share percentage is 11.6591440.~~

~~(f) If the disproportionate share rate is greater than or equal to 50 percent, but less than 60 percent, then the disproportionate share percentage is 73.5642254.~~

~~(g) If the disproportionate share rate is greater than or equal to 60 percent but less than 72.5 percent, then the disproportionate share percentage is 135.9356391.~~

~~(h) If the disproportionate share rate is greater than or equal to 72.5 percent, then the disproportionate share percentage is 170.~~

~~(8) The following formula shall be used by the agency to calculate the total amount earned by all hospitals under this section:~~

$$\text{TAE} = \text{BMPD} \times \text{MD} \times \text{DSP}$$

Where:

- TAE = total amount earned.
- BMPD = base Medicaid per diem.
- MD = Medicaid days.
- DSP = disproportionate share percentage.

~~(6)(9) The agency is authorized to receive funds from local governments and other local political subdivisions for the purpose of making payments, including federal matching funds, through the Medicaid disproportionate share program. Funds received from local governments for this purpose shall be separately accounted for and shall not be commingled with other state or local funds in any manner.~~

~~(7)(10) Payments made by the agency to hospitals eligible to participate in this program shall be made in accordance with federal rules and regulations.~~

~~(a) If the Federal Government prohibits, restricts, or changes in any manner the methods by which funds are distributed for this program, the agency shall not distribute any additional funds and shall return all funds to the local government from which the funds were received, except as provided~~

in paragraph (b).

(b) If the Federal Government imposes a restriction that still permits a partial or different distribution, the agency may continue to disburse funds to hospitals participating in the disproportionate share program in a federally approved manner, provided:

1. Each local government which contributes to the disproportionate share program agrees to the new manner of distribution as shown by a written document signed by the governing authority of each local government; and

2. The Executive Office of the Governor, the Office of Planning and Budgeting, the House of Representatives, and the Senate are provided at least 7 days' prior notice of the proposed change in the distribution, and do not disapprove such change.

(c) No distribution shall be made under the alternative method specified in paragraph (b) unless all parties agree or unless all funds of those parties that disagree which are not yet disbursed have been returned to those parties.

(8)(44) Notwithstanding the provisions of chapter 216, the Executive Office of the Governor is hereby authorized to establish sufficient trust fund authority to implement the disproportionate share program.

Section 9. Subsections (1) and (2) of section 409.912, Florida Statutes, are amended to read:

409.912 Disproportionate share program for regional perinatal intensive care centers.--In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall design and implement a system of making disproportionate share payments to those hospitals that participate in the regional perinatal intensive care center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. 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 regional perinatal intensive care center program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a regional perinatal intensive care center.
HDSP = the prior state fiscal year regional perinatal intensive care center disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year total regional perinatal intensive care center disproportionate share payments to all hospitals.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

TA = total appropriation for the regional perinatal intensive care center disproportionate share program.

TAE = DSR x BMPD x MD

Where:

TAE = total amount earned by a regional perinatal intensive care center.

DSR = disproportionate share rate.

BMPD = base Medicaid per diem.

MD = Medicaid days.

(2) The total additional payment for hospitals that participate in the regional perinatal intensive care center program shall be calculated by the agency as follows:

TAP = (TAE x TA) / STAE

Where:

TAP = total additional payment for a regional perinatal intensive care center.

TAE = total amount earned by a regional perinatal intensive care center.

STAE = sum of total amount earned by each hospital that participates in the regional perinatal intensive care center program.

TA = total appropriation for the regional perinatal intensive care disproportionate share program.

Section 10. Section 409.9117, Florida Statutes, is amended to read:
409.9117 Primary care disproportionate share program.--

(1) If federal funds are available for disproportionate share programs in addition to those otherwise provided by law, there shall be created a primary care disproportionate share program.

(2) The following formula shall be used by the agency to calculate the total amount earned for hospitals that participate in the primary care disproportionate share program:

TAE = HDSP/THDSP

Where:

TAE = total amount earned by a hospital participating in the primary care disproportionate share program.

HDSP = the prior state fiscal year primary care disproportionate share payment to the individual hospital.

THDSP = the prior state fiscal year to primary care disproportionate share payments to all hospitals.

(3) The total additional payment for hospitals that participate in the primary care disproportionate share program shall be calculated by the agency as follows:

TAP = TAE x TA

Where:

TAP = total additional payment for a primary care hospital.

TAE = total amount earned by a primary care hospital.

TA = total appropriation for the primary care disproportionate share program.

(4)(2) In the establishment and funding of this program, the agency shall use the following criteria in addition to those specified in s. 409.911.5. Payments may not be made to a hospital unless the hospital agrees to:

(a) Cooperate with a Medicaid prepaid health plan, if one exists in the community.

(b) Ensure the availability of primary and specialty care physicians to Medicaid recipients who are not enrolled in a prepaid capitated arrangement and who are in need of access to such physicians.

(c) Coordinate and provide primary care services free of charge, except copayments, to all persons with incomes up to 100 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, and to provide such services based on a sliding fee scale to all persons with incomes up to 200 percent of the federal poverty level who are not otherwise covered by Medicaid or another program administered by a governmental entity, except that eligibility may be limited to persons who reside within a more limited area, as agreed to by the agency and the hospital.

(d) Contract with any federally qualified health center, if one exists within the agreed geopolitical boundaries, concerning the provision of primary care services, in order to guarantee delivery of services in a nonduplicative fashion, and to provide for referral arrangements, privileges, and admissions, as appropriate. The hospital shall agree to provide at an onsite or offsite facility primary care services within 24 hours to which all Medicaid recipients and persons eligible under this paragraph who do not require emergency room services are referred during normal daylight hours.

(e) Cooperate with the agency, the county, and other entities to ensure the provision of certain public health services, case management, referral and acceptance of patients, and sharing of epidemiological data, as the agency and the hospital find mutually necessary and desirable to promote and protect the public health within the agreed geopolitical boundaries.

(f) In cooperation with the county in which the hospital resides, develop a low-cost, outpatient, prepaid health care program to persons who are not

eligible for the Medicaid program, and who reside within the area.

(g) Provide inpatient services to residents within the area who are not eligible for Medicaid or Medicare, and who do not have private health insurance, regardless of ability to pay, on the basis of available space, except that nothing shall prevent the hospital from establishing bill collection programs based on ability to pay.

(h) Work with the ~~Florida Healthy Kids Corporation~~, the Florida Health Care Purchasing Cooperative, and business health coalitions, as appropriate, to develop a feasibility study and plan to provide a low-cost comprehensive health insurance plan to persons who reside within the area and who do not have access to such a plan.

(i) Work with public health officials and other experts to provide community health education and prevention activities designed to promote healthy lifestyles and appropriate use of health services.

(j) Work with the local health council to develop a plan for promoting access to affordable health care services for all persons who reside within the area, including, but not limited to, public health services, primary care services, inpatient services, and affordable health insurance generally.

Any hospital that fails to comply with any of the provisions of this subsection, or any other contractual condition, may not receive payments under this section until full compliance is achieved.

Section 11. Section 409.9119, Florida Statutes, is amended to read:

409.9119 Disproportionate share program for specialty hospitals for children.--In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall develop and implement a system under which disproportionate share payments are made to those hospitals that are licensed by the state as specialty hospitals for children and were licensed on January 1, 2000, as specialty hospitals for children. This system of payments must conform to federal requirements and must distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals that serve a disproportionate share of low-income patients. Payments are subject to specific appropriations in the General Appropriations Act.

(1) The agency shall use the following formula to calculate the total amount earned for hospitals that participate in the specialty hospital for children disproportionate share program:

$$TAE = DSR \times BMPD \times MD$$

Where:

- TAE = total amount earned by a specialty hospital for children.
- DSR = disproportionate share rate.
- BMPD = base Medicaid per diem.
- MD = Medicaid days.

(2) The agency shall calculate the total additional payment for hospitals that participate in the specialty hospital for children disproportionate share program as follows:

$$TAP = \frac{TAE \times TA}{STAE}$$

Where:

- TAP = total additional payment for a specialty hospital for children.
- TAE = total amount earned by a specialty hospital for children.
- TA = total appropriation for the specialty hospital for children disproportionate share program.
- STAE = sum of total amount earned by each hospital that participates in the specialty hospital for children disproportionate share program.

(3) A hospital may not receive any payments under this section until it achieves full compliance with the applicable rules of the agency. A hospital that is not in compliance for two or more consecutive quarters may not receive its share of the funds. Any forfeited funds must be distributed to the remaining participating specialty hospitals for children that are in compliance.

Section 12. Paragraph (d) of subsection (3) of section 409.912, Florida Statutes, is amended, and subsection (41) is added to said section, to read:

409.912 Cost-effective purchasing of health care.--The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may establish prior authorization requirements for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(3) The agency may contract with:

(d) ~~A provider network. No more than four provider service networks for demonstration projects to test Medicaid direct contracting. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 4 years from the date of implementation.~~

(41) The agency may contract on a prepaid or fixed-sum basis with an appropriately licensed prepaid dental health plan to provide Medicaid covered dental services to child or adult Medicaid recipients.

Section 13. Paragraphs (f) and (k) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.--

(2)

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of ~~40~~ 45 percent in MediPass and ~~60~~ 55 percent in managed care plans is achieved. Once this enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a ~~40~~ 45 percent and ~~60~~ 55 percent proportion, respectively. Thereafter, assignment of Medicaid recipients who fail to make a choice shall be based proportionally on the preferences of recipients who have made a choice in the previous period. Such proportions shall be revised at least quarterly to reflect an update of the preferences of Medicaid recipients. The agency shall disproportionately assign Medicaid-eligible recipients who are required to but have failed to make a choice of managed care plan or MediPass, including children, and who are to be assigned to the MediPass program to children's networks as described in s. 409.912(3)(g), Children's Medical Services network as defined in s. 391.021, exclusive provider organizations, provider service networks, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act, in such manner as the agency deems appropriate, until the agency has determined that the networks and programs have sufficient numbers to be economically operated. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes health maintenance organizations, exclusive provider organizations, provider service networks, minority physician networks, Children's Medical Services network, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. Beginning July 1, 2002, the agency shall assign all

children in families who have not made a choice of a managed care plan or MediPass in the required timeframe to a pediatric emergency room diversion program described in s. 409.912(3)(g) that, as of July 1, 2002, has executed a contract with the agency, until such network or program has reached an enrollment of 15,000 children. Once that minimum enrollment level has been reached, the agency shall assign children who have not chosen a managed care plan or MediPass to the network or program in a manner that maintains the minimum enrollment in the network or program at not less than 15,000 children. To the extent practicable, the agency shall also assign all eligible children in the same family to such network or program. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

(k) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan, except in those counties in which there are fewer than two managed care plans accepting Medicaid enrollees, in which case assignment shall be to a managed care plan or a MediPass provider. Medicaid recipients in counties with fewer than two managed care plans accepting Medicaid enrollees who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an enrollment of ~~40~~ ~~45~~ percent in MediPass and ~~60~~ ~~55~~ percent in managed care plans is achieved. Once that enrollment is achieved, the assignments shall be divided in order to maintain an enrollment in MediPass and managed care plans which is in a ~~40~~ ~~45~~ percent and ~~60~~ ~~55~~ percent proportion, respectively. In geographic areas where the agency is contracting for the provision of comprehensive behavioral health services through a capitated prepaid arrangement, recipients who fail to make a choice shall be assigned equally to MediPass or a managed care plan. For purposes of this paragraph, when referring to assignment, the term "managed care plans" includes exclusive provider organizations, provider service networks, Children's Medical Services network, minority physician networks, and pediatric emergency department diversion programs authorized by this chapter or the General Appropriations Act. When making assignments, the agency shall take into account the following criteria:

1. A managed care plan has sufficient network capacity to meet the need of members.

2. The managed care plan or MediPass has previously enrolled the recipient as a member, or one of the managed care plan's primary care providers or MediPass providers has previously provided health care to the recipient.

3. The agency has knowledge that the member has previously expressed a preference for a particular managed care plan or MediPass provider as indicated by Medicaid fee-for-service claims data, but has failed to make a choice.

4. The managed care plan's or MediPass primary care providers are geographically accessible to the recipient's residence.

5. The agency has authority to make mandatory assignments based on quality of service and performance of managed care plans.

Section 14. Subsections (8) and (28) of section 409.913, Florida Statutes, are amended to read:

409.913 Oversight of the integrity of the Medicaid program.--The agency shall operate a program to oversee the activities of Florida Medicaid recipients, and providers and their representatives, to ensure that fraudulent and abusive behavior and neglect of recipients occur to the minimum extent possible, and to recover overpayments and impose sanctions as appropriate. Beginning January 1, 2003, and each year thereafter, the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs shall submit a joint report to the Legislature documenting the effectiveness of the state's

efforts to control Medicaid fraud and abuse and to recover Medicaid overpayments during the previous fiscal year. The report must describe the number of cases opened and investigated each year; the sources of the cases opened; the disposition of the cases closed each year; the amount of overpayments alleged in preliminary and final audit letters; the number and amount of fines or penalties imposed; any reductions in overpayment amounts negotiated in settlement agreements or by other means; the amount of final agency determinations of overpayments; the amount deducted from federal claiming as a result of overpayments; the amount of overpayments recovered each year; the amount of cost of investigation recovered each year; the average length of time to collect from the time the case was opened until the overpayment is paid in full; the amount determined as uncollectible and the portion of the uncollectible amount subsequently reclaimed from the Federal Government; the number of providers, by type, that are terminated from participation in the Medicaid program as a result of fraud and abuse; and all costs associated with discovering and prosecuting cases of Medicaid overpayments and making recoveries in such cases. The report must also document actions taken to prevent overpayments and the number of providers prevented from enrolling in or reenrolling in the Medicaid program as a result of documented Medicaid fraud and abuse and must recommend changes necessary to prevent or recover overpayments. For the 2001-2002 fiscal year, the agency shall prepare a report that contains as much of this information as is available to it.

(8) A Medicaid provider shall retain medical, professional, financial, and business records pertaining to services and goods furnished to a Medicaid recipient and billed to Medicaid for a period of 5 years after the date of furnishing such services or goods. The agency and its duly authorized agents may investigate, review, or analyze such records, which must be made available during normal business hours. However, 24-hour notice must be provided if patient treatment would be disrupted. The provider is responsible for furnishing to the agency and its duly authorized agents, and keeping the agency and its duly authorized agents informed of the location of, the provider's Medicaid-related records. The authority of the agency and its duly authorized agents to obtain Medicaid-related records from a provider is neither curtailed nor limited during a period of litigation between the agency and the provider.

(28) Notwithstanding other provisions of law, the agency and its duly authorized agents and the Medicaid Fraud Control Unit of the Department of Legal Affairs may review a provider's Medicaid-related records in order to determine the total output of a provider's practice to reconcile quantities of goods or services billed to Medicaid against quantities of goods or services used in the provider's total practice.

Section 15. 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 shall 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 16. Paragraph (b) of subsection (4) and paragraph (a) of subsection (5) of section 624.91, Florida Statutes, are amended to read:

624.91 The Florida Healthy Kids Corporation Act.--

(b) CORPORATION AUTHORIZATION, DUTIES, POWERS.--

(1) The Florida Healthy Kids Corporation shall:

1. Organize school children groups to facilitate the provision of comprehensive health insurance coverage to children.;

2. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.;

3. Arrange for the collection of any voluntary contributions to provide for payment of premiums for children who are not eligible for medical assistance under Title XXI of the Social Security Act. Each fiscal year, the corporation shall establish a local match policy for the enrollment of non-Title-XXI-eligible children in the Healthy Kids program. By May 1 of each year, the corporation shall provide written notification of the amount to be remitted to the corporation for the following fiscal year under that policy. Local match sources may include, but are not limited to, funds provided by municipalities, counties, school boards, hospitals, health care providers, charitable organizations, special taxing districts, and private organizations. The minimum local match cash contributions required each fiscal year and local match credits shall be determined by the General Appropriations Act. The corporation shall calculate a county's local match rate based upon that county's percentage of the state's total non-Title-XXI expenditures as reported in the corporation's most recently audited financial statement. In awarding the local match credits, the corporation may consider factors including, but not limited to, population density, per capita income, and existing child-health-related expenditures and services.;

4. Accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional coverage in contributing counties under Title XXI.;

5. Establish the administrative and accounting procedures for the operation of the corporation.;

6. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children; provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.;

7. Establish eligibility criteria which children must meet in order to participate in the program.;

8. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.;

9. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation.;

10. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.;

11. If a space is available, establish a special open enrollment period of 30 days' duration for any child who is enrolled in Medicaid or Medikids if such child loses Medicaid or Medikids eligibility and becomes eligible for the Florida Healthy Kids program.;

12. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants.

a. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process that utilizes as the maximum payable rate the current Medicaid reimbursement being paid by the Agency for Health Care Administration to its managed care plans for the same age population, risk-adjusted for the Healthy Kids population and adjusted for enrollee demographics, services covered by the proposed rate, utilization, and inflation. Healthy Kids shall neither enter a contract nor renew a contract that has administrative costs greater than 15 percent.

b. Enrollees shall be enrolled with the selected health plan or plans in their county. If no qualified bidder submits a proposal utilizing the rate, then enrollees in the Healthy Kids program may receive services through the Medikids program. If the corporation delivers services through the Medikids option, the corporation shall establish an appropriate level of reserves in which to pay claims. The amount of the reserves shall be appropriate for the

number of enrollees accessing services through this option and will be actuarially reviewed for soundness and approved by the Department of Financial Services.

c. Implementation of the process described in sub-subparagraphs a. and b. shall begin on July 1, 2003, or at renewal of each insurer's current contract, but shall be completed statewide no later than September 30, 2004. The term "renewal" includes contract options and option years.

d. Dental services shall be provided to Healthy Kids enrollees using the administrative structure and provider network of the Medicaid program. The selection of health plans shall be based primarily on quality criteria established by the board.

The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.;

13. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.;

14. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.;

15. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.;

16. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation.;

17. Provide a report annually to the Governor, Chief Financial Officer, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives.;

18. Each fiscal year, establish a maximum number of participants, on a statewide basis, who may enroll in the program. ~~and~~

19. Establish eligibility criteria, premium and cost-sharing requirements, and benefit packages which conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.820.

(5) BOARD OF DIRECTORS.--

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the Chief Financial Officer or her or his designee, and composed of ~~6~~ 4 other members selected for 3-year terms of office as follows:

1. One member, appointed by the Chief Financial Officer, who represents the Office of Insurance Regulation, Commissioner of Education from among three persons nominated by the Florida Association of School Administrators;

~~2. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Boards;~~

~~3. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education;~~

~~4. One member appointed by the Governor from among three members nominated by the Florida Pediatric Society;~~

~~2.5.~~ One member, appointed by the Governor, who represents the Children's Medical Services Program and the Department of Health.;

~~6. One member appointed by the Chief Financial Officer from among three members nominated by the Florida Hospital Association;~~

~~7. Two members, appointed by the Chief Financial Officer, who are representatives of authorized health care insurers or health maintenance organizations;~~

~~3.8.~~ One member, appointed by the Chief Financial Officer, who represents the Institute for Child Health Policy.;

~~9. One member, appointed by the Governor, from among three members nominated by the Florida Academy of Family Physicians;~~

~~4.10.~~ One member, appointed by the Governor, who represents the Agency for Health Care Administration.;

~~5.11.~~ One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties, representing rural counties.;

~~6.12.~~ One member, appointed by the Governor, from among three members nominated by the Florida Association of Counties, representing



urban counties, and

~~13. The State Health Officer or her or his designee.~~

Section 17. The provisions of this act which would require changes to the contracts in existence on June 30, 2003, between the Florida Healthy Kids Corporation and its contracted providers shall be applied to such contracts upon the renewal of the contracts, but no later than September 30, 2004. The term "renewal" includes contract options and option years.

Section 18. Section 57 of chapter 98-288, Laws of Florida, is repealed.

Section 19. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 20. Except as otherwise provided herein, this act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to health care; amending s. 400.179, F.S.; retaining a fee against leasehold licensees to meet bonding requirements to cover Medicaid underpayments and overpayments; amending s. 409.811, F.S.; defining "managed care plan" for purposes of the Florida Kidcare Act; amending s. 409.8132, F.S.; providing a cross reference; amending s. 409.901, F.S.; revising the definition of "third party"; amending s. 409.904, F.S.; revising eligibility requirements for certain optional payments for medical assistance and related services; amending s. 409.906, F.S.; revising requirements for payment of optional Medicaid services; limiting provision of dental, hearing, and visual services; amending s. 409.9081, F.S.; providing coinsurance requirements for prescription drugs; providing copayment requirements for hospital outpatient emergency department services; amending s. 409.911, F.S.; revising formulas for payment under the disproportionate share program; revising definitions; providing for use of audited data; amending s. 409.9112, F.S.; revising formulas for payment under the disproportionate share program for regional perinatal intensive care centers; amending s. 409.9117, F.S.; revising formulas for payment under the primary care disproportionate share program; revising criteria for such payments; amending s. 409.9119, F.S.; revising criteria for payment under the disproportionate share program for specialty hospitals for children; amending s. 409.912, F.S.; providing for the Agency for Health Care Administration to contract with a service network; deleting provisions for service network demonstration projects; providing for contracting to provide Medicaid covered dental services; amending s. 409.9122, F.S.; revising provisions for assignment to a managed care plan by the agency; amending s. 409.913, F.S.; providing for oversight of Medicaid by authorized agents of the Agency for Health Care Administration; amending s. 430.502, F.S.; requiring the Agency for Health Care Administration and the Department of Elderly Affairs 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. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation; revising membership of the board of directors of the corporation; providing for application of the act to existing contracts between the Florida Healthy Kids Corporation and its contracted providers; repealing s. 57, ch. 98-288, Laws of Florida, relating to future review and repeal of the "Florida Kidcare Act" based on specified changes in federal policy; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

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

On motion by Rep. Green, the rules were waived and SB 22-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 550

Rep. Goodlette in the Chair.

Yeas—110

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

Nays—1

Bucher

Votes after roll call:

Yeas—Ambler, Galvano, Hasner, Sobel  
Yeas to Nays—Richardson

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

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 8-A and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations and Senator Pruitt—

**CS for SB 8-A**—A bill to be entitled An act relating to trust funds; amending s. 215.20, F.S.; revising the formula for contribution by certain trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain trust funds and revenues from the appropriation required by s. 215.20, F.S.; amending s. 18.10, F.S.; appropriating certain earnings on investments to the General Revenue Fund; amending s. 18.125, F.S.; providing for the method of investment, and the disposition of interest earned on such investment, of certain trust fund moneys of specified agencies; amending s. 14.2015, F.S.; revising disposition of certain interest earned by the Office of Tourism, Trade, and Economic Development; amending s. 1009.66, F.S.; revising disposition of interest earned on Nursing Student Loan Forgiveness Trust Fund moneys; amending s. 385.207, F.S.; revising disposition of interest earned on Epilepsy Services Trust Fund moneys; amending s. 938.01, F.S.; revising disposition of interest earned on specified trust funds of the Department of Law Enforcement and Department of Children and Family Services; reenacting s. 215.32, F.S., relating to segregation of state funds; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the first time by title. On motion by Rep. Kyle, the rules were waived and the bill was read the second time by title.

Representative Kyle offered the following:

(Amendment Bar Code: 579039)

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

and insert:

Section 1. Section 215.20, Florida Statutes, as amended by section 61 of chapter 2002-402, Laws of Florida, is amended to read:

(Substantial rewording of section. See s. 215.20, F.S., for present text.)

**215.20** Certain income and certain trust funds to contribute to the General Revenue Fund.--

(1) A service charge of 7 percent, representing the estimated pro rata share of the cost of general government paid from the General Revenue Fund, is hereby appropriated from all income of a revenue nature deposited in all trust funds except those enumerated in s. 215.22. Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(2) Notwithstanding the provisions of subsection (1):

(a) The trust funds of the Department of Citrus and the Department of Agriculture and Consumer Services, including funds collected in the General Inspection Trust Fund for marketing orders and in the Florida Citrus Advertising Trust Fund, shall be subject to a 3-percent service charge, which is hereby appropriated to the General Revenue Fund. This paragraph does not apply to the Conservation and Recreation Lands Program Trust Fund, the Florida Quarter Horse Racing Promotion Trust Fund, the Citrus Inspection Trust Fund, the Florida Forever Program Trust Fund, the Florida Preservation 2000 Trust Fund, the Market Improvements Working Capital Trust Fund, the Pest Control Trust Fund, the Plant Industry Trust Fund, or other funds collected in the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

(b) The Save the Manatee Trust Fund in the Fish and Wildlife Conservation Commission shall be subject to a 3-percent service charge, which is hereby appropriated to the General Revenue Fund.

(3) A service charge of 0.3 percent is hereby appropriated from income of a revenue nature deposited in the trust funds enumerated in subsection (4). Income of a revenue nature shall include all earnings received or credited by such trust funds, including the interest or benefit received from the investment of the principal of such trust funds as may be permitted by law. This provision shall be construed in favor of the General Revenue Fund in each instance. All such appropriations shall be deposited in the General Revenue Fund.

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the appropriations authorized by subsection (3) shall be made:

(a) Within the Agency for Health Care Administration:

1. The Florida Organ and Tissue Donor Education and Procurement Trust Fund.

2. The Health Care Trust Fund.

3. The Resident Protection Trust Fund.

(b) Within the Agency for Workforce Innovation, the Employment Security Administration Trust Fund.

(c) Within the Department of Agriculture and Consumer Services:

1. The Conservation and Recreation Lands Program Trust Fund.

2. The Florida Quarter Horse Racing Promotion Trust Fund.

3. The General Inspection Trust Fund and subsidiary accounts thereof, unless a different percentage is authorized by s. 570.20.

(d) Within the Department of Business and Professional Regulation:

1. The Administrative Trust Fund.

2. The Alcoholic Beverage and Tobacco Trust Fund.

3. The Cigarette Tax Collection Trust Fund.

4. The Division of Florida Land Sales, Condominiums, and Mobile Homes

Trust Fund.

5. The Hotel and Restaurant Trust Fund, with the exception of those fees collected for the purpose of funding of the hospitality education program as stated in s. 509.302.

6. The Professional Regulation Trust Fund.

7. The trust funds administered by the Division of Pari-mutuel Wagering.

(e) Within the Department of Children and Family Services:

1. The Administrative Trust Fund.

2. The Child Welfare Training Trust Fund.

3. The Children and Adolescents Substance Abuse Trust Fund.

4. The Domestic Violence Trust Fund.

5. The Grants and Donations Trust Fund.

6. The Operations and Maintenance Trust Fund.

(f) Within the Department of Citrus, the Florida Citrus Advertising Trust Fund, including transfers from any subsidiary accounts thereof, unless a different percentage is authorized in s. 601.15(7).

(g) Within the Department of Community Affairs, the Operating Trust Fund.

(h) Within the Department of Education:

1. The Educational Certification and Service Trust Fund.

2. The Phosphate Research Trust Fund.

(i) Within the Department of Elderly Affairs:

1. The Administrative Trust Fund.

2. The Federal Grants Trust Fund.

3. The Grants and Donations Trust Fund.

4. The Operations and Maintenance Trust Fund.

(j) Within the Department of Environmental Protection:

1. The Administrative Trust Fund.

2. The Air Pollution Control Trust Fund.

3. The Conservation and Recreation Lands Trust Fund.

4. The Ecosystem Management and Restoration Trust Fund.

5. The Environmental Laboratory Trust Fund.

6. The Florida Coastal Protection Trust Fund.

7. The Florida Permit Fee Trust Fund.

8. The Forfeited Property Trust Fund.

9. The Grants and Donations Trust Fund.

10. The Inland Protection Trust Fund.

11. The Internal Improvement Trust Fund.

12. The Land Acquisition Trust Fund.

13. The Minerals Trust Fund.

14. The Nonmandatory Land Reclamation Trust Fund.

15. The State Park Trust Fund.

16. The Water Quality Assurance Trust Fund.

17. The Working Capital Trust Fund.

(k) Within the Department of Financial Services:

1. The Agents and Solicitors County Tax Trust Fund.

2. The Insurance Regulatory Trust Fund.

3. The Special Disability Trust Fund.

4. The Special Employment Security Administration Trust Fund.

5. The Workers' Compensation Administration Trust Fund.

(l) Within the Department of Health:

1. The Administrative Trust Fund.

2. The Brain and Spinal Cord Injury Program Trust Fund.

3. The Donations Trust Fund.

4. The Emergency Medical Services Trust Fund.

5. The Epilepsy Services Trust Fund.

6. The Florida Drug, Device, and Cosmetic Trust Fund.

7. The Grants and Donations Trust Fund.

8. The Medical Quality Assurance Trust Fund.

9. The Nursing Student Loan Forgiveness Trust Fund.

10. The Planning and Evaluation Trust Fund.

11. The Radiation Protection Trust Fund.

(m) Within the Department of Highway Safety and Motor Vehicles, the DUI Programs Coordination Trust Fund.

(n) Within the Department of Legal Affairs, the Crimes Compensation Trust Fund.

(o) Within the Department of Management Services:

1. The Administrative Trust Fund.

2. The Architects Incidental Trust Fund.

3. The Bureau of Aircraft Trust Fund.

4. The Florida Facilities Pool Working Capital Trust Fund.
5. The Grants and Donations Trust Fund.
6. The Motor Vehicle Operating Trust Fund.
7. The Police and Firefighters' Premium Tax Trust Fund.
8. The Public Employees Relations Commission Trust Fund.
9. The State Personnel System Trust Fund.
10. The Supervision Trust Fund.
11. The Working Capital Trust Fund.
- (p) Within the Department of Revenue:
  1. The Additional Court Cost Clearing Trust Fund.
  2. The Administrative Trust Fund.
  3. The Apalachicola Bay Oyster Surcharge Clearing Trust Fund.
  4. The Certification Program Trust Fund.
  5. The Fuel Tax Collection Trust Fund.
  6. The Land Reclamation Trust Fund.
  7. The Local Alternative Fuel User Fee Clearing Trust Fund.
  8. The Local Option Fuel Tax Trust Fund.
  9. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
  10. The Motor Vehicle Warranty Trust Fund.
  11. The Oil and Gas Tax Trust Fund.
  12. The Secondhand Dealer and Secondary Metals Recycler Clearing Trust Fund.
  13. The Severance Tax Solid Mineral Trust Fund.
  14. The State Alternative Fuel User Fee Clearing Trust Fund.
  15. All taxes levied on motor fuels other than gasoline levied pursuant to the provisions of s. 206.87(1)(a).
- (q) Within the Department of State:
  1. The Division of Licensing Trust Fund.
  2. The Records Management Trust Fund.
  3. The trust funds administered by the Division of Historical Resources.
- (r) Within the Department of Transportation, all income derived from outdoor advertising and overweight violations which is deposited in the State Transportation Trust Fund.
- (s) Within the Department of Veterans' Affairs:
  1. The Grants and Donations Trust Fund.
  2. The Operations and Maintenance Trust Fund.
  3. The State Homes for Veterans Trust Fund.
- (t) Within the Division of Administrative Hearings, the Administrative Trust Fund.
- (u) Within the Fish and Wildlife Conservation Commission:
  1. The Conservation and Recreation Lands Program Trust Fund.
  2. The Florida Panther Research and Management Trust Fund.
  3. The Land Acquisition Trust Fund.
  4. The Marine Resources Conservation Trust Fund, with the exception of those fees collected for recreational saltwater fishing licenses as provided in s. 372.57.
- (v) Within the Florida Public Service Commission, the Florida Public Service Regulatory Trust Fund.
- (w) Within the Justice Administrative Commission, the Indigent Criminal Defense Trust Fund.
- (x) Within the Office of Financial Regulation of the Financial Services Commission:
  1. The Administrative Trust Fund.
  2. The Anti-Fraud Trust Fund.
  3. The Financial Institutions' Regulatory Trust Fund.
  4. The Mortgage Brokerage Guaranty Fund.
  5. The Regulatory Trust Fund.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

(5) There is appropriated from the proper respective trust funds from time to time such sums as may be necessary to pay to the General Revenue Fund the service charges imposed by this section.

Section 2. Subsection (1) of section 215.22, Florida Statutes, as amended by section 63 of chapter 2002-402, Laws of Florida, is amended to read:

215.22 Certain income and certain trust funds exempt.--

(1) The following income of a revenue nature or the following trust funds shall be exempt from the ~~appropriation deduction~~ required by s. 215.20(1):

- (a) Student financial aid or prepaid tuition receipts.
- (b) Trust funds administered by the Department of the Lottery.
- (c) Departmental administrative assessments for administrative divisions.
- (d) Funds charged by a state agency for services provided to another state agency, by a state agency for services provided to the judicial branch, or by the judicial branch for services provided to a state agency.
- (e) State, agency, or political subdivision investments by the ~~Chief Financial Officer~~ ~~Treasurer~~.
- (f) Retirement or employee benefit funds.
- (g) Self-insurance programs administered by the ~~Chief Financial Officer~~ ~~Treasurer~~.
- (h) Funds held for the payment of citrus canker eradication and compensation.
- (i) Medicaid, Medicare, or third-party receipts for client custodial care.
- (j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.
- (k) Trust funds administered by the Department of Education.
- (l) Trust funds administered by the Department of Transportation.
- (m) The following trust funds administered by the Department of Agriculture and Consumer Services:-
  1. The Citrus Inspection Trust Fund.
  2. The Florida Forever Program Trust Fund.
  3. The Florida Preservation 2000 Trust Fund.
  4. The Market Improvements Working Capital Trust Fund.
  5. The Pest Control Trust Fund.
  6. The Plant Industry Trust Fund.
- (n) The Motor Vehicle License Clearing Trust Fund.
- (o) The Solid Waste Management Trust Fund.
- (p) The Coconut Grove Playhouse Trust Fund.
- (q) The Communications Working Capital Trust Fund of the Department of Management Services.
- (r) The Camp Blanding Management Trust Fund.
- ~~(s) The Indigent Criminal Defense Trust Fund.~~
- ~~(s)(4)~~ That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c).
- ~~(u) The Save the Manatee Trust Fund.~~
- ~~(t)(4)~~ Tobacco Settlement Trust Funds administered by any agency.
- ~~(u)(4)~~ The Save Our Everglades Trust Fund.
- ~~(v)(4)~~ The Florida Center for Nursing Trust Fund.

Section 3. Section 18.10, Florida Statutes, is renumbered as section 17.57, Florida Statutes, and subsection (4) of said section, as amended by section 65 of chapter 2002-402, Laws of Florida, is amended to read:

~~17.57 18.10~~ Deposits and investments of state money.--

(4) All earnings on any investments made pursuant to this section ~~are hereby appropriated~~ ~~shall be credited~~ to the General Revenue Fund, except that earnings attributable to moneys made available pursuant to ~~s. 17.61(3)(a) and (b) s. 18.125(3)~~ shall be credited pro rata to the funds from which such moneys were made available.

Section 4. Section 18.125, Florida Statutes, is renumbered as section 17.61, Florida Statutes, and subsection (3) of said section, as amended by section 67 of chapter 2002-402, Laws of Florida, is amended to read:

~~17.61 18.125~~ ~~Chief Financial Officer~~ ~~Treasurer~~, powers and duties in the investment of certain funds.--

(3)(a) Except as otherwise provided in this subsection, it is the duty of each state agency, and of the judicial branch, now or hereafter charged with the administration of the funds referred to in subsection (1) to make such moneys available for investment as fully as is consistent with the cash requirements of the particular fund and to authorize investment of such moneys by the ~~Chief Financial Officer~~ ~~Treasurer~~.

(b) Monthly, and more often as circumstances require, such agency or judicial branch shall notify the ~~Chief Financial Officer~~ ~~Treasurer~~ of the amount available for investment; and the moneys shall be invested by the ~~Chief Financial Officer~~ ~~Treasurer~~. Such notification shall include the name and number of the fund for which the investments are to be made and the life of the investment if the principal sum is to be required for meeting obligations. This subsection, however, shall not be construed to make available for investment any funds other than those referred to in subsection

(1). (c) Except as provided in this paragraph and except for moneys described in paragraph (d), the following agencies shall not invest trust fund moneys as provided in this section, but shall retain such moneys in their respective trust funds for investment, with interest appropriated to the General Revenue Fund, pursuant to s. 17.57:

1. The Agency for Health Care Administration, except for the Tobacco Settlement Trust Fund.
2. The Department of Children and Family Services, except for:
  - a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
  - b. The Community Resources Development Trust Fund.
  - c. The Refugee Assistance Trust Fund.
  - d. The Social Services Block Grant Trust Fund.
  - e. The Tobacco Settlement Trust Fund.
  - f. The Working Capital Trust Fund.
3. The Department of Community Affairs, only for the Operating Trust Fund.
4. The Department of Corrections.
5. The Department of Elderly Affairs, except for:
  - a. The Federal Grants Trust Fund.
  - b. The Tobacco Settlement Trust Fund.
6. The Department of Health, except for:
  - a. The Federal Grants Trust Fund.
  - b. The Grants and Donations Trust Fund.
  - c. The Maternal and Child Health Block Grant Trust Fund.
  - d. The Tobacco Settlement Trust Fund.
7. The Department of Highway Safety and Motor Vehicles, only for:
  - a. The DUI Programs Coordination Trust Fund.
  - b. The Security Deposits Trust Fund.
8. The Department of Juvenile Justice.
9. The Department of Law Enforcement.
10. The Department of Legal Affairs.
11. The Department of State, only for:
  - a. The Grants and Donations Trust Fund.
  - b. The Records Management Trust Fund.
12. The Executive Office of the Governor, only for:
  - a. The Economic Development Transportation Trust Fund.
  - b. The Economic Development Trust Fund.
13. The Florida Public Service Commission, only for the Florida Public Service Regulatory Trust Fund.
14. The Justice Administrative Commission.
15. The state courts system.

(d) Moneys in any trust funds of the agencies in paragraph (c) may be invested pursuant to the provisions of this section if:

1. Investment of such moneys and the retention of interest is required by federal programs or mandates;
2. Investment of such moneys and the retention of interest is required by bond covenants, indentures, or resolutions;
3. Such moneys are held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; or
4. The Executive Office of the Governor determines, after consultation with the Legislature pursuant to the procedures of s. 216.177, that federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 5. Paragraph (f) of subsection (2) of section 14.2015, Florida Statutes, as amended by section 69 of chapter 2002-402, Laws of Florida, is amended to read:

14.2015 Office of Tourism, Trade, and Economic Development; creation; powers and duties.--

(2) The purpose of the Office of Tourism, Trade, and Economic Development is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to provide economic opportunities for all Floridians. To accomplish such purposes, the Office of Tourism, Trade, and Economic Development shall:

(f1). Administer the Florida Enterprise Zone Act under ss. 290.001-290.016, the community contribution tax credit program under ss. 220.183 and 624.5105, the tax refund program for qualified target industry businesses

under s. 288.106, the tax-refund program for qualified defense contractors under s. 288.1045, contracts for transportation projects under s. 288.063, the sports franchise facility program under s. 288.1162, the professional golf hall of fame facility program under s. 288.1168, the expedited permitting process under s. 403.973, the Rural Community Development Revolving Loan Fund under s. 288.065, the Regional Rural Development Grants Program under s. 288.018, the Certified Capital Company Act under s. 288.99, the Florida State Rural Development Council, the Rural Economic Development Initiative, and other programs that are specifically assigned to the office by law, by the appropriations process, or by the Governor. Notwithstanding any other provisions of law, the office may expend interest earned from the investment of program funds deposited in the ~~Economic Development Trust Fund, the Grants and Donations Trust Fund and~~ the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, ~~and the Economic Development Transportation Trust Fund~~ to contract for the administration of the programs, or portions of the programs, enumerated in this paragraph or assigned to the office by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

2. The office may enter into contracts in connection with the fulfillment of its duties concerning the Florida First Business Bond Pool under chapter 159, tax incentives under chapters 212 and 220, tax incentives under the Certified Capital Company Act in chapter 288, foreign offices under chapter 288, the Enterprise Zone program under chapter 290, the Seaport Employment Training program under chapter 311, the Florida Professional Sports Team License Plates under chapter 320, Spaceport Florida under chapter 331, Expedited Permitting under chapter 403, and in carrying out other functions that are specifically assigned to the office by law, by the appropriations process, or by the Governor.

Section 6. Subsection (7) of section 1009.66, Florida Statutes, as amended by section 71 of chapter 2002-402, Laws of Florida, by section 3 of chapter 2002-400, Laws of Florida, and by chapter 2003-1, Laws of Florida, is amended to read:

1009.66 Nursing Student Loan Forgiveness Program.--

~~(7)(a)~~ Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, public schools, county health departments, federally sponsored community health centers, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. An estimate of the annual trust fund dollars shall be made at the beginning of the fiscal year based on historic expenditures from the trust fund. Applicant requests shall be reviewed on a quarterly basis, and applicant awards shall be based on the following priority of employer until all such estimated trust funds are awarded: state-operated medical and health care facilities; public schools; county health departments; federally sponsored community health centers; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.

~~(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.~~

Section 7. Subsection (3) of section 385.207, Florida Statutes, as amended by section 73 of chapter 2002-402, Laws of Florida, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.--

(3) Revenue for statewide implementation of programs for epilepsy prevention and education pursuant to this section shall be derived pursuant to the provisions of s. 318.21(6) and shall be deposited in the Epilepsy Services Trust Fund, which is hereby established to be administered by the Department of Health. ~~All funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to such invested funds shall increase the total funds available under this subsection.~~

Section 8. Subsection (1) of section 938.01, Florida Statutes, as amended by section 77 of chapter 2002-402, Laws of Florida, is amended to read:

938.01 Additional Court Cost Clearing Trust Fund.--

(1) All courts created by Art. V of the State Constitution shall, in addition to any fine or other penalty, assess \$3 as a court cost against every person convicted for violation of a state penal or criminal statute or convicted for violation of a municipal or county ordinance. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. In addition, \$3 from every bond estreature or forfeited bail bond related to such penal statutes or penal ordinances shall be remitted to the Department of Revenue as described in this subsection. However, no such assessment may be made against any person convicted for violation of any state statute, municipal ordinance, or county ordinance relating to the parking of vehicles.

(a) All costs collected by the courts pursuant to this subsection shall be remitted to the Department of Revenue in accordance with administrative rules adopted by the executive director of the Department of Revenue for deposit in the Additional Court Cost Clearing Trust Fund. These funds and the funds deposited in the Additional Court Cost Clearing Trust Fund pursuant to s. 318.21(2)(c) shall be distributed as follows:

1. Ninety-two percent to the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

2. Six and three-tenths percent to the Department of Law Enforcement Operating Trust Fund for the Criminal Justice Grant Program.

3. One and seven-tenths percent to the Department of Children and Family Services Domestic Violence Trust Fund for the domestic violence program pursuant to s. 39.903(3).

~~(b) The funds deposited in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Department of Law Enforcement Operating Trust Fund, and the Department of Children and Family Services Domestic Violence Trust Fund may be invested. Any interest earned from investing such funds and any unencumbered funds remaining at the end of the budget cycle shall remain in the respective trust fund.~~

~~(b)(e)~~ All funds in the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund shall be disbursed only in compliance with s. 943.25(9).

Section 9. Paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted and amended to read:

215.32 State funds; segregation.--

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the ~~Chief Financial Officer Comptroller~~ may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the ~~Chief Financial Officer Comptroller~~ may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Governor or the Chief Justice.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust

fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer ~~Comptroller~~ or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 10. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 11. This act shall take effect July 1, 2003.

Remove the entire title and insert:

A bill to be entitled

An act relating to trust funds; amending s. 215.20, F.S.; revising the formula for contribution by certain trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain trust funds and revenues from the appropriation required by s. 215.20, F.S.; updating references to the Treasurer; renumbering and amending s. 18.10, F.S.; appropriating certain earnings on investments to the General Revenue Fund; renumbering and amending s. 18.125, F.S.; providing for the method of investment, and the disposition of interest earned on such investment, of certain trust fund moneys of specified agencies; updating references to the Treasurer; amending s. 14.2015, F.S.; revising disposition of certain interest earned by the Office of Tourism, Trade, and Economic Development; amending s. 1009.66, F.S.; revising disposition of interest earned on Nursing Student Loan Forgiveness Trust Fund moneys; amending s. 385.207, F.S.; revising disposition of interest earned on Epilepsy Services Trust Fund moneys; amending s. 938.01, F.S.; revising disposition of interest earned on specified trust funds of the Department of Law Enforcement and Department of Children and Family Services; reenacting and amending s. 215.32(2)(b), F.S., relating to segregation of state funds; updating references to the Comptroller; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

On motion by Rep. Kyle, the rules were waived and CS for SB 8-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 551

Rep. Goodlette in the Chair.

Yeas—80

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

Nays—34

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

Votes after roll call:

Nays—Sobel

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

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 12-A and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By Senator Clary—

**SB 12-A**—A bill to be entitled An act relating to state revenue programs; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the first time by title. On motion by Rep. Brummer, the rules were waived and the bill was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 336853)

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

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, as amended by section 1 of chapter 2002-291, Laws of Florida, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.--

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Before transferring the amount set forth in this subparagraph, the department shall distribute \$133,333 monthly to the Public

Employees Relations Commission Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1,

2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 2. Subsection (3) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.--

(3) A registration fee shall accompany each application filed with the commission. The amount charged for an application for registration or renewal of registration shall not exceed \$140 ~~\$15~~. All such money collected by the commission shall be deposited in the Public Employees Relations Commission Trust ~~General Revenue~~ Fund.

Section 3. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 4. This act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the Public Employees Relations Commission; amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

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

Representative Brummer offered the following:

(Amendment Bar Code: 611679)

**Amendment 2 (with title amendment)**—On page 2, line(s) 31,

insert:

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, as amended by section 1 of chapter 2002-291, Laws of Florida, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.--

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Before transferring the amount set forth in this subparagraph, the department shall distribute \$133,333 monthly to the Public Employees Relations Commission Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.065 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 2.25 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue

Sharing Trust Fund for Counties pursuant to s. 218.215.

6. For proceeds received after July 1, 2000, and after the distributions under subparagraphs 1., 2., 3., and 4., 1.0715 percent of the available proceeds pursuant to this paragraph shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

7. Of the remaining proceeds:

a. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment shall continue until such time that the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162; however, not more than \$208,335 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions shall begin 60 days following such certification and shall continue for not more than 30 years. Nothing contained in this paragraph shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6). However, a certified applicant is entitled to receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

8. All other proceeds shall remain with the General Revenue Fund.

Section 3. Subsection (3) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.--

(3) A registration fee shall accompany each application filed with the commission. The amount charged for an application for registration or

renewal of registration shall not exceed ~~\$140~~ ~~\$15~~. All such money collected by the commission shall be deposited in the Public Employees Relations Commission Trust General Revenue Fund.

On page 1, line(s) 7, after the semicolon, insert:  
amending s. 212.20, F.S.; providing for deposit into the Public Employees Relations Commission Trust Fund of certain proceeds of the local government half-cent sales tax that would otherwise be deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund; amending s. 447.305, F.S.; increasing the fee for registration or renewal of registration of employee organizations seeking to become certified bargaining agents for public employees; providing for deposit of the proceeds of such fees into the Public Employees Relations Commission Trust Fund;

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

On motion by Rep. Brummer, the rules were waived and SB 12-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 552

Rep. Goodlette in the Chair.

Yeas—79

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

Nays—36

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

Votes after roll call:  
Nays—Sobel

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

**Motion**

Rep. Waters moved that **CS for SB 26-A** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote.

The vote was:

Session Vote Sequence: 553

Rep. Goodlette in the Chair.

Yeas—87

Adams	Cretul	Jennings	Planas
Allen	Culp	Jordan	Poppell
Altman	Davis, D.	Joyner	Quinones
Ambler	Davis, M.	Kallinger	Reagan
Anderson	Dean	Kilmer	Richardson
Arza	Detert	Kosmas	Rivera
Attkisson	Domino	Kottkamp	Robaina
Barreiro	Evers	Kravitz	Ross
Baxley	Farkas	Kyle	Rubio
Bean	Fiorentino	Littlefield	Russell
Bense	Galvano	Llorente	Ryan
Benson	Garcia	Mack	Sansom
Berfield	Gardiner	Mahon	Simmons
Bowen	Gibson, H.	Mayfield	Slosberg
Brown	Goodlette	McInvale	Sorensen
Brummer	Green	Murman	Spratt
Brutus	Greenstein	Murzin	Stargel
Bullard	Harrell	Needelman	Troutman
Byrd	Harrington	Negron	Waters
Cantens	Hasner	Patterson	Wiles
Carroll	Holloway	Paul	Zapata
Clarke	Homan	Pickens	

Nays—25

Antone	Gelber	Machek	Smith
Bendross-Mindingall	Gibson, A.	Meadows	Stansel
Brandenburg	Gottlieb	Peterman	Vana
Bucher	Harper	Rich	Wishner
Cusack	Henriquez	Ritter	
Fields	Justice	Roberson	
Gannon	Kendrick	Seiler	

Votes after roll call:  
Nays—Sobel

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed CS for SB 26-A, and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations and Senator Webster—

**CS for SB 26-A**—A bill to be entitled An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the



Legislature; providing an effective date.

—was read the first time by title. On motion by Rep. Waters, the rules were waived and the bill was read the second time by title.

Representative Waters offered the following:

(Amendment Bar Code: 499551)

**Amendment 1 (with title amendment)**—Remove: everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.--

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, ~~together with the \$35 \$25 nonrefundable service fee imposed under s. 322.29, or presents the certificate of compliance and~~ pays the aforementioned ~~\$35 \$25~~ service fee to the clerk of the court or tax collector clearing such suspension, ~~with \$10 of the fee collected by the clerk of the court or tax collector to be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund.~~ Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 2. Subsections (2) and (3) of section 322.051, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

322.051 Identification cards.--

(2)(a) Every identification card shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. However, if an individual is 60 years of age or older, and has an identification card issued under this section, the card shall not expire unless done so by cancellation by the department or by the death of the cardholder. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received later than 90 days after expiration of the identification card shall be considered the same as an application for an original identification card. The renewal fee for an identification card shall be ~~\$10, of which \$4 shall be deposited into the General Revenue Fund and \$6 into the Highway Safety Operating Trust Fund~~ ~~\$3~~. The department shall, at the end of 4 years and 6 months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed, unless the cardholder is 60 years of age or older.

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for an identification card using a document authorized under sub-subparagraph (a)3.d., the identification card shall expire on the fourth birthday of the applicant following the date of original issue or upon first renewal or duplicate issued after implementation of this section. After an initial showing of such documentation, he or she is exempted from having to renew or obtain a duplicate in person.

(c) Notwithstanding any other provisions of this chapter, if an applicant establishes his or her identity for an identification card using an identification document authorized under sub-subparagraphs (a)3.e.-f., the identification card shall expire 2 4 years after the date of issuance or upon the expiration date cited on the United States Department of Justice documents, whichever date first occurs, and may not be renewed or obtain a duplicate except in person.

(3) ~~If in the event~~ an identification card issued under this section is lost, destroyed, or mutilated or a new name is acquired, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department and upon payment of a fee of ~~\$10 \$2.50~~ for such duplicate, \$2.50 of which shall be deposited into the General Revenue Fund and \$7.50 into the Highway Safety Operating Trust Fund. The fee ~~which~~ shall include payment for the color photograph or digital image of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the

department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

(8) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department to ensure that the signature becomes a part of the identification card.

Section 3. Subsections (1) and (2) and paragraph (a) of subsection (5) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.--

(1) It is the intent of the Legislature that every applicant for an original driver's license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver's license from another state or a province of Canada, or a valid driver's license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. Any applicant who fails to pass the initial knowledge test will incur a \$5 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills test will incur a \$10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(d), must pass the hazardous-materials test, upon surrendering his or her commercial driver's license, if the person has not taken and passed the hazardous-materials test within 2 years preceding his or her application for a commercial driver's license in this state.

(2) The department shall examine every applicant for a driver's license, including an applicant who is licensed in another state or country, except as otherwise provided in this chapter. A person who holds a learner's driver's license as provided for in s. 322.1615 is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle as provided for herein and need not pay the fee for a replacement license as provided in s. 322.17(2). ~~Any person who applies for reinstatement following the suspension or revocation of his or her driver's license shall pay a service fee of \$25 following a suspension, and \$50 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of his or her privilege to operate a commercial motor vehicle shall pay a service fee of \$50, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:~~

~~(a) Of the \$25 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and the remaining \$10 in the Highway Safety Operating Trust Fund.~~

~~(b) Of the \$50 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and the remaining \$15 in the Highway Safety Operating Trust Fund.~~

~~If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$105 must be charged. However, only one such \$105 fee is to be collected from one person convicted of such violations arising out of the same incident. The department shall collect the \$105 fee and deposit it into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee must not be collected if the suspension or revocation was overturned.~~

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver's license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation

of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a \$5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass the initial skills examination will incur a \$10 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. In the formulation of the examination, the department shall consider the use of the Motorcycle Operator Skills Test and the Motorcycle in Traffic Test offered by the Motorcycle Safety Foundation. The department shall indicate on the license of any person who successfully completes the examination that the licensee is authorized to operate a motorcycle. If the applicant wishes to be licensed to operate a motorcycle only, he or she need not take the skill or road test required under subsection (3) for the operation of a motor vehicle, and the department shall indicate such a limitation on his or her license as a restriction. Every first-time applicant for licensure to operate a motorcycle who is under 21 years of age must provide proof of completion of a motorcycle safety course, as provided for in s. 322.0255, before the applicant may be licensed to operate a motorcycle.

Section 4. Subsection (1) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.--

(1) The department shall, upon receipt of the required fee, issue to each qualified applicant for ~~an original~~ driver's license a color photographic or digital imaged driver's license bearing a fullface photograph or digital image of the licensee. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the licensee may not be waived. A space shall be provided upon which the licensee shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the license.

Section 5. Subsection (8) is added to section 322.21, Florida Statutes, to read:

322.21 License fees; procedure for handling and collecting fees.--

(8) Any person who applies for reinstatement following the suspension or revocation of the person's driver's license shall pay a service fee of \$35 following a suspension, and \$60 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$60, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$35 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and \$20 in the Highway Safety Operating Trust Fund.

(b) Of the \$60 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and \$25 in the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$115 must be charged. However, only one \$115 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$115 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee may not be collected if the suspension or revocation is overturned.

Section 6. Subsection (4) of section 322.251, Florida Statutes, is amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.--

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver's license, be issued a Class D or Class E driver's license, valid for the length of his or her unexpired commercial driver's license, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver's license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person shall pay the reinstatement fee provided in s. 322.21 ~~s. 322.12~~ before being issued a commercial driver's license.

Section 7. Subsection (2) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.--

(2) The provisions of subsection (1) to the contrary notwithstanding, no examination is required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. Every person applying for the return of a license suspended under s. 318.15 or s. 322.245 shall present to the department certification from the court that he or she has complied with all obligations and penalties imposed on him or her pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service fee of \$35, of which \$25 shall be deposited into the General Revenue Fund and \$10 shall be deposited into the Highway Safety Operating Trust Fund ~~\$25. If reinstated by the clerk of the court or tax collector, \$25 shall be retained and \$10 shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund.~~ However, the service fee is not required if the person is required to pay a \$35 ~~\$25~~ fee or \$60 ~~\$50~~ fee under the provisions of s. 322.21 ~~s. 322.12(2)~~.

Section 8. (1) Subsection (8) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.--

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. ~~However, except for violations of s. 316.613, enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.~~

(2) This section shall be known by the popular name the "Dori Slosberg Safety Belt Law."

Section 9. If any law that is amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full effect should be given to each if that is possible.

Section 10. This act shall take effect October 1, 2003.

Remove: the entire title

and insert:

A bill to be entitled

An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver's license may not be waived under ch. 761, F.S.; amending s. 322.21, F.S.; providing driver license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 316.614, F.S.; deleting requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing a popular name; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

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

On motion by Rep. Waters, the rules were waived and CS for SB 26-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 554

Rep. Goodlette in the Chair.

Yeas—85

Adams	Cusack	Kallinger	Ritter
Allen	Davis, D.	Kilmer	Rivera
Altman	Davis, M.	Kosmas	Robaina
Ambler	Dean	Kottkamp	Ross
Anderson	Detert	Kravitz	Rubio
Arza	Domino	Littlefield	Ryan
Attkisson	Farkas	Llorente	Sansom
Barreiro	Fields	Machek	Seiler
Baxley	Fiorentino	Mahon	Simmons
Bean	Galvano	McInvale	Slosberg
Bense	Garcia	Meadows	Smith
Benson	Gelber	Mealor	Sorensen
Berfield	Gibson, H.	Murman	Spratt
Bowen	Goodlette	Murzin	Stargel
Brandenburg	Gottlieb	Needelman	Troutman
Brown	Green	Negron	Waters
Bullard	Greenstein	Patterson	Wiles
Byrd	Harper	Pickens	Wishner
Carroll	Harrell	Planas	Zapata
Clarke	Harrington	Poppell	
Cretul	Jordan	Quinones	
Culp	Justice	Reagan	

Nays—18

Antone	Gibson, A.	Kendrick	Roberson
Bendross-Mindingall	Holloway	Mack	Russell
Brummer	Jennings	Paul	Stansel
Evers	Johnson	Peterman	
Gardiner	Joyner	Richardson	

Votes after roll call:

Yeas—Cantens, Gannon, Sobel  
Yeas to Nays—Brown, Kottkamp

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

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed SB 28-A, and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By Senator Lynn—

**SB 28-A**—A bill to be entitled An act relating to the Educational Enhancement Trust Fund; amending ss. 24.121 and 1010.70, F.S.; increasing amounts to be deposited into the Educational Enhancement Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the first time by title.

THE SPEAKER IN THE CHAIR

**Motion**

On motion by Rep. Brummer, the rules were waived and the bill was read the second time by title.

On motion by Rep. Brummer, the House agreed to waive the rules and read SB 28-A the third time by title.

**Reconsideration**

On motion by Rep. Brummer, the House reconsidered the vote by which the House agreed to waive the rules and read SB 28-A the third time by title.

The question recurred on the motion by Rep. Brummer to waive the rules and read SB 28-A the third time by title, which was not agreed to.

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 18-A and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By the Committee on Finance and Taxation and Senator Campbell—

**CS for SB 18-A**—A bill to be entitled An act relating to taxation; directing the Department of Revenue to develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 198, 199, 201, 202, 203, 206, 211, 212, 220, 221, 336, 370, 376, 403, 538, 624, 627, and 681, F.S.; providing time periods; providing program guidelines; providing for eligible participants; providing for waiver of penalties and interest under specified circumstances; providing for emergency rules; amending ss. 213.235, 220.807, F.S.; providing that the interest rate on certain tax deficiencies shall be an adjusted prime rate plus 4 percentage points; providing a maximum rate; providing legislative intent; providing an appropriation; amending s. 202.35, F.S.; providing a maximum interest rate on delinquent taxes; amending s. 626.932, F.S.; changing the distribution of the surplus lines tax; amending s. 626.938, F.S.; changing the distribution of the tax on independently procured coverages; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

—was read the first time by title. On motion by Rep. Johnson, 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 SB 10-A, as amended, and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By Senator Crist—

**SB 10-A**—A bill to be entitled An act relating to criminal history records; amending s. 943.053, F.S.; establishing a schedule of fees to be collected by the Department of Law Enforcement for producing criminal history information; authorizing the executive director of the department to reduce such fees for good cause; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; amending s. 1012.32, F.S.; requiring both instructional and noninstructional personnel of charter schools to file fingerprints with the school board of the district within which the charter school is located; providing that contractors have the same probationary status as employees; providing duties of the Department of Law Enforcement with respect to retention and search of fingerprint records submitted on behalf of school employees and contractors; providing for fees; providing an effective date.

—was read the first time by title. On motion by Rep. Adams, the rules were waived and the bill was read the second time by title.

Representative Bilirakis offered the following:

(Amendment Bar Code: 319927)

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

Section 1. Subsection (3) of section 943.053, Florida Statutes, is amended to read:

943.053 Dissemination of criminal justice information; fees.--

(3) Criminal history information, including information relating to minors, compiled by the Criminal Justice Information Program from intrastate sources shall be available on a priority basis to criminal justice agencies, including state attorney offices and public defender offices, for criminal justice purposes free of charge and, otherwise, to governmental agencies not qualified as criminal justice agencies on an approximate cost basis. After providing the program with all known identifying information, persons in the private sector and noncriminal justice agencies may be provided criminal history information upon tender of fees as established and in the manner prescribed by rule of the Department of Law Enforcement or as otherwise established by the Legislature. Such fees shall, at a minimum, ensure that the department is recovering approximate the actual cost of producing the record information. ~~As used in this subsection, the department's determination of actual cost shall take into account~~ the total cost of creating, storing, maintaining, updating, retrieving, improving, and providing criminal history information in a centralized, automated database, including personnel, technology, and infrastructure expenses. The fees to be collected ~~Actual cost~~ shall be computed on a fee-per-record basis, and any access to criminal history information by the private sector or noncriminal justice agencies as provided in this subsection shall be assessed ~~the per-record fee~~ without regard to the quantity or category of criminal history record information requested. Any fee imposed pursuant to this subsection shall not exceed \$23 and Fees may be waived or reduced by the executive director of the Department of Law Enforcement for good cause shown.

Section 2. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 3. This act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to criminal history information fees; amending s. 943.053, F.S.; revising provisions relating to fees collected by the Department of Law Enforcement for producing criminal history information; providing a maximum fee limitation; authorizing the executive director of the department to reduce such fees under certain circumstances; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

Rep. Adams moved the adoption of the amendment.

Representative Needelman offered the following:

(Amendment Bar Code: 696655)

**Amendment 1 to Amendment 1 (with title amendment)**—Between line(s) 47 and 48, insert:

Section 2. The Auditor General shall conduct an audit of the Criminal Justice Information Program. In conducting the audit, the Department of Law Enforcement shall gather the data necessary to identify the cost to provide a criminal history background check on a per-request basis. The Auditor General shall report the results of the audit to the President of the Senate and the Speaker of the House of Representatives by December 1, 2003.

Remove line(s) 64, and insert: circumstances; requiring the Auditor General to conduct an audit of the Criminal Justice Information Program and report to the Legislature; providing for construction of the act in

Rep. Needelman 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.

**Reconsideration**

On motion by Rep. Adams, the House reconsidered the vote by which **Amendment 1**, as amended, was adopted. The question recurred on the adoption of the amendment.

Representative Adams offered the following:

(Amendment Bar Code: 645957)

**Amendment 2 to Amendment 1 (with title amendment)**—Remove line(s) 45, and insert:

pursuant to this subsection shall not exceed \$23, except that any fee charged for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall not exceed \$15. Fees may be

Remove line(s) 61-62, and insert: producing criminal history information; providing fee limitations; authorizing the executive director

Rep. Adams 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.

On motion by Rep. Adams, the rules were waived and SB 10-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 555

Speaker Byrd in the Chair.

Yeas—78

Adams	Culp	Hasner	Poppell
Allen	Davis, D.	Homan	Quinones
Altman	Davis, M.	Jordan	Reagan
Ambler	Dean	Kallinger	Richardson
Anderson	Detert	Kilmer	Rivera
Arza	Domino	Kottkamp	Robaina
Attkisson	Evers	Kyle	Ross
Barreiro	Farkas	Littlefield	Rubio
Baxley	Fiorentino	Llorente	Russell
Bean	Galvano	Machek	Simmons
Bense	Garcia	Mahon	Sorensen
Benson	Gardiner	Mealor	Spratt
Berfield	Gelber	Murman	Stansel
Bowen	Gibson, A.	Murzin	Stargel
Brummer	Gibson, H.	Needelman	Troutman
Byrd	Goodlette	Negron	Waters
Cantens	Gottlieb	Patterson	Wishner
Carroll	Green	Paul	Zapata
Clarke	Harrell	Pickens	
Cretul	Harrington	Planas	

Nays—22

Antone	Harper	Kendrick	Sansom
Brandenburg	Henriquez	Kosmas	Seiler
Brown	Holloway	Kravitz	Smith
Bullard	Jennings	Mack	Wiles
Cusack	Johnson	Meadows	
Greenstein	Joyner	Ryan	

Votes after roll call:

Yeas—Gannon, McInvale

Nays—Bendross-Mindingall, Peterman, Roberson, Sobel

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

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 16-A and requests the concurrence of the House, and if the House refuses to concur in the bill as passed by the Senate, the Senate requests that the substance of the bill be included in the conference on general appropriations and related bills.

*Faye W. Blanton, Secretary*

By Senator Webster—

**SB 16-A**—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State and the Department of Transportation; providing for disposition of balances in and revenues of those trust funds; repealing s. 15.09(4) and (5), F.S., relating to the Corporations Trust Fund and the Public Access Data Systems Trust Fund; repealing ss. 607.1901 and 607.19011, F.S., relating to the Corporations Trust Fund; amending ss. 607.193, 617.1901, 620.183, and 865.09, F.S.; deleting references to the Corporations Trust Fund; providing for deposit of certain moneys into the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the first time by title. On motion by Rep. Waters, the rules were waived and the bill was read the second time by title.

Representative Waters offered the following:

(Amendment Bar Code: 453207)

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

Section 1. (1) The following trust funds within the following departments are terminated:

(a) Within the Department of State:

1. The Corporations Trust Fund, FLAIR number 45-2-130.

2. The Coconut Grove Playhouse Trust Fund, FLAIR number 45-2-097.

3. The Public Access Data Systems Trust Fund, FLAIR number 45-2-542.

(b) Within the Department of Transportation, the Turnpike Controlled Access Trust Fund, FLAIR number 55-2-334.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, each trust fund terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this act, the agency that administers the trust fund shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 15.09, Florida Statutes, is amended to read:

15.09 Fees.--

(1) The fees, except as provided by law, to be collected by the Department of State, are:

(a) For searching of papers or records, \$3.50, except that there shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of resident agent.

(b) For providing a certificate with seal, \$8.75; however, no fee shall be charged for providing a certificate with seal to any officer appointed to an office requiring Senate confirmation.

(c) For furnishing statistical information and for copying any document not mentioned, \$1 per page or fraction thereof.

(2) The department may in its discretion establish a reasonable fee for filing or copying any document or instrument not mentioned herein or provided for in other laws.

(3) All fees arising from certificates of election or appointment to office and from commissions to officers shall be paid to the Treasurer for deposit in the General Revenue Fund.

(4) All funds collected by the Division of Corporations of the department shall be deposited in the ~~General Revenue Corporations Trust Fund~~.

~~(5)(a) There is created within the Department of State a Public Access Data Systems Trust Fund, which shall be used by the department to purchase information systems and equipment that provide greater public accessibility to the information and records maintained by it. Notwithstanding any other provision of law, the Divisions of Licensing, Elections, and Corporations of the department shall transfer each fiscal year to the Public Access Data Systems Trust Fund from their respective trust funds:~~

~~1. An amount equal to 2 percent of all revenues received for the processing of documents, filings, or information requests.~~

~~2. All public access network revenues collected pursuant to s. 15.16 or s. 119.085.~~

~~(b) Funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department.~~

Section 3. Subsection (1) of section 215.22, Florida Statutes, as amended by section 63 of chapter 2002-402, Laws of Florida, is amended to read:

215.22 Certain income and certain trust funds exempt.--

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(a) Student financial aid or prepaid tuition receipts.

(b) Trust funds administered by the Department of the Lottery.

(c) Departmental administrative assessments for administrative divisions.

(d) Funds charged by a state agency for services provided to another state agency, by a state agency for services provided to the judicial branch, or by the judicial branch for services provided to a state agency.

(e) State, agency, or political subdivision investments by the Chief Financial Officer ~~Treasurer~~.

(f) Retirement or employee benefit funds.

(g) Self-insurance programs administered by the Chief Financial Officer ~~Treasurer~~.

(h) Funds held for the payment of citrus canker eradication and compensation.

(i) Medicaid, Medicare, or third-party receipts for client custodial care.

(j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.

(k) Trust funds administered by the Department of Education.

(l) Trust funds administered by the Department of Transportation.

(m) Trust funds administered by the Department of Agriculture and Consumer Services.

(n) The Motor Vehicle License Clearing Trust Fund.

(o) The Solid Waste Management Trust Fund.

~~(p) The Coconut Grove Playhouse Trust Fund.~~

~~(p)(q)~~ The Communications Working Capital Trust Fund of the Department of Management Services.

~~(q)(r)~~ The Camp Blanding Management Trust Fund.

~~(r)(s)~~ The Indigent Criminal Defense Trust Fund.

~~(s)(t)~~ That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c).

~~(t)(u)~~ The Save the Manatee Trust Fund.

~~(u)(v)~~ Tobacco Settlement Trust Funds administered by any agency.

~~(v)(w)~~ The Save Our Everglades Trust Fund.

~~(w)(x)~~ The Florida Center for Nursing Trust Fund.

Section 4. Subsection (4) of section 265.284, Florida Statutes, is amended to read:

265.284 Chief cultural officer; director of division; powers and duties.--

(4) There is created the Florida Fine Arts Trust Fund to be administered by the Department of State for the purposes set forth by law. The Florida Fine Arts Trust Fund shall consist of moneys appropriated by the Legislature and moneys contributed to the fund from any other source ~~receive distributions as provided in s. 320.08058.~~

Section 5. Section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.--

(1) CULTURAL INSTITUTIONS TRUST FUND.--There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

- (a) ~~For~~ Statewide arts grants, \$2.7 million.
- (b) ~~For~~ Arts in education and visiting arts programs, \$250,000.
- (c) ~~For~~ The State Touring Program, \$200,000. First priority for the issuance of State Touring Program grants shall be given to applicants that reside in counties with a population of 75,000 or less.
- (d) ~~For~~ Local arts agencies or state service organizations, \$400,000.
- (e) ~~For the officially designated Art Museum of the State of Florida described in s. 1004.45, \$2.2 million, and for state owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, \$500,000.~~

~~2. For fiscal year 2001-2002 only, the provisions of subparagraph 1. relating to state owned cultural facilities shall not be applicable. This subparagraph expires July 1, 2002.~~

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

(2) CULTURAL INSTITUTIONS PROGRAM.--

(a) There is created within the Department of State a Cultural Institutions Program.

(b) The Department of State shall establish, by rule, criteria for the award of grants to cultural organizations, including criteria relating to program quality, potential public exposure and benefit, fiscal stability, ability to properly administer grant funds, procedures for peer evaluation, and other matters deemed necessary and appropriate to further the purposes of this section. The Division of Cultural Affairs shall award grants to supplement the financial support of cultural organizations that have displayed a sustained commitment to cultural excellence and to recognize organizations for superior cultural contributions that have regional or statewide impact.

(c) Cultural organizations shall receive funding by the Division of Cultural Affairs from the Cultural Institutions Trust Fund.

~~(d) Except for programs that receive funds for challenge grants, grants promoting arts education, grants for touring programs, and grants for international cultural exchange programs, an organization that receives a grant under the Cultural Institutions Program is precluded from receiving funds from other art grants programs administered under s. 265.286, s. 265.608, or s. 265.609, by the Division of Cultural Affairs.~~

~~(d)(e)1.~~ Upon appropriation by the Legislature of funds for the Cultural Institutions Program, the Department of State shall execute a contract with each organization, which must contain information relative to the program, the projected operating income and expenses, and other provisions deemed necessary by the department for the administration of the program.

2. Each recipient organization must submit an annual report to the Division of Cultural Affairs detailing the expenditure of funds and is subject to the auditing provisions and rules of the division.

~~(e)(f)~~ Each organization shall cause an annual postaudit or independent attestation of its financial accounts, to be conducted by an independent certified public accountant. The annual audit report must be submitted to the Department of State for review. The department may require and receive from the recipient institution, or from its independent auditor, any detail or supplemental data relative to the operation of such institution.

~~(f)(g)~~ The Department of State shall adopt rules necessary to administer this section.

Section 6. Section 265.2901, Florida Statutes, is repealed.

Section 7. Notwithstanding the provisions of chapters 253 and 270, Florida Statutes, the Board of Trustees of the Internal Improvement Trust Fund may convey, by quitclaim deed, all property described in B. O. T. Lease No. 3185, as amended, directly to the Coconut Grove Playhouse, Inc., in accordance with the March 21, 2003, Memorandum of Understanding between the Department of State and the Coconut Grove Playhouse, Inc. Consideration for such conveyance shall be, at a minimum, \$1,113,031, to be deposited into the General Revenue Fund.

Section 8. Section 267.0617, Florida Statutes, is amended to read:

267.0617 Historic Preservation Grant Program.--

~~(1) There is hereby created within the division the Historic Preservation~~

~~Grant Program, which shall make grants of moneys appropriated by the Legislature, moneys deposited pursuant to ss. 550.0351(2) and 607.1901(2)(g), and moneys contributed for that purpose from any other source. The program funds shall be used by the division for the purpose of financing grants in furtherance of the purposes of this section.~~

~~(1)(2)~~ The division may ~~is authorized to~~ conduct and carry out a program to provide ~~of~~ historic preservation grants-in-aid, including matching grants, to any department or agency of the state; any unit of county, municipal, or other local government; any corporation, partnership, or other organization, whether public or private or whether or not for profit; or any individual for projects having as their purpose the identification, acquisition, protection, preservation, rehabilitation, restoration, or construction of historic sites and properties, or Florida history, or the planning of such activities. Funds appropriated from general revenue for the historic preservation grants-in-aid program shall not be provided for a project owned by private individuals or owned by for-profit corporations. All moneys received from any source as appropriations, deposits, or contributions to this program shall be paid and credited to the Historical Resources Operating Trust Fund.

~~(2)(3)~~ All grants of state funds to assist the preservation of historic properties shall be made from the Historical Resources Operating Trust Fund and may be awarded only pursuant to applications for such assistance made to the Division of Historical Resources. The Florida Historical Commission shall review each application for a special category historic preservation grant-in-aid. Special category historic preservation grants-in-aid are those reviewed and recommended by the Secretary of State for submission for legislative funding consideration. Grant review panels appointed by the Secretary of State and chaired by a member of the Florida Historical Commission shall review each application for other historic preservation grants-in-aid. The reviewing body shall submit annually to the Secretary of State for approval lists of all applications that are recommended by the reviewing body for the award of grants, arranged in order of priority.

~~(3)(4)~~ The Division of Historical Resources may accept and administer moneys appropriated to it for the purpose of providing grants for the projects approved by the Secretary of State.

~~(4)(5)~~ The Division of Historical Resources shall adopt rules prescribing the criteria to be applied by the Florida Historical Commission and the grant review panels in recommending applications for the award of grants and rules providing for the administration of the other provisions of this section.

Section 9. Subsection (12) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(12) FLORIDA ARTS LICENSE PLATES.--

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida arts license plate as provided in this section. In small letters, the word "Florida" must appear at the top of the plate, and the word "Art" or "Arts" or a combination of words including the word "Art" or "Arts" may appear at the bottom of the plate.

(b) The license plate annual use fees are to be annually distributed as follows:

~~1. All fees collected must be forwarded quarterly to the single arts council officially designated by the county in direct proportion to the amounts of fees collected in each county. If there is no county arts council, fees collected must be forwarded to such other agency in the county as the highest ranking county administrative official designates, to be applied by the arts council or agency to support arts organizations, arts programs, and arts activities within the county.~~ Division of Cultural Affairs of the Department of State, together with a report setting forth the amount of such fees collected in each county, and must be deposited into the Florida Fine Arts Trust Fund.

~~2. The Division of Cultural Affairs shall distribute the fees forwarded to it by the department to the counties in the amounts set forth in the report required under subparagraph 1., in each case to the county arts council for such county or, if there is none, to such other agency in the county as the division designates, to be applied by the council or agency to support art organizations, programs, and activities within the county.~~

~~(c) The Division of Cultural Affairs shall have the authority to administer this subsection under rules established by the Division of Cultural Affairs. The agency may adopt only rules that implement, interpret, or make specific the particular powers and duties granted by this subsection.~~

Section 10. A project that is ranked but not funded for the fiscal year 2003-2004 grant cycle under the Department of State's Historical Facilities

Special Category Fixed Capital Outlay Grants Program, Cultural Facilities Fixed Capital Outlay Grants Program, Regional Cultural Facilities Grants Program, or Library Construction Fixed Capital Outlay Grants Program shall, if it continues to meet applicable criteria for the grant program for which it is ranked, maintain its relative ranking for the fiscal year 2004-2005 grant cycle and shall receive priority ranking over new projects applying for the fiscal year 2004-2005 grant cycle.

Section 11. Sections 607.1901, 607.19011, 617.1901, and 620.183, Florida Statutes, are repealed.

Section 12. Subsection (3) of section 607.193, Florida Statutes, is amended to read:

607.193 Supplemental corporate fee.--

(3) The Department of State shall adopt rules and prescribe forms necessary to carry out the purposes of this section. ~~Notwithstanding s. 607.1901, proceeds from the supplemental corporate fee, including any late charges, shall be deposited into the General Revenue Fund.~~

Section 13. Subsection (13) of section 865.09, Florida Statutes, is amended to read:

865.09 Fictitious name registration.--

(13) DEPOSIT OF FUNDS.--All funds required to be paid to the Department of State pursuant to this section shall be collected and deposited into the General Revenue Corporations Trust Fund.

Section 14. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 15. This act shall take effect July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act relating to trust funds; terminating specified trust funds within the Department of State and the Department of Transportation; providing for disposition of balances in and revenues of such trust funds; amending s. 15.09, F.S.; providing for deposit of all funds collected by the Division of Corporations of the Department of State into the General Revenue Fund; deleting a provision that created and provided uses of the Public Access Data Systems Trust Fund, to conform; amending s. 215.22, F.S.; deleting a reference to the Coconut Grove Playhouse Trust Fund, to conform; updating references to the Treasurer; amending s. 265.284, F.S.; revising sources of funding for the Florida Fine Arts Trust Fund; amending s. 265.2861, F.S.; deleting provisions transferring funds from the Cultural Institutions Trust Fund to certain grant programs and entities; eliminating a funding source of the trust fund; removing a restriction on grant recipients under the Cultural Institutions Program against receiving funds from certain other arts grants programs; repealing s. 265.2901, F.S., relating to the Coconut Grove Playhouse Trust Fund, to conform; providing for conveyance of certain property to the Coconut Grove Playhouse, Inc.; amending s. 267.0617, F.S.; removing a provision specifying funding sources for the Historic Preservation Grant Program; amending s. 320.08058, F.S.; changing the distribution of proceeds of the Florida arts license plate annual use fees; directing maintenance of priority rankings for certain Department of State grant programs for fiscal year 2004-2005 grant cycles; repealing ss. 607.1901, 607.19011, 617.1901, and 620.183, F.S., relating to the Corporations Trust Fund, to conform; amending ss. 607.193 and 865.09, F.S.; deleting cross references and references to the Corporations Trust Fund, to conform; providing for deposit of certain moneys into the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

Rep. Waters moved the adoption of the amendment.

Representative Kosmas offered the following:

(Amendment Bar Code: 074671)

**Amendment 1 to Amendment 1 (with directory and title amendments)**—Remove line(s) 18-337, and insert:

1. The Coconut Grove Playhouse Trust Fund, FLAIR number 45-2-097.

2. The Public Access Data Systems Trust Fund, FLAIR number 45-2-542.

(b) Within the Department of Transportation, the Turnpike Controlled

Access Trust Fund, FLAIR number 55-2-334.

(2) Unless otherwise provided, all current balances remaining in, and all revenues of, each trust fund terminated by this act shall be transferred to the General Revenue Fund.

(3) For each trust fund terminated by this act, the agency that administers the trust fund shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 2. Section 15.09, Florida Statutes, is amended to read:

15.09 Fees.--

(1) The fees, except as provided by law, to be collected by the Department of State, are:

(a) For searching of papers or records, \$3.50, except that there shall be no charge for telephone requests for general corporate information, including the corporation's status, names of officers and directors, address of principal place of business, and name and address of resident agent.

(b) For providing a certificate with seal, \$8.75; however, no fee shall be charged for providing a certificate with seal to any officer appointed to an office requiring Senate confirmation.

(c) For furnishing statistical information and for copying any document not mentioned, \$1 per page or fraction thereof.

(2) The department may in its discretion establish a reasonable fee for filing or copying any document or instrument not mentioned herein or provided for in other laws.

(3) All fees arising from certificates of election or appointment to office and from commissions to officers shall be paid to the Treasurer for deposit in the General Revenue Fund.

(4) All funds collected by the Division of Corporations of the department shall be deposited in the Corporations Trust Fund.

~~(5)(a) There is created within the Department of State a Public Access Data Systems Trust Fund, which shall be used by the department to purchase information systems and equipment that provide greater public accessibility to the information and records maintained by it. Notwithstanding any other provision of law, the Divisions of Licensing, Elections, and Corporations of the department shall transfer each fiscal year to the Public Access Data Systems Trust Fund from their respective trust funds:~~

~~1. An amount equal to 2 percent of all revenues received for the processing of documents, filings, or information requests.~~

~~2. All public access network revenues collected pursuant to s. 15.16 or s. 419.085.~~

~~(b) Funds from the Public Access Data Systems Trust Fund may be appropriated for the operations of the department.~~

Section 3. Subsection (1) of section 215.22, Florida Statutes, as amended by section 63 of chapter 2002-402, Laws of Florida, is amended to read:

215.22 Certain income and certain trust funds exempt.--

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(a) Student financial aid or prepaid tuition receipts.

(b) Trust funds administered by the Department of the Lottery.

(c) Departmental administrative assessments for administrative divisions.

(d) Funds charged by a state agency for services provided to another state agency, by a state agency for services provided to the judicial branch, or by the judicial branch for services provided to a state agency.

(e) State, agency, or political subdivision investments by the Chief Financial Officer ~~Treasurer~~.

(f) Retirement or employee benefit funds.

(g) Self-insurance programs administered by the Chief Financial Officer ~~Treasurer~~.

(h) Funds held for the payment of citrus canker eradication and compensation.

(i) Medicaid, Medicare, or third-party receipts for client custodial care.

(j) Bond proceeds or revenues dedicated for bond repayment, except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.

(k) Trust funds administered by the Department of Education.

(l) Trust funds administered by the Department of Transportation.

(m) Trust funds administered by the Department of Agriculture and Consumer Services.

- (n) The Motor Vehicle License Clearing Trust Fund.
- (o) The Solid Waste Management Trust Fund.
- ~~(p) The Coconut Grove Playhouse Trust Fund.~~
- ~~(p)(q)~~ The Communications Working Capital Trust Fund of the Department of Management Services.
- ~~(q)(r)~~ The Camp Blanding Management Trust Fund.
- ~~(r)(s)~~ The Indigent Criminal Defense Trust Fund.
- ~~(s)(t)~~ That portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee collected pursuant to s. 320.08(1)(c).
- ~~(t)(u)~~ The Save the Manatee Trust Fund.
- ~~(u)(v)~~ Tobacco Settlement Trust Funds administered by any agency.
- ~~(v)(w)~~ The Save Our Everglades Trust Fund.
- ~~(w)(x)~~ The Florida Center for Nursing Trust Fund.

Section 4. Subsection (12) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--  
 (12) FLORIDA ARTS LICENSE PLATES.--

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida arts license plate as provided in this section. In small letters, the word "Florida" must appear at the top of the plate, and the word "Art" or "Arts" or a combination of words including the word "Art" or "Arts" may appear at the bottom of the plate.

(b) The license plate annual use fees are to be ~~annually~~ distributed as follows:

~~1. All fees collected must be forwarded quarterly to the single arts council officially designated by the county in direct proportion to the amounts of fees collected in each county. If there is no county arts council, fees collected must be forwarded to such other agency in the county as the highest ranking county administrative official designates, to be applied by the arts council or agency to support arts organizations, arts programs, and arts activities within the county Division of Cultural Affairs of the Department of State, together with a report setting forth the amount of such fees collected in each county, and must be deposited into the Florida Fine Arts Trust Fund.~~

~~2. The Division of Cultural Affairs shall distribute the fees forwarded to it by the department to the counties in the amounts set forth in the report required under subparagraph 1., in each case to the county arts council for such county or, if there is none, to such other agency in the county as the division designates, to be applied by the council or agency to support art organizations, programs, and activities within the county.~~

~~(c) The Division of Cultural Affairs shall have the authority to administer this subsection under rules established by the Division of Cultural Affairs. The agency may adopt only rules that implement, interpret, or make specific the particular powers and duties granted by this subsection.~~

Section 5. A project that is ranked but not funded for the fiscal year 2003-2004 grant cycle under the Department of State's Historical Facilities Special Category Fixed Capital Outlay Grants Program, Cultural Facilities Fixed Capital Outlay Grants Program, Regional Cultural Facilities Grants Program, or Library Construction Fixed Capital Outlay Grants Program shall, if it continues to meet applicable criteria for the grant program for which it is ranked, maintain its relative ranking for the fiscal year 2004-2005 grant cycle and shall receive priority ranking over new projects applying for the fiscal year 2004-2005 grant cycle.

Remove line(s) 353-382, and insert:  
 15.09, F.S.; deleting a provision that created and provided uses of the Public Access Data Systems Trust Fund, to conform; amending s. 215.22, F.S.; deleting a reference to the Coconut Grove Playhouse Trust Fund, to conform; updating references to the Treasurer; amending s. 320.08058, F.S.; changing the distribution of proceeds of the Florida arts license plate annual use fees; directing maintenance of priority rankings for certain Department of State grant programs for fiscal year 2004-2005 grant cycles; providing

Rep. Kosmas moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 556

Speaker Byrd in the Chair.

Yeas—41

Allen	Galvano	Justice	Ryan
Ambler	Gannon	Kendrick	Seiler
Antone	Gelber	Kosmas	Slosberg
Bendross-Mindingall	Gibson, A.	Machek	Smith
Brandenburg	Gottlieb	McInvale	Stansel
Brutus	Green	Meadows	Troutman
Bullard	Greenstein	Peterman	Wiles
Clarke	Harper	Rich	Wishner
Cusack	Holloway	Richardson	
Farkas	Jennings	Robaina	
Fields	Joyner	Roberson	

Nays—64

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

Votes after roll call:

Nays—Sobel

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

On motion by Rep. Waters, the rules were waived and SB 16-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 557

Speaker Byrd in the Chair.

Yeas—69

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

Nays—37



Allen	Gelber	Kendrick	Seiler
Antone	Gibson, A.	Kosmas	Slosberg
Bendross-Mindingall	Gottlieb	Machek	Smith
Benson	Greenstein	McInvale	Stansel
Brandenburg	Harper	Meadows	Wiles
Brutus	Henriquez	Peterman	Wishner
Bullard	Holloway	Reagan	Zapata
Cusack	Jennings	Richardson	
Fields	Joyner	Roberson	
Gannon	Justice	Ryan	

Votes after roll call:

Yeas—Domino  
 Nays—Sobel  
 Yeas to Nays—Goodlette  
 Nays to Yeas—Reagan

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

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 4-A, and requests the concurrence of the House, and if the House refuses to concur in SB 4-A as passed by the Senate, the Senate requests a conference committee on the general appropriations and related bills.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Pruitt-Chair; Senator Wasserman Schultz-Vice Chair; Senators Diaz de la Portilla, Jones, Klein, and Lee, At Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair, Senators Aronberg, Haridopolos, Villalobos, and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair, Senators Argenziano, Constantine, Dawson, and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin, and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senators Alexander, Hill, Sebesta and Siplin.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations—

**SB 4-A**—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending s. 1011.71, F.S.; allowing school boards to make payments toward the cost of school buses owned by certain student transportation contract providers; providing requirements; amending s. 1011.71, F.S.; permitting school districts to pay for property and casualty insurance from specified funds; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and

providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 376.3071, F.S.; permitting the transfer of moneys from the Inland Protection Trust Fund to the Water Quality Assurance Trust Fund; amending s. 378.035, F.S.; permitting expenditure of moneys appropriated for abatement of imminent hazards caused by, and for closure of, abandoned phosphogypsum stacks; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory citrus tax rates by majority vote; amending s. 372.561, F.S.; permitting counties to retain certain hunting and fishing fees until the Fish and Wildlife Conservation Commission implements an automated licensing system; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing for future repeal or expiration; authorizing a specific exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and the City of Lakeland, various statutory provisions notwithstanding; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; requiring the Chief Financial Officer to report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards

directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing for retroactive application; providing effective dates.

—was read the first time by title. On motion by Rep. Kyle, the rules were waived and the bill was read the second time by title.

Representative Kyle offered the following:

(Amendment Bar Code: 648269)

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 2003-2004.

Section 2. In order to implement Specific Appropriations 7-11, 123-128, and 130 of the 2003-2004 General Appropriations Act:

(1) Effective July 1, 2003, each university that has not made the transition from the state accounting system (FLAIR) shall utilize the state accounting system for fiscal year 2003-2004 but is not required to provide funds to the Department of Financial Services for its utilization.

(2) Notwithstanding the provisions of ss. 216.181, 216.292, and 1011.4105, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, funds appropriated or reappropriated to the state universities in the 2003-2004 General Appropriations Act, or any other act passed by the 2003 Legislature containing appropriations, shall be distributed to each university according to the 2003-2004 fiscal year operating budget approved by the university board of trustees. Each university board of trustees shall have authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the appropriations into a special category appropriation account. The Chief Financial Officer, upon the request of the university board of trustees, shall record by journal transfer the distribution of the appropriated funds and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(3) Notwithstanding the provisions of ss. 216.181, 216.292, 1004.22, and 1011.4105, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, each university board of trustees shall include in an approved operating budget the revenue in trust funds supported by student and other fees as well as the trust funds within the Contract, Grants, and Donations, Auxiliary Enterprises, and Sponsored Research budget entities. The university board of trustees shall have the authority to amend the operating budget as circumstances warrant. The operating budget may utilize traditional appropriation categories or it may consolidate the trust fund spending authority into a special category appropriation account. The Chief Financial Officer, upon the request of the university board of trustees, shall record the distribution of the trust fund spending authority and releases according to the approved operating budget to the appropriation accounts established for disbursement purposes for each university within the state accounting system (FLAIR).

(4) This section expires July 1, 2004.

Section 3. In order to implement Specific Appropriations 426-441 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (1) of section 430.204, Florida Statutes, is amended to read:

430.204 Community-care-for-the-elderly core services; departmental powers and duties.--

(1)

(b) For fiscal year ~~2003-2004~~ ~~2002-2003~~ only, the department shall fund, through each area agency on aging in each county as defined in s. 125.011(1), more than one community care service system the primary purpose of which is the prevention of unnecessary institutionalization of functionally impaired elderly persons through the provision of community-based core services. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 4. In order to implement Specific Appropriations 426-441 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (1) of section 430.205, Florida Statutes, is amended to read:

430.205 Community care service system.--

(1)

(b) For fiscal year ~~2003-2004~~ ~~2002-2003~~ only, the department shall fund, through the area agency on aging in each county as defined in s. 125.011(1), more than one community care service system that provides case management and other in-home and community services as needed to help elderly persons maintain independence and prevent or delay more costly institutional care. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 5. In order to implement Specific Appropriations 274-276 of the 2003-2004 General Appropriations Act, subsection (12) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.--

(12) For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, and notwithstanding the other provisions of this section, the Department of Children and Family Services may transfer funds within the family safety program identified in the General Appropriations Act from identical funding sources between the following appropriation categories without limitation as long as such a transfer does not result in an increase to the total recurring general revenue or trust fund cost of the agency in the subsequent fiscal year: adoption services and subsidy; family foster care; and emergency shelter care. Such transfers must be consistent with legislative policy and intent and must not adversely affect achievement of approved performance outcomes or outputs in the family safety program. Notice of proposed transfers under this authority must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before their implementation. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 6. In order to implement Specific Appropriation 357 of the 2003-2004 General Appropriations Act, subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.--

(4)(a) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

~~1.(a)~~ Twenty-seven and two-tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

~~2.(b)~~ The remainder of collections shall be credited to the General Revenue Fund.

(b) For the 2003-2004 fiscal year only, and notwithstanding the provisions of subparagraph (a)1., moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults. This paragraph expires July 1, 2004.

Section 7. In order to implement Specific Appropriations 265-268, 268B, 270A-272, and 274-277, paragraph (b) of subsection (1) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.--

(1)

(b) It is the intent of the Legislature that the department will continue to work towards full privatization by initiating the competitive procurement process in each county by January 1, 2003. In order to provide for an adequate transition period to develop the necessary administrative and service delivery capacity in each community, the full transfer of all foster care and related services must be completed statewide by December 31, 2004. The department shall adopt by rule pursuant to ss. 120.536(1) and 120.54 a methodology for determining and transferring all available funds currently associated with the services that are being furnished under contract. This methodology must provide for the transfer of funds appropriated and budgeted for all services and programs that have been incorporated into this program, including furniture, equipment, and administrative funds, to accomplish the transfer of these programs. The funds appropriated for this program that are distributed between the counties and the districts and to community-based care providers in the state to provide child protective services as contemplated in this subsection shall be allocated pursuant to the terms of the rule. The rule shall provide for a phased implementation of its provisions, and until such time as the rule is finalized and adopted the department shall allocate funds in the same proportion as the annualized distribution of funds at the end of fiscal year 2002-2003.

Section 8. The amendment of paragraph (b) of subsection (1) of s. 409.1671, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that paragraph shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 9. In order to implement Specific Appropriation 269A of the 2003-2004 General Appropriations Act, subsection (7) of section 409.1671, Florida Statutes, is amended to read:

409.1671 Foster care and related services; privatization.--

(7) The department, in consultation with existing lead agencies, shall develop a proposal regarding the long-term use and structure of a statewide shared earnings program which addresses the financial risk to eligible lead community-based providers resulting from unanticipated caseload growth or from significant changes in client mixes or services eligible for federal reimbursement. The recommendations in the statewide proposal must also be available to entities of the department until the conversion to community-based care takes place. At a minimum, the proposal must allow for use of federal earnings received from child welfare programs, which earnings are determined by the department to be in excess of the amount appropriated in the General Appropriations Act, to be used for specific purposes. These purposes include, but are not limited to:

- (a) Significant changes in the number or composition of clients eligible to receive services.
- (b) Significant changes in the services that are eligible for reimbursement.
- (c) Significant changes in the availability of federal funds.
- (d) Shortfalls in state funds available for eligible or ineligible services.
- (e) Significant changes in the mix of available funds.
- (f) Scheduled or unanticipated, but necessary, advances to providers or other cash-flow issues.
- (g) Proposals to participate in optional Medicaid services or other federal grant opportunities.
- (h) Appropriate incentive structures.
- (i) Continuity of care in the event of lead agency failure, discontinuance of service, or financial misconduct.

The department shall further specify the necessary steps to ensure the financial integrity of these dollars and their continued availability on an ongoing basis. The final proposal shall be submitted to the Legislative Budget Commission for formal adoption before December 31, 2002. If the Legislative Budget Commission refuses to concur with the adoption of the proposal, the department shall present its proposal in the form of recommended legislation to the President of the Senate and the Speaker of the House of Representatives before the commencement of the next legislative session. For fiscal year 2003-2004 and annually thereafter, the department of Children and Family Services may request in its legislative budget request, and the Governor may recommend, the funding necessary to carry out paragraph (i) from excess federal earnings. The General Appropriations Act shall include any funds appropriated for this purpose in a lump sum in the ~~department Administered Funds Program~~, which funds constitute partial security for lead agency contract performance. The department shall use this appropriation to offset the need for a performance bond for that year after a comparison of risk to the funds available. In no event shall this performance bond exceed 2.5 percent of the annual contract value. The department may separately require a bond to mitigate the financial consequences of potential acts of malfeasance, misfeasance, or criminal violations by the provider. Prior to the release of any funds in the lump sum, the department shall submit a detailed operational plan, which must identify the sources of specific trust funds to be used. The release of the trust fund shall be subject to the notice and review provisions of s. 216.177. However, the release shall not require approval of the Legislative Budget Commission.

Section 10. The amendment of subsection (7) of s. 409.1671, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 11. In order to implement Specific Appropriations 324-357A of

the 2003-2004 General Appropriations Act, subsection (8) of section 394.908, Florida Statutes, is amended to read:

394.908 Substance abuse and mental health funding equity; distribution of appropriations.--In recognition of the historical inequity among service districts of the former Department of Health and Rehabilitative Services in the funding of substance abuse and mental health services, and in order to rectify this inequity and provide for equitable funding in the future throughout the state, the following funding process shall be adhered to:

(8) For fiscal year ~~2003-2004~~ ~~2002-2003~~ only, and notwithstanding the provisions of this section, all new funds received in excess of fiscal year ~~2002-2003~~ ~~2001-2002~~ recurring appropriations shall be allocated in accordance with the provisions of the General Appropriations Act; however, no district shall receive an allocation of recurring funds less than its initial approved operating budget, plus any distributions of lump sum appropriations or reductions in unfunded budget, for fiscal year ~~2002-2003~~ ~~2001-2002~~. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 12. In order to implement Specific Appropriation 415 of the 2003-2004 General Appropriations Act, for the 2003-2004 fiscal year only, and notwithstanding the provisions of s. 287.057, Florida Statutes, the Department of Children and Family Services is authorized to procure contractual services to outsource the operation of the Northeast Florida State Hospital with a qualified vendor with experience in operating a mental health treatment facility in this state. This section expires July 1, 2004.

Section 13. In order to implement Specific Appropriation 519 of the 2003-2004 General Appropriations Act, paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is amended to read:

381.0066 Onsite sewage treatment and disposal systems; fees.--

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued during fiscal years ~~1996-2004~~ ~~1996-2003~~ to be used for onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

Section 14. In order to implement Specific Appropriation 477 of the 2003-2004 General Appropriations Act, subsection (6) of section 385.207, Florida Statutes, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.--

(6) For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, funds in the Epilepsy Services Trust Fund may be appropriated for epilepsy case management services. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 15. Consistent with the provisions of s. 216.163, Florida Statutes, in accordance with performance-based program budgeting requirements, and notwithstanding the provisions of s. 216.181, Florida Statutes, the Department of Law Enforcement may transfer up to one-half of 1 percent of the funds in Specific Appropriations 1118, 1139, 1148, 1156, 1168, 1170, 1175, 1181, 1190, and 1195 of the 2002-2003 General Appropriations Act for salary bonuses for departmental employees at the discretion of the executive director, provided that such bonuses are given only to selected employees for meritorious performance, instead of being given as across-the-board bonuses for all employees. The department, after consultation with the Executive Office of the Governor, shall provide a plan to the chairs of the legislative appropriations committees responsible for producing the General Appropriations Act for review before awarding such bonuses. This section expires July 1, 2004.

Section 16. In order to implement Specific Appropriations 1118-1201 of the 2003-2004 General Appropriations Act, subsection (17) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.--

(17) Notwithstanding any other provision of this section to the contrary, and for the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, the Department of Law Enforcement may transfer up to 20 positions and associated budget between budget entities, provided the same funding source is used throughout each transfer. The department may also transfer up to 10 percent of the initial

approved salary rate between budget entities, provided the same funding source is used throughout each transfer. The department must provide notice to the Executive Office of the Governor, the chair of the Senate Budget Committee, and the chair of the House Committee on Criminal Justice Appropriations for all transfers of positions or salary rate. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 17. In order to implement proviso language following Specific Appropriation 642 of the 2003-2004 General Appropriations Act, the Correctional Privatization Commission may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the Department of Juvenile Justice which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county. This section expires July 1, 2004.

Section 18. In order to implement Specific Appropriations 1202-1256 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (3) of section 16.555, Florida Statutes, is amended to read:

16.555 Crime Stoppers Trust Fund; rulemaking.--

(3)

(b) For the ~~2003-2004~~ ~~2002-2003~~ state fiscal year only, and notwithstanding any provision of this section to the contrary, moneys in the trust fund may also be used to pay for salaries and benefits and other expenses of the department. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 19. In order to implement Specific Appropriation 1164 of the 2003-2004 General Appropriations Act, paragraph (d) of subsection (4) of section 932.7055, Florida Statutes, is amended to read:

932.7055 Disposition of liens and forfeited property.--

(4)

(d) Notwithstanding any other provision of this subsection, and for the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, the funds in a special law enforcement trust fund established by the governing body of a municipality may be expended to reimburse the general fund of the municipality for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 20. In order to implement Specific Appropriation 1394A of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) of section 581.184, Florida Statutes, is amended to read:

581.184 Adoption of rules; citrus canker eradication; voluntary destruction agreements.--

(2)

(b) Notwithstanding the provisions of paragraph (a), and for the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, notice of the removal of infected citrus trees and citrus trees exposed to infection, by immediate final order, shall be provided to the owner of the property on which such trees are located. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 21. In order to implement section 23 of the 2003-2004 General Appropriations Act, paragraph (b) of subsection (2) and subsection (6) of section 581.1845, Florida Statutes, are amended to read:

581.1845 Citrus canker eradication; compensation to homeowners whose trees have been removed.--

(2)

(b) Notwithstanding subparagraph (a)1., and for compensation during the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, to be eligible to receive compensation under the program for residential property where one or more citrus trees have been removed on or after July 1, 2001, as part of a citrus canker eradication program, a homeowner must be the homeowner of record on the date the trees were removed. This paragraph expires July 1, ~~2004~~ ~~2003~~.

(6) For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, and notwithstanding the \$100-compensation amount specified in subsection (3), the amount of compensation for each tree removed from residential property by the citrus canker eradication program shall be \$55. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 22. In order to implement Specific Appropriations 2804 and 2819 of the 2003-2004 General Appropriations Act, subsection (4) of section 61.1826, Florida Statutes, is amended to read:

61.1826 Procurement of services for State Disbursement Unit and the non-

Title IV-D component of the State Case Registry; contracts and cooperative agreements; penalties; withholding payment.--

(4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The contract between the Florida Association of Court Clerks and the department, and cooperative agreements entered into by the depositories and the department, must contain, but are not limited to, the following terms:

(a) The initial term of the contract and cooperative agreements is for 5 years. The subsequent term of the contract and cooperative agreements is for 3 years, with the option of two 1-year renewal periods, at the sole discretion of the department.

(b) The duties and responsibilities of the Florida Association of Court Clerks, the depositories, and the department.

(c) Under s. 287.058(1)(a), all providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, a report of monthly expenditures in a format prescribed by the department and in sufficient detail for a proper preaudit and postaudit thereof.

(d) All providers and subcontractors shall submit to the department directly, or through the Florida Association of Court Clerks, management reports in a format prescribed by the department.

(e) All subcontractors shall comply with chapter 280, as may be required.

(f) Federal financial participation for eligible Title IV-D expenditures incurred by the Florida Association of Court Clerks and the depositories shall be at the maximum level permitted by federal law for expenditures incurred for the provision of services in support of child support enforcement in accordance with 45 C.F.R. part 74 and Federal Office of Management and Budget Circulars A-87 and A-122 and based on an annual cost allocation study of each depository. The depositories shall submit directly, or through the Florida Association of Court Clerks, claims for Title IV-D expenditures monthly to the department in a standardized format as prescribed by the department. The Florida Association of Court Clerks shall contract with a certified public accounting firm, selected by the Florida Association of Court Clerks and the department, to audit and certify quarterly to the department all claims for expenditures submitted by the depositories for Title IV-D reimbursement.

(g) Upon termination of the contracts between the department and the Florida Association of Court Clerks or the depositories, the Florida Association of Court Clerks, its agents, and the depositories shall assist the department in making an orderly transition to a private vendor.

(h) Interest on late payment by the department shall be in accordance with s. 215.422.

If either the department or the Florida Association of Court Clerks objects to a term of the standard cooperative agreement or contract specified in subsections (2) and (3), the Chief Financial Officer, with approval from the Governor and Cabinet, shall appoint a third party to disputed term or terms shall be presented jointly by the parties to the Attorney General or the Attorney General's designee, who shall act as special master. The special master shall resolve disputes between the department and the Florida Association of Court Clerks related to negotiation for and performance under the current contract and any extended contract or subsequent contract. Additionally, the special master shall resolve disputes relating to the conformance of the state disbursement unit operations to the recommendations in the audit performed by the chief financial officer, or to any other audit duly conducted pursuant to state or federal law. The special master shall resolve the dispute in writing within 10 days. The resolution of a dispute by the special master is binding on the department and the Florida Association of Court Clerks.

Section 23. The amendment of subsection (4) of s. 61.1826, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 24. In order to implement Specific Appropriations 2592-2598A of the 2003-2004 General Appropriations Act, subsection (4) of section 287.161, Florida Statutes, is amended to read:

287.161 Executive aircraft pool; assignment of aircraft; charge for transportation.--

(4) Notwithstanding the requirements of subsections (2) and (3), and for

the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, the Department of Management Services shall charge all persons receiving transportation from the executive aircraft pool a rate not less than the mileage allowance fixed by the Legislature for the use of privately owned vehicles. Fees collected for persons traveling by aircraft in the executive aircraft pool shall be deposited into the Bureau of Aircraft Trust Fund and shall be expended for costs incurred to operate the aircraft management activities of the department. It is the intent of the Legislature that the executive aircraft pool be operated on a full cost recovery basis, less available funds. This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 25. In order to implement Specific Appropriation 1949B of the 2003-2004 General Appropriations Act, subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.--The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees' prescription drug program copayments must be made as follows:

(a) Effective January 1, 2001:

1. For generic drug with card.....\$7.
2. For preferred brand name drug with card.....\$20.
3. For nonpreferred brand name drug with card.....\$35.
4. For generic mail order drug.....\$10.50.
5. For preferred brand name mail order drug.....\$30.
6. For nonpreferred brand name drug.....\$52.50.

(b) The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

This subsection expires July 1, ~~2004~~ ~~2003~~.

Section 26. In order to implement Specific Appropriation 1949B of the 2003-2004 General Appropriations Act, section 110.1239, Florida Statutes, is amended to read:

110.1239 State group health insurance program funding.--For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, it is the intent of the Legislature that the state group health insurance program be managed, administered, operated, and funded in such a manner as to maximize the protection of state employee health insurance benefits. Inherent in this intent is the recognition that the health insurance liabilities attributable to the benefits offered state employees should be fairly, orderly, and equitably funded. Accordingly:

(1) The division shall determine the level of premiums necessary to fully fund the state group health insurance program for the next fiscal year. Such determination shall be made after each Self-Insurance Estimating Conference as provided in s. 216.136(11), but not later than December 1 and April 1 of each fiscal year.

(2) The Governor, in the Governor's recommended budget, shall provide premium rates necessary for full funding of the state group health insurance program, and the Legislature shall provide in the General Appropriations Act for a premium level necessary for full funding of the state group health insurance program.

(3) For purposes of funding, any additional appropriation amounts allocated to the state group health insurance program by the Legislature shall be considered as a state contribution and thus an increase in the state premiums.

(4) This section expires July 1, ~~2004~~ ~~2003~~.

Section 27. In order to implement sections 2-7 of the 2003-2004 General Appropriations Act, paragraph (c) of subsection (5) and paragraph (d) of subsection (6) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.--

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(c) For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, ~~2004~~ ~~2003~~.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are divided into the following groups and rates:

(d) For the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, and notwithstanding the other provisions of this subsection, for Class C travel, a state traveler shall not be reimbursed on a per diem basis nor shall a traveler receive subsistence allowance. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 28. In order to implement Specific Appropriations 1417-1419, 1421-1424, 1426, 1427, 1430, 1432, 1434, 1436-1438, 1439, 1439K-1443, and 1446-1450 of the 2003-2004 General Appropriations Act, paragraphs (b) and (c) of subsection (1) of section 252.373, Florida Statutes, are amended to read:

252.373 Allocation of funds; rules.--

(1)

(b) Notwithstanding the provisions of paragraph (a), and for the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, the use of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires on July 1, ~~2004~~ ~~2003~~.

(c) Notwithstanding the provisions of paragraph (a), and for the ~~2003-2004~~ ~~2002-2003~~ fiscal year only, the Department of Community Affairs shall conduct a review of funds available in the Emergency Management, Preparedness, and Assistance Trust Fund. By December 31 ~~4, 2003~~ ~~2002~~, when actual receipts for the ~~2002-2003~~ ~~2001-2002~~ fiscal year are determined, the Department of Community Affairs may identify any funds that were unspent or unencumbered in the ~~2002-2003~~ ~~2001-2002~~ fiscal year ~~that are not required to implement appropriations for the 2002-2003 fiscal year from the Emergency Management, Preparedness, and Assistance Trust Fund~~, and such funds may be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for current federally approved disaster ~~Hazard Mitigation Grant Program~~ projects. This paragraph expires July 1, ~~2004~~ ~~2003~~.

Section 29. In order to implement Specific Appropriations 1432A, 1438A-1438I, 1438K, 1438L, 1438N, and 1439E-1439J of the 2003-2004 General Appropriations Act, subsection (8) of section 215.559, Florida Statutes, is renumbered as subsection (9), and a new subsection (8) is added to said section to read:

215.559 Hurricane Loss Mitigation Program.--

(8) Notwithstanding the provisions of subsection (5), and for the ~~2003-2004~~ fiscal year only, the use of the Florida Hurricane Catastrophe Fund shall be as provided in the General Appropriations Act. This subsection expires on July 1, ~~2004~~.

Section 30. In order to implement Specific Appropriation 1303A of the 2003-2004 General Appropriations Act, paragraph (e) is added to subsection (13) of section 253.025, Florida Statutes, to read:

253.025 Acquisition of state lands for purposes other than preservation, conservation, and recreation.--

(13)

(e) For the ~~2003-2004~~ fiscal year only, the use of funds allocated to the Relocation and Construction Trust Fund shall be as provided in the General Appropriations Act. This paragraph expires July 1, ~~2004~~.

Section 31. In order to implement Specific Appropriations 1452-1459A of the 2003-2004 General Appropriations Act, subsection (4) of section 290.044, Florida Statutes, is amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.--

(4) ~~The percentage of funds distributed in each of the grant program categories from federal funds for federal fiscal year 1985 shall be established by the Legislature in the appropriation process for the 1984 regular session and shall be established annually thereafter in the same manner. The department shall submit its recommendation on the distribution percentages to the Governor and Legislature as part of its regular budget proposals. The department may set aside shall provide for the set-aside of an amount of up to 5-10 percent of the funds allocated to the neighborhood revitalization category in its distribution percentages for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may shall provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be used to~~

fully fund any applications which were partially funded due to inadequate funds in the most recently completed neighborhood revitalization category funding cycle, and then any remaining funds shall be distributed to the next unfunded applications.

Section 32. The amendment of subsection (4) of s. 290.044, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 33. In order to implement Specific Appropriation 2014 of the 2003-2004 General Appropriations Act, section 402.3017, Florida Statutes, is amended to read:

402.3017 Teacher Education and Compensation Helps (TEACH) scholarship program.--

(1) The Legislature finds that the level of early child care teacher education and training is a key predictor for determining program quality. The Legislature also finds that low wages for child care workers prevent many from obtaining increased training and education and contribute to high turnover rates. The Legislature therefore intends to help fund a program which links teacher training and education to compensation and commitment to the field of early childhood education.

(2) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (TEACH) scholarship program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes, and large family child care homes.

(3) The department shall adopt rules as necessary to implement this section.

(4) For the 2003-2004 ~~2002-2003~~ fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2004 ~~2003~~.

Section 34. In order to implement Specific Appropriation 2014 of the 2003-2004 General Appropriations Act, subsection (13) of section 411.01, Florida Statutes, is amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.--

(13) PLACEMENTS.--Notwithstanding any other provision of this section to the contrary, and for fiscal year 2003-2004 ~~2002-2003~~ only, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. Subsequent placements shall be pursuant to the provisions of this section. This subsection expires July 1, 2004 ~~2003~~.

Section 35. In order to implement Specific Appropriation 12C of the 2003-2004 General Appropriations Act, subsection (7) is added to section 1013.62, Florida Statutes, to read:

1013.62 Charter schools capital outlay funding.--

(7) For the 2003-2004 fiscal year only, and notwithstanding subsection (1), funds for charter school capital outlay shall be distributed by the Department of Education as provided in the General Appropriations Act.

Section 36. In order to implement Specific Appropriations 584-601A of the 2003-2004 General Appropriations Act, subsection (7) of section 1009.66, Florida Statutes, as amended by section 71 of chapter 2002-402, Laws of Florida, and section 3 of chapter 2002-400, Laws of Florida, is amended to read:

1009.66 Nursing Student Loan Forgiveness Program.--

~~(7)(a)~~ Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, public schools, county health departments, federally sponsored community health centers, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. An estimate of the annual trust fund dollars shall be made at the beginning of the fiscal year based on historic expenditures from the trust fund. Applicant requests shall be reviewed on a quarterly basis, and applicant awards shall be based on the following priority of employer until all such estimated trust funds are awarded: state-operated medical and health care

facilities; public schools; county health departments; federally sponsored community health centers; teaching hospitals as defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.

~~(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.~~

Section 37. The amendment of subsection (7) of s. 1009.66, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 38. In order to implement Specific Appropriation 477 of the 2003-2004 General Appropriations Act, subsection (3) of section 385.207, Florida Statutes, as amended by section 73 of chapter 2002-402, Laws of Florida, is amended to read:

385.207 Care and assistance of persons with epilepsy; establishment of programs in epilepsy control.--

(3) Revenue for statewide implementation of programs for epilepsy prevention and education pursuant to this section shall be derived pursuant to the provisions of s. 318.21(6) and shall be deposited in the Epilepsy Services Trust Fund, which is hereby established to be administered by the Department of Health. ~~All funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to such invested funds shall increase the total funds available under this subsection.~~

Section 39. The amendment of subsection (3) of s. 385.207, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 40. In order to implement Specific Appropriations 1335-1339 of the 2003-2004 General Appropriations Act, section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; ~~processing of complaints~~; records.--

(1) The director of the Division of Consumer Services shall be appointed by and serve at the pleasure of the commissioner.

(2) The Division of Consumer Services may:

(a) Conduct studies and make analyses of matters affecting the interests of consumers.

(b) Study the operation of laws for consumer protection.

(c) Advise and make recommendations to the various state agencies concerned with matters affecting consumers.

(d) Assist, advise, and cooperate with local, state, or federal agencies and officials in order to promote the interests of consumers.

(e) Make use of the testing and laboratory facilities of the department for the detection of consumer fraud.

(f) Report to the appropriate law enforcement officers any information concerning violation of consumer protection laws.

(g) Assist, develop, and conduct programs of consumer education and consumer information through publications and other informational and educational material prepared for dissemination to the public, in order to increase the competence of consumers.

(h) Organize and hold conferences on problems affecting consumers.

(i) Recommend programs to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services.

~~(3) In addition to the powers, duties, and responsibilities authorized by this or any other chapter, the Division of Consumer Services shall serve as a clearinghouse for matters relating to consumer protection, consumer information, and consumer services generally. It shall receive complaints and grievances from consumers and promptly transmit them to that agency most~~

directly concerned in order that the complaint or grievance may be expeditiously handled in the best interests of the complaining consumer. If no agency exists, the Division of Consumer Services shall seek a settlement of the complaint using formal or informal methods of mediation and conciliation and may seek any other resolution of the matter in accordance with its jurisdiction.

~~(4) If any complaint received by the Division of Consumer Services concerns matters which involve concurrent jurisdiction in more than one agency, duplicate copies of the complaint shall be referred to those offices deemed to have concurrent jurisdiction.~~

~~(3)(5)(a) Any agency, office, bureau, division, or board of state government receiving a complaint which deals with consumer fraud or consumer protection and which is not within the jurisdiction of the receiving agency, office, bureau, division, or board originally receiving it, shall immediately refer the complaint to the Division of Consumer Services.~~

(b) Upon receipt of such a complaint, the Division of Consumer Services shall make a determination of the proper jurisdiction to which the complaint relates and shall immediately refer the complaint to the agency, office, bureau, division, or board which does have the proper regulatory or enforcement authority to deal with it.

~~(6)(a) The office or agency to which a complaint has been referred shall within 30 days acknowledge receipt of the complaint and report on the disposition made of the complaint. In the event a complaint has not been disposed of within 30 days, the receiving office or agency shall file progress reports with the Division of Consumer Services no less frequently than 30 days until final disposition.~~

~~(b) The report shall contain at least the following information:~~

~~1. A finding of whether the receiving agency has jurisdiction of the subject matter involved in the complaint.~~

~~2. Whether the complaint is deemed to be frivolous, sham, or without basis in fact or law.~~

~~3. What action has been taken and a report on whether the original complainant was satisfied with the final disposition.~~

~~4. Any recommendation regarding needed changes in law or procedure which in the opinion of the reporting agency or office will improve consumer protection in the area involved.~~

~~(7)(a) If the office or agency receiving a complaint fails to file a report as contemplated in this section, that failure shall be construed as a denial by the receiving office or agency that it has jurisdiction of the subject matter contained in the complaint.~~

~~(b) If an office or agency receiving a complaint determines that the matter presents a prima facie case for criminal prosecution or if the complaint cannot be settled at the administrative level, the complaint together with all supporting evidence shall be transmitted to the Department of Legal Affairs or other appropriate enforcement agency with a recommendation for civil or criminal action warranted by the evidence.~~

~~(4)(8) The records of the Division of Consumer Services are public records. However, customer lists, customer names, and trade secrets are confidential and exempt from the provisions of s. 119.07(1). Disclosure necessary to enforcement procedures shall not be construed as violative of this prohibition.~~

~~(5)(9) It shall be the duty of the Division of Consumer Services to maintain records and compile summaries and analyses of consumer complaints under its jurisdiction and their eventual disposition, which data may serve as a basis for recommendations to the Legislature and to state regulatory agencies.~~

Section 41. The amendment of s. 570.544, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 42. In order to implement Specific Appropriations 1335-1339 of the 2003-2004 General Appropriations Act, section 526.3135, Florida Statutes, is amended to read:

526.3135 Reports by the Division of Standards.--The Division of Standards is directed to compile a report pursuant to s. 570.544 of all complaints received by the Department of Agriculture and Consumer Services pursuant to this act. Such report shall ~~contain at least the information required by s. 570.544(6)(b)2. 4. and shall~~ be presented to the Speaker of the House of

Representatives and the President of the Senate no later than January 1 of each year.

Section 43. The amendment of s. 526.3135, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that section shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 44. In order to implement Specific Appropriations 1335-1339 of the 2003-2004 General Appropriations Act, subsection (2) of section 559.921, Florida Statutes, is amended to read:

559.921 Remedies.--

(2) The department shall ~~refer process~~ consumer complaints to the Division of Consumer Services according to ss. 570.07 and 570.544.

Section 45. The amendment of subsection (2) of s. 559.921, Florida Statutes, by this act shall expire on July 1, 2004, and the text of that subsection shall revert to that in existence on June 30, 2003, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to the provisions of this act.

Section 46. In order to implement Section 24 of the 2003-2004 General Appropriations Act, subsection (10) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.--

(10)(a) Notwithstanding the provisions of s. 216.301, funds appropriated for this purpose shall not be subject to reversion.

(b) For the 2003-2004 fiscal year only and notwithstanding paragraph (a), funds appropriated for this purpose in previous years are subject to the reversion requirements of s. 216.301. This paragraph expires July 1, 2004.

Section 47. In order to implement Section 30 of the 2003-2004 General Appropriations Act, subsection (5) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.--

(5) For the 2003-2004 fiscal year only and notwithstanding the provisions of this section and s. 339.09(1), \$200 million may be transferred from the State Transportation Trust Fund to the General Revenue Fund in the 2003-2004 General Appropriations Act. Such transfer may be comprised of several smaller transfers made during the 2003-2004 fiscal year. Notwithstanding ss. 206.46(3) and 206.606(2), the total amount transferred shall be reduced from total state revenues deposited into the State Transportation Trust Fund for the calculation requirements of ss. 206.46(3) and 206.606(2). This subsection expires July 1, 2004.

Section 48. In order to implement Specific Appropriation 2545 of the 2003-2004 General Appropriations Act, effective July 1, 2003, transfers shall occur as described in legislation that becomes law reorganizing the Office of the Auditor General and the Office of Program Policy Analysis and Government Accountability into the Office of Government Accountability. If such legislation does not become law, all powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of Program Policy Analysis and Government Accountability are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Office of the Auditor General. Consistent with the provisions of s. 11.45(4)(a), Florida Statutes, and notwithstanding any other provision of law to the contrary, the Auditor General shall, within the funding provided, determine which duties and responsibilities assigned by law to the Office of Program Policy Analysis and Government Accountability shall be provided during the 2003-2004 fiscal year. This section expires July 1, 2004.

Section 49. In order to implement Specific Appropriation 2545 of the 2003-2004 General Appropriations Act, effective July 1, 2003, all powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Council for Education Policy Research and Improvement are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Office of the Auditor General. Notwithstanding the provisions of s. 1008.51, Florida Statutes, all powers, duties, funding, and functions of the Council for Education Policy Research and Improvement are suspended for the 2003-2004 fiscal year. The Auditor General may, within the funding provided, provide policy research and analysis of education issues. This section expires July 1, 2004.

Section 50. A section of this act that implements a specific appropriation

or specifically identified proviso language in the 2003-2004 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2003-2004 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 51. If any other act passed in 2003 contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.

Section 52. The agency performance measures and standards in the document entitled "Florida's Budget 2003 Agency Performance Measures and Standards Approved by the Legislature for Fiscal Year 2003-04" dated March 24, 2003, and filed with the Clerk of the House of Representatives are incorporated by reference. Such performance measures and standards are directly linked to the appropriations made in the General Appropriations Act for fiscal year 2003-2004, as required by the Government Performance and Accountability Act of 1994. State agencies are directed to revise their long-range program plans required under s. 216.013, Florida Statutes, to be consistent with these performance measures and standards.

Section 53. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 54. If any law amended by this act was also amended by a law enacted at the 2003 Regular Session of the Legislature, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.

Section 55. Except as otherwise provided in this act, this act shall take effect July 1, 2003; or, in the event this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2003.

Remove the entire title, and insert:

A bill to be entitled

An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 409.1671, F.S.; requiring that funds for privatized foster care and related services be allocated in accordance with a methodology adopted by the Department of Children and Family Services by rule and granting rulemaking authority for such purpose; providing for lump sum funding in the Department of Children and Family Services to provide for continuity of foster care under certain circumstances; amending s. 394.908, F.S.; providing for substance abuse and mental health funding equity as provided in the General Appropriations Act; authorizing the Department of Children and Family Services to procure contractual services to outsource the operation of the Northeast Florida State Hospital; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the

Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 932.7055, F.S.; allowing municipal special law enforcement trust funds to be used to reimburse certain loans from municipalities; amending s. 581.184, F.S.; requiring notice to the property owner of the removal of infected citrus trees or citrus trees exposed to infection; amending s. 581.1845, F.S.; revising eligibility for compensation of homeowners under the citrus canker eradication program; prescribing the amount of compensation for trees taken in the citrus canker eradication program; amending s. 61.1826, F.S.; revising provisions relating to the special master to resolve disputes involving cooperative agreement and contract terms for certain state and federal child support provisions; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including use of certain funds as state match for current federally approved disaster projects; amending s. 215.559, F.S.; providing that use of the Florida Hurricane Catastrophe Fund shall be as provided in the General Appropriations Act; amending s. 253.025, F.S.; providing that the use of funds allocated to the Relocation and Construction Trust Fund shall be as provided in the General Appropriations Act; amending s. 290.044, F.S.; eliminating required distribution percentages for program categories from the Florida Small Cities Community Development Block Grant Program Fund and authorizing the set-aside of a certain amount of such funds for certain emergency-related activities; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 1013.62, F.S.; providing that funds for charter school capital outlay funding shall be distributed by the Department of Education as provided in the General Appropriations Act; amending s. 1009.66, F.S.; deleting certain provisions relating to investment and use of interest income of the Nursing Student Loan Forgiveness Trust Fund; amending s. 385.207, F.S.; deleting certain provisions relating to investment and use of interest income of the Epilepsy Services Trust Fund; amending s. 570.544, F.S.; reducing consumer complaint processing responsibilities of the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending ss. 526.3135 and 559.921, F.S., to conform; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; providing for transfer pursuant to law or a type two transfer of all powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Office of Program Policy Analysis and Government Accountability to the Office of the Auditor General; providing for a type two transfer of all powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Council for Education Policy Research and Improvement to the Office of the Auditor General; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

Rep. Kyle moved the adoption of the amendment.



Representative Murman offered the following:

(Amendment Bar Code: 405875)

**Amendment 1 to Amendment 1 (with title amendment)**—Between line(s) 247 and 248, insert:

Section 11. In order to implement Specific Appropriations 265, 267, 268, 268B, 269A, 270A, 271, 272, 275, 276, and 277 of the 2003-2004 General Appropriations Act, as part of the legislative budget request provided for in chapter 216, Florida Statutes, for fiscal year 2004-2005, the Department of Children and Family Services shall develop a separate allocation for lead agencies which specifically identifies the funds provided for each lead agency. The recommended methodology and request shall address, but not be limited to, the base budget, caseload increases, salary increases, equity funding, and administrative costs. The request shall involve the lead agencies in a consultative process. This section expires July 1, 2004.

Remove line(s) 1063, and insert:  
certain circumstances; providing additional direction to the Department of Children and Family Services related to the development of its legislative budget request; amending s. 394.908, F.S.;

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

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

**Motion**

Rep. Cantens moved the previous question on the amendment and bill, which was agreed to.

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

On motion by Rep. Kyle, the rules were waived and SB 4-A, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 558

Speaker Byrd in the Chair.

Yeas—77

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

Nays—33

Antone	Gibson, A.	Kosmas	Slosberg
Bendross-Mindingall	Gottlieb	Machek	Smith
Brandenburg	Greenstein	McInvale	Vana
Brutus	Harper	Meadows	Wiles
Bullard	Henriquez	Peterman	Wishner
Cusack	Holloway	Richardson	Zapata
Fields	Jennings	Roberson	
Gannon	Joyner	Ryan	
Gelber	Kendrick	Seiler	

Votes after roll call:

Nays—Sobel

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

**Motion**

On motion by Rep. Kyle, the House acceded to the request of the Senate to appoint a conference committee on SB 2-A, SB 10-A, SB 22-A, SB 8-A, SB 16-A, SB 12-A, SB 26-A, and SB 4-A.

The action was immediately certified to the Senate.

**Conference Committee Appointed**

Under Rule 7.25(a), the Speaker appointed the following Members as managers on the part of the House on general appropriations and implementing bills to serve with Rep. Kyle, Chair: At Large—Reps. Harrington, Murman, Greenstein, Berfield, Jennings, and Cantens; Judicial Appropriations—Rep. Negron, Chair, and Reps. Benson, Kottkamp, Gelber, Mahon, Ross, Seiler, Ambler (alternate), Planas (alternate), and Roberson (alternate); Health & Human Services—Rep. Green, Chair, and Reps. Brown, Murman, Garcia, Harrell, Richardson, Culp, Fiorentino, Slosberg, Farkas, Gottlieb, Domino (alternate), and Murzin (alternate); Education—Rep. Simmons, Chair, and Reps. Kilmer, Baxley, Pickens, Mayfield, Stansel, Mealor, Arza, Attkisson, Bendross-Mindingall, Sansom (alternate), Altman (alternate), and Cretul (alternate); General Government (Commerce & Local Affairs and Agriculture & Environment)—Rep. Brummer, Chair, and Reps. Paul, Bowen, Spratt, Mack, Machek, Reagan (alternate), Troutman (alternate), and M. Davis (alternate); Transportation and Economic Development—Rep. Waters, Chair, and Reps. Russell, Gardiner, Kendrick, Evers, Clarke, Cusack, Patterson, Rivera (alternate), Hasner (alternate), and Llorente (alternate); Public Safety—Rep. Bilirakis, Chair, and Reps. Barreiro, Bean, Needelman, Holloway, Carassas, Dean (alternate), Adams (alternate), and Carroll (alternate).

**Recessed**

The House stood in informal recess at 7:18 p.m.

**Reconvened**

The House was called to order by the Speaker at 7:24 p.m. A quorum was present [Session Vote Sequence: 559].

**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 11:00 a.m., Tuesday, May 27, or upon call of the Chair. The motion was agreed to.

**Votes After Roll Call**

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Harper:

Yeas to Nays—May 15: 528

Rep. Jennings:

Yeas to Nays—May 15: 528

Rep. Kendrick:

Nays—May 15: 527

### Cosponsors

HB 7-A—M. Davis

HB 23-A—Waters

HB 25-A—Zapata

HB 27-A—Clarke

HB 29-A—M. Davis

HB 39-A—Kottkamp

HB 45-A—Altman, Arza, M. Davis, Jordan, Planas, Rivera, Roberson, Zapata

HB 47-A—M. Davis

HB 53-A—Zapata

HB 63-A—M. Davis, Zapata

HB 75-A—Zapata

HB 77-A—Bullard, Holloway, Homan

HB 79-A—M. Davis, Zapata

HB 81-A—Holloway

HB 83-A—Allen, Ambler, Anderson, Bullard, Carroll, Clarke, Cretul, M. Davis, Domino, Galvano, Gelber, Goodlette, Holloway, Homan, Kilmer, Kottkamp, Kravitz, Llorente, Mayfield, Meadows, Patterson, Planas, Quinones, Reagan, Robaina, Roberson

HB 87-A—M. Davis

HB 97-A—Kottkamp

HB 101-A—Zapata

HB 107-A—M. Davis

HB 109-A—M. Davis, Zapata

HB 111-A—M. Davis, Zapata

HB 113-A—M. Davis, Gelber, Goodlette, Kottkamp, Mahon, Planas, Sansom, Zapata

HB 117-A—M. Davis

HB 119-A—Clarke

HB 123-A—Bendross-Mindingall, Cusack, A. Gibson, Holloway, Peterman

HB 125-A—Zapata

HB 143-A—Benson, Domino, Needelman, Planas, Zapata

### Introduction and Reference

**HB 151-A**—Read the first time earlier today.

By Representative Greenstein—

**HB 153-A**—A bill to be entitled An act relating to trust funds; creating s. 24.1127, F.S.; creating the Video Lottery Administrative Trust Fund within the Department of the Lottery; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Filed.

By Representative Greenstein—

**HB 155-A**—A bill to be entitled An act relating to trust funds; creating s. 550.2631, F.S.; creating the Video Lottery Purse Trust Fund within the Department of Business and Professional Regulation; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Filed.

By Representative Greenstein—

**HB 157-A**—A bill to be entitled An act relating to trust funds; creating s. 550.2632, F.S.; creating the Video Lottery Thoroughbred Trust Fund within the Department of Business and Professional Regulation; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

Filed.

By Representative Barreiro—

**HB 159-A**—A bill to be entitled An act relating to death sentence proceedings; amending s. 922.07, F.S.; modifying circumstances under which the Governor must stay execution of the sentence of death; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

Filed.

### Withdrawn Prior to Introduction

**HB 31-A**—Previously filed; withdrawn prior to introduction.

### Excused

Reps. Ausley, Baker, Prieguez

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:26 p.m., to reconvene at 11:00 a.m., Tuesday, May 27, or upon call of the Chair.