The Journal OF THE House of Representatives

Number 30 **Wednesday, April 28, 2004**

The House was called to order by the Speaker at 11:07 a.m.

Prayer

The following prayer was offered by Pastor Rick Warren of Saddleback Church of Lake Forest, California, upon invitation of Rep. Gardiner:

Well, Father, we want to thank You that the budget's passed. We want to thank You for all that was accomplished in this last legislative session. We know everybody's worked hard and they are tired. And as these legislators return to their home district, I have some personal requests for them. I ask that You bless them with alert ears, so they can hear what the people in their districts are saying and thinking. I ask You to give them sharp eyes to help them to see the needs and the hurts of people around them. I ask You to bless them with a caring heart to care for those who are not cared for. I ask You to give them a courageous spirit to stand up and to speak for what they know is right. Would You give them and bless them with a serving hand to help others wherever they can? I ask You to bless them with an honest tongue, so that what they say is trusted. I ask You to bless them with a wise mind, so they can discern what's most important when there are so many things on our plate. Give them a sensitive spirit in order to sympathize with those who are struggling. And give them a humble attitude, so the rest of us can live with them. In Your Name we pray. Amen.

Recessed

On motion by the Speaker pro tempore, the House stood in informal recess at 11:22 a.m., to reconvene upon the call of the Chair.

Reconvened

The House was called to order by the Speaker at 11:29 a.m.

The following members were recorded present:

Session Vote Sequence: 970

Speaker Byrd in the Chair.

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

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

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Vance Coley of Marianna at the invitation of Rep. Bense; Eileen Cowdery of Winter Springs at the invitation of Rep. Adams; Ian Hanchett of Brandon at the invitation of the Speaker; and Geoffrey Kneen of Dunedin at the invitation of Rep. Anderson.

House Physician

The Speaker introduced Dr. Robert P. Fedor of Madeira Beach, who served in the Clinic today upon invitation of Rep. Sullivan.

Correction of the *Journal*

The *Journal* of April 27 was corrected and approved as corrected.

Communications

The Honorable Johnnie Byrd April 28, 2004
Speaker of the House of Representatives

Dear Mr. Speaker:

In compliance with Article III, Section 19(d), State Constitution, and Joint

Rule 2, copies of the Appropriations Conference Committee Reports on HB 1835 and HB 1837 have been furnished to each member of the Legislature, the Governor, and the Chief Justice of the Supreme Court, and each member of the Cabinet.

The delivery was completed April 27, 2004 at 7:08 p.m., EDT.

Respectfully submitted,
John B. Phelps
Clerk of the House

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2038, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Commerce, Economic Opportunities, and Consumer Services, Banking and Insurance and Senator Fasano—

CS for CS for SB 2038—A bill to be entitled An act relating to insurance; amending s. 20.121, F.S.; requiring the Division of Consumer Services of the Department of Financial Services to designate an employee as primary contact for consumers on issues involving sinkholes; authorizing the department to issue an order of conditional release from a stop-work order if an employer complies with coverage requirements and a penalty payment agreement; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; amending s. 624.4622, F.S.; providing that a local government self-insurance fund must initially be organized as a commercial self-insurance fund or a group self-insurance fund and, for a specified period, must comply with the requirements for such a fund; providing that a local government self-insurance fund comply with specified provisions relating to financial statements; amending s. 624.610, F.S.; revising the requirements of a trust fund for a single assuming insurer; amending s. 625.081, F.S.; providing an exception for credit disability insurance from a health insurance active life reserve requirement; amending s. 625.121, F.S.; providing for valuation of life insurance policies; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; creating s. 626.9743, F.S., relating to claim settlement practices for motor vehicle insurance; prescribing standards to be followed by insurers; creating s. 626.9744, F.S., relating to claim settlement practices for homeowners' insurance; prescribing standards to be followed by insurers; amending s. 627.311, F.S.; allowing the automobile insurance joint underwriting plan to require additional proof from insureds regarding cancellation of coverage; allowing additional time for the investigation of claims against the plan; providing for expiration of the provision; amending s. 627.4091, F.S.; providing additional disclosure requirements with respect to a refusal to insure; amending s. 627.4133, F.S.; requiring property insurers to reinstate a canceled policy as required by s. 501.137, F.S.; restricting the use of certain claims as a cause for cancellation or nonrenewal; amending s. 627.476, F.S.; authorizing the use of certain mortality tables for purposes of the Standard Nonforfeiture Law for Life Insurance; creating s. 627.7077, F.S.; providing for a feasibility study for a proposed Florida Sinkhole Insurance Facility; amending s. 627.838, F.S.; deleting a filing fee; amending s. 627.848, F.S.; specifying provisions for cancellation of insurance contracts; amending s. 627.849, F.S., to conform to the elimination of a filing fee; providing for a study and report by the Florida State University College of Business on personal lines property and casualty insurance; repealing s. 625.131, F.S., relating to credit life and disability policies; providing for construction of the act; providing effective dates.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 444, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Governmental Oversight and Productivity and Senators Geller, Miller, Bullard, Bennett and Dawson—

CS for SB 444—A bill to be entitled An act relating to abrogating offensive or derogatory place names; creating s. 267.0625, F.S.; providing legislative findings that certain place names are offensive or derogatory; providing definitions; requiring the Florida Historical Commission and the Division of Historic Resources to aid state agencies and local governments in identifying geographic sites having offensive or derogatory place names; directing state agencies and local governments to identify geographic sites having offensive or derogatory place names by a specified date; directing the commission to recommend to the division replacement names; directing the division to select replacement names by a specified date; requiring state and local governments to update maps and markers with the new place names; directing the division to notify the United States Board of Geographic Names of name changes; providing specified exceptions to the act; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1494, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Commerce, Economic Opportunities, and Consumer Services and Senators Garcia and Lynn—

CS for SB 1494—A bill to be entitled An act relating to tax refund programs for qualified target industry businesses and qualified defense contractors; amending s. 288.095, F.S.; requiring the Office of Tourism, Trade, and Economic Development to pay claims for tax refunds in the order approved; authorizing certain tax refunds to be paid from an appropriation in a subsequent fiscal year; requiring the Office of Tourism, Trade, and Economic Development to provide notice of an anticipated shortfall in the amount necessary to satisfy tax refund claims; eliminating a requirement for prorating of tax refunds; requiring Enterprise Florida, Inc., to report on the efforts of the Office of Tourism, Trade, and Economic Development to amend tax refund agreements; requiring Enterprise Florida, Inc., to report the name and tax refund amount paid to each business under the programs; amending s. 288.1045, F.S.; defining the term "jobs" to include new and retained jobs; requiring applications for certification to include the number of jobs retained; providing that new applicants may not be certified for the tax refund program for qualified defense contractors after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; amending s. 288.106, F.S.; providing that new applicants may not be certified for the tax refund program for qualified target industry businesses after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend certain tax refund agreements, to conform; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1604, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Comprehensive Planning, Military and Veterans' Affairs, Base Protection, and Spaceports and Senators Fasano, Clary, Crist, Siplin, Lynn, Wasserman Shultz, Haridopolos, Miller and Bullard—

CS for CS for SB 1604—A bill to be entitled An act relating to military affairs; creating s. 163.3175, F.S.; providing legislative findings on the compatibility of development with military installations; providing for the exchange of information relating to proposed land use decisions between counties and local governments and military installations; providing for responsive comments by the commanding officer or his or her designee; providing for the county or affected local government to take such comments into consideration; providing for a representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board; encouraging the commanding officer to provide information on community planning assistance grants; providing definitions; amending s. 163.3177, F.S.; providing for the future land use plan element of comprehensive plans to include compatibility with military installations; requiring the inclusion of criteria; requiring local governments to update or amend their comprehensive plan by a certain date; providing for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations; amending s. 163.3187, F.S.; providing that amendments to address compatibility or include criteria do not count toward the limitation on frequency of amending comprehensive plans; amending s. 163.3191, F.S.; providing that evaluations of comprehensive plans include whether such criteria were successful in resolving land use compatibility uses with military installations; amending s. 288.980, F.S.; creating the Defense Infrastructure Grant Program; providing the purpose and for implementation of the program; amending s. 295.01, F.S.; revising certain requirements relating to scholarships for children of deceased veterans; amending s. 443.101, F.S.; providing eligibility for unemployment compensation benefits for the spouses of a member of the military under certain circumstances beginning on a date certain; amending s. 445.007, F.S.; providing for the appointment of a military representative to certain regional workforce boards; amending s. 464.009, F.S.; removing a scheduled repeal of provisions; providing for licensure by endorsement of certain nurses licensed in another state that is a member of the Nurse Licensure Compact; amending s. 464.022, F.S.; providing that certain nurses relocating to this state may perform nursing services for a period of 120 days after submitting application for licensure; amending s. 1002.39, F.S.; revising eligibility requirements for military dependents applying for a John M. McKay Scholarship; requiring the State Board of Education to adopt rules; amending s. 1003.05, F.S.; directing the Department of Education to assist in the development of memoranda of agreement between school districts and military installations; providing that qualifying military dependents receive priority admission to certain special academic programs; creating s. 1008.221, F.S.; providing for alternate assessments for the grade 10 FCAT for certain military dependents; amending s. 1009.21, F.S.; classifying dependents of active duty members of the armed forces and certain liaison officers and their spouses and dependent children as residents for tuition purposes; directing Workforce Florida, Inc., to establish an employment advocacy and assistance program targeting military spouses and dependents; directing the Florida Housing Finance Corporation to assess the housing needs of Florida's military families; requiring a report; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1934 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Banking and Insurance and Senators Atwater, Dockery, Peaden, Bennett, Haridopolos and Garcia—

CS for SB 1934—A bill to be entitled An act relating to state vehicles; amending s. 287.17, F.S.; providing that the term "official state business" shall be construed to permit the use of state vehicles by law enforcement officers for going to and from lunch breaks and incidental stops for personal errands; creating s. 284.311, F.S.; providing reimbursement for certain off-duty use; providing for rules; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2372, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Governmental Oversight and Productivity, Health, Aging, and Long-Term Care and Senator Clary—

CS for CS for SB 2372—A bill to be entitled An act relating to physical fitness and health; requiring the Department of Health to undertake certain actions to promote healthy lifestyles and body weight; authorizing the department to adopt rules; providing that the act is contingent on an appropriation; amending s. 320.08058, F.S.; requiring the Florida Sports Foundation to allocate certain proceeds from the sale of license plates for additional purposes; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 2132, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Argenziano—

SB 2132—A bill to be entitled An act relating to the Florida Construction Industries Recovery Fund; amending s. 489.140, F.S.; renaming the fund as the Florida Homeowners' Construction Recovery Fund; creating s. 489.1401, F.S.; declaring legislative intent with respect to use of the fund; creating s. 489.1402, F.S.; defining terms; amending s. 489.141, F.S.; revising conditions for recovery from the fund; amending s. 489.142, F.S.; providing for hearings and for service of notice; amending s. 489.1425, F.S.; conforming to changes in terminology; amending s. 489.143, F.S.; providing a limit on disbursements with respect to a single contract; revising guidelines for making payments from the fund; providing criminal penalties for specified fraudulent acts; amending ss. 489.144, 489.13, 489.131, F.S.; conforming terminology to the changes made by the act; amending s. 468.631, F.S.; requiring certain information relating to building permits to be reported to the Department of Business and Professional Regulation; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 2262, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Education, Children and Families and Senators

Smith, Cowin, Wise and Campbell—

CS for CS for SB 2262—A bill to be entitled An act relating to the prescription of psychotropic medications to dependent minors; amending s. 743.0645, F.S.; defining the term "psychotropic medication"; creating the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida; providing the purpose of the center; providing for the appointment of a director; creating an advisory board; providing for board membership; requiring the center to work with the Department of Children and Family Services, the Department of Juvenile Justice, the Agency for Health Care Administration, and the Department of Health; requiring certain data relating to dependent minors for whom psychotropic medications have been prescribed to be made available to the center, as legally allowed; requiring the center to report to legislative leaders by a specified date; providing for future repeal; amending s. 39.401, F.S.; providing that the refusal of a parent, legal guardian, or other person responsible for a child's welfare to administer or consent to the administration of a psychotropic medication does not by itself constitute grounds for taking the child into custody; providing an exception; creating s. 402.3127, F.S.; prohibiting the unauthorized administration of medication by personnel associated with child care entities; providing an exception for emergency medical conditions when the child's parent or legal guardian is unavailable; defining the term "emergency medical condition"; providing penalties for violations; amending s. 1006.062, F.S.; requiring district school boards to adopt rules prohibiting district school board personnel from recommending the use of psychotropic medications for any student; allowing such personnel to recommend that a medical practitioner evaluate a student and to consult with such practitioners; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 2674, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Children and Families and Senators Wise, Dockery, Saunders, Fasano, Bennett and Aronberg—

CS for SB 2674—A bill to be entitled An act relating to the statewide and local advocacy councils; amending s. 402.164, F.S.; providing definitions; amending s. 402.165, F.S.; requiring the Florida Statewide Advocacy Council to be located in the Executive Office of the Governor; removing the requirement for the Department of Children and Family Services to provide administrative support; revising the membership of the statewide advocacy council; providing priority consideration for certain candidates for the statewide council; requiring the Governor to select an executive director; providing that such director shall serve at the pleasure of the Governor; removing a restriction on the preparation of the annual budget; requiring the council to consult with the Governor before generating a complaint; revising council duties and responsibilities; directing the council to establish interagency agreements with certain state agencies; requiring copies of certain files, records, and reports to be provided to the council at the agency's expense; amending s. 402.166, F.S.; deleting references to administration by the department; providing clarification for duties performed by a local council; revising the period in which the Governor may approve or disapprove an appointment; removing authority to review certain programs; providing that the local council has the same authority to access records from facilities, programs, and clients as does the statewide advocacy council; amending s. 402.167, F.S.; directing each state agency that provides client services to provide certain information about the statewide advocacy and local councils; transferring the Florida Statewide Advocacy Council, certain positions, local councils, and a toll-free complaint line by a type two transfer from the Department of Children and Family Services to the Florida Statewide Advocacy Council; directing the department to identify positions to be transferred by a type two transfer to the Florida Statewide Advocacy Council for support of the local councils; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for SB 1184, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Judiciary, Health, Aging, and Long-Term Care, Comprehensive Planning and Senators Campbell and Lynn—

CS for CS for CS for SB 1184—A bill to be entitled An act relating to condominium and community associations; amending s. 718.111, F.S.; providing immunity from liability for certain information provided by associations to prospective purchasers or lienholders under certain circumstances; amending s. 720.303, F.S.; requiring specific notice to be given to association members before certain assessments or rule changes may be considered at a meeting; amending s. 768.1325, F.S.; providing immunity from civil liability for community associations that provide automated defibrillator devices under certain circumstances; prohibiting insurers from requiring associations to purchase medical malpractice coverage as a condition of issuing other coverage; prohibiting insurers from excluding from coverage under a general liability policy damages resulting from the use of an automated external defibrillator device; amending ss. 718.112 and 719.1055, F.S.; revising notification and voting procedures with respect to any vote to forego retrofitting of the common areas of condominiums and cooperatives with fire sprinkler systems; creating s. 718.5011, F.S.; creating the Office of the Condominium Ombudsman within the Division of Florida Land Sales, Condominiums, and Mobile Homes; directing the Governor to appoint the ombudsman; requiring the ombudsman to be an attorney; providing for the filling of a vacant ombudsman position; prohibiting the ombudsman and staff from engaging in any other profession, serving as a representative or employee of any political party, or receiving remuneration for activities on behalf of political candidates; prohibiting the ombudsman and staff from seeking public office unless resigned from the Office of the Condominium Ombudsman; providing requirements and limitations for office staff; creating s. 718.5012, F.S.; providing for powers and duties of the ombudsman; requiring the ombudsman to prepare and issue reports and make recommendations to specified persons; directing the ombudsman to be a liaison between certain parties, to monitor condominium elections, to assist unit owners and boards of directors, and to encourage voluntary resolutions to disputes before filing the matter as a formal complaint; creating s. 718.5014, F.S.; providing for the principal location of the ombudsman's office in Leon County; authorizing the ombudsman to establish branch offices elsewhere in the state under specified circumstances; amending s. 718.503, F.S.; requiring unit owners who are not developers to provide a specific question and answer disclosure document to certain prospective purchasers; creating s. 718.5015, F.S.; creating the Advisory Council on Condominiums; providing for appointments by the President of the Senate, the Speaker of the House of Representatives, and the Governor; providing limited compensation and other terms of service; specifying functions; creating s. 720.401, F.S.; providing legislative intent relating to the revival of governance of a community; creating s. 720.402, F.S.; providing eligibility to revive governance documents; specifying prerequisites to reviving governance documents; creating s. 720.403, F.S.; requiring the formation of an organizing committee; providing for membership; providing duties and responsibilities of the organizing committee; directing the organizing committee to prepare certain documents; providing for the contents of the documents; providing for a vote of the eligible parcel owners; creating s. 720.404, F.S.; directing the organizing committee to file certain documents with the Department of Community Affairs; specifies the content of the submission to the department; requiring the department to approve or disapprove the request to revive the governance documents within a specified time period; creating s. 720.405, F.S.; requiring the organizing committee to file and record certain documents within a specified time period; directing the organizing committee to give all affected parcel owners a copy of the documents filed and recorded; providing for judicial determination of the effects of revived covenants on parcels; providing for effects of such a judicial determination; amending ss. 720.301

and 720.302, F.S.; conforming provisions to changes made by the act; providing definitions; redefining the term "member"; prescribing a legislative purpose of providing alternative dispute resolution procedures for disputes involving elections and recalls; amending s. 720.303, F.S.; prescribing the right of an association to enforce deed restrictions; prescribing rights of members and parcel owners to attend and address association board meetings and to have items placed on an agenda; prescribing additional requirements for notice of meetings; providing for additional materials to be maintained as records; providing additional requirements and limitations with respect to inspecting and copying records; providing requirements with respect to financial statements; providing procedures for recall of directors; amending s. 720.304, F.S.; prescribing owners' rights with respect to flag display; prohibiting certain lawsuits against parcel owners; providing penalties; allowing a parcel owner to construct a ramp for a parcel resident who has a medical need for a ramp; providing conditions; allowing the display of a security-services sign; amending s. 720.305, F.S.; providing that a fine by an association cannot become a lien against a parcel; providing for attorney's fees in actions to recover fines; creating s. 720.3055, F.S.; prescribing requirements for contracts for products and services; amending s. 720.306, F.S.; providing for notice of and right to speak at member meetings; requiring election disputes between a member and an association to be submitted to mandatory binding arbitration; amending s. 720.311, F.S.; expanding requirements and guidelines with respect to alternative dispute resolution; providing requirements for mediation and arbitration; providing for training and education programs; amending s. 718.110, F.S.; restricting the application of certain amendments restricting owners' rental rights; transferring, renumbering, and amending s. 689.26, F.S.; modifying the disclosure form that a prospective purchaser must receive before a contract for sale; providing that certain contracts are voidable for a specified period; requiring that a purchaser provide written notice of cancellation; transferring and renumbering s. 689.265, F.S., relating to required financial reports of certain residential subdivision developers; amending s. 498.025, F.S., relating to the disposition of subdivided lands; conforming cross-references; creating s. 720.602, F.S.; providing remedies for publication of false and misleading information; amending s. 34.01, F.S.; providing jurisdiction of disputes involving homeowners' associations; amending ss. 316.00825, 558.002, F.S.; conforming cross-references; providing for internal organization of ch. 720, F.S.; amending s. 190.012, F.S.; providing for the enforcement of deed restrictions in certain circumstances; amending s. 190.046, F.S.; providing for additional dissolution procedures; amending s. 190.006, F.S.; specifying procedures for selecting a chair at the initial landowners' meeting; specifying requirements for proxy voting; requiring notice of landowners' elections; specifying the terms of certain supervisors; providing for nonpartisan elections; specifying the time that resident supervisors assume office; authorizing the supervisor of elections to designate seat numbers for resident supervisors of the board; providing procedures for filing qualifying papers; allowing candidates the option of paying a filing fee to qualify for the election; specifying payment requirements; specifying the number of petition signatures required to qualify for the election; requiring the county canvassing board to certify the results of resident elections; amending s. 718.5012, F.S., as created by this act; providing for establishment of election monitors; providing for severability; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 632, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Appropriations and Senator Argenziano—

CS for SB 632—A bill to be entitled An act relating to jai alai; amending s. 550.002, F.S.; redefining the term "full schedule of live racing or games" for purposes of ch. 550, F.S., to include a jai alai permitholder that conducted a certain number of live performances in a specified time period; amending s. 550.09511, F.S.; providing the amount of license fees and taxes for a jai alai permitholder that conducts fewer than 100 live performances in any fiscal year; providing an effective date.

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

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 9, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 9—A bill to be entitled An act relating to road and bridge designations; designating Howard E. Futch Memorial Highway in Brevard and Osceola Counties; designating Ed Fraser Memorial Highway in Baker County; designating Trooper Charles W. Parks Memorial Highway in Nassau County; designating Deputy Renee Danell Azure Memorial Highway in Union County; designating Andrew J. Aviles Trail in Hillsborough County; designating Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; designating the St. Johns River Veterans Memorial Bridge in Volusia and Seminole Counties; designating the Florida Veterans Memorial Bridge in Sumter County; designating Deputy Charles "Chuck" Sease Memorial Interchange in Flagler County; designating Larry E. Smedley Medal of Honor Highway in Orange County; designating Jerome A. Williams Memorial Highway in Putnam County; designating the James H. Pruitt Memorial Bridge in Brevard and Indian River Counties; designating the Arthor L. Andrews Bridge in Wakulla County; designating Roberto Guevara Memorial Boulevard in Osceola County; designating Veterans Memorial Interchange in Orange County; designating William C. Cramer Interstate Highway in Pinellas County; designating President Ronald Reagan Parkway in Hillsborough County; designating Roberto Guevara Memorial Boulevard in Osceola County; directing the Department of Transportation to erect suitable markers; providing an effective date.

(Amendment Bar Code: 910690)

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

and insert:

Section 1. Browning-Pearce Memorial Highway designated; department to erect suitable markers.--

(1) That portion of State Road 207 between Interstate Highway 95 in St. Johns County and the intersection with U.S. Highway 17 in Putnam County is designated as "Browning-Pearce Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Browning-Pearce Memorial Highway as described in subsection (1).

Section 2. Jerome A. Williams Memorial Highway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 17 in Putnam County from Crescent City south to the border at Volusia County is designated as "Jerome A. Williams Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Jerome A. Williams Memorial Highway as described in subsection (1).

Section 3. James C. Penney Memorial Boulevard designated; department to erect suitable markers.--

(1) That portion of State Road 16 in Clay County within the town limits of the Town of Penney Farms is designated as "James C. Penney Memorial Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating James C. Penney Memorial Boulevard as described in subsection (1).

Section 4. C. Fred and Marvin Arrington Bridge designated; department to erect suitable markers.--

(1) The C. Fred Arrington Bridge located on U.S. Highway 27 between Tallahassee and Havana and crossing the Ochlockonee River is designated as "C. Fred and Marvin Arrington Bridge."

(2) The Department of Transportation is directed to erect suitable markers

designating C. Fred and Marvin Arrington Bridge as described in subsection (1).

Section 5. Howard E. Futch Memorial Highway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 192 from Interstate Highway 95 in Brevard County to St. Cloud in Osceola County is designated as "Howard E. Futch Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Howard E. Futch Memorial Highway as described in subsection (1).

Section 6. St. Johns River Veterans Memorial Bridge designated; department to erect suitable markers.--

(1) The St. Johns River Bridge on I-4 at the Seminole/Volusia County line is designated as the "St. Johns River Veterans Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the St. Johns River Veterans Memorial Bridge as described in subsection (1).

Section 7. Ed Fraser Memorial Highway designated; department to erect suitable markers.--

(1) State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County is designated as the "Ed Fraser Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Ed Fraser Memorial Highway as described in subsection (1).

Section 8. Trooper Charles W. Parks Memorial Highway designated; department to erect suitable markers.--

(1) That portion of Interstate 95 in Nassau County is designated as the "Trooper Charles W. Parks Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Trooper Charles W. Parks Memorial Highway as described in subsection (1).

Section 9. Deputy Renee Danell Azure Memorial Highway designated; department to erect suitable markers.--

(1) State Road 121, from the Union County line to the city limits of the City of Lake Butler, is designated as the "Deputy Renee Danell Azure Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Deputy Renee Danell Azure Memorial Highway as described in subsection (1).

Section 10. Robert Guevara Memorial Highway designated; department to erect suitable markers.--

(1) The portion of U.S. Highway 17/92/441 (Orange Blossom Trail) in Osceola County from U.S. Highway 192 to the Orange County line is designated "Robert Guevara Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Robert Guevara Memorial Highway as described in subsection (1).

Section 11. William H. Turner Memorial Boulevard designated; department to erect suitable markers.--

(1) That portion of N.W. 103rd Street from N.W. 3rd Avenue to N.W. 32nd Avenue in Miami-Dade County is designated as "William H. Turner Memorial Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating William H. Turner Memorial Boulevard as described in subsection (1).

Section 12. Clifford C. Sims Parkway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 98 in Gulf County, from the Tapper Bridge to the First United Methodist Church at 1001 Constitution Drive in the City of Port St. Joe is designated as the "Clifford C. Sims Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Clifford C. Sims Parkway as described in subsection (1).

Section 13. Florida Veterans Memorial Bridge designated; department to erect suitable markers.--

(1) The bridge on I-75 at the Lake Panasoffkee area exit in Sumter County is designated as "Florida Veterans Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Florida Veterans Memorial Bridge as described in subsection (1).

Section 14. Extension of the Florida Arts Trail; Department of Transportation to erect suitable markers.--

(1) That portion of U.S. Highway 90 between the City of Monticello in Jefferson County and the border at Suwannee County in Madison County is designated as part of the "Florida Arts Trail."

(2) The Department of Transportation is directed to erect suitable markers designating the Florida Arts Trail as described in subsection (1).

Section 15. Arthur L. Andrews Bridge designated in honor of Wakulla County veterans; Department of Transportation to erect suitable markers.--

(1) The Buckhorn Creek Bridge on State Road 375 in Wakulla County is designated as the "Arthur L. Andrews Bridge" in honor of Wakulla County veterans.

(2) The Department of Transportation is directed to erect suitable markers designating the Arthur L. Andrews Bridge as described in subsection (1) with the words "In Honor of Wakulla County Veterans" inscribed below the name.

Section 16. L. E. Buie Memorial Bridge designated; department to erect suitable markers.--

(1) The Skypass Bridge (bridge number 930470) in the City of Riviera Beach in Palm Beach County is designated as "L. E. Buie Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the L. E. Buie Memorial Bridge as described in subsection (1).

Section 17. Forest Ranger Edward O. Peters Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of State Road 24 between County Road 345 and U.S. Highway 19 in Levy County is designated as "Forest Ranger Edward O. Peters Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Forest Ranger Edward O. Peters Memorial Highway as described in subsection (1).

Section 18. Dr. T. Stewart Greer Avenue designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 27th Avenue in Miami-Dade County, from N.W. 119th Street to N.W. 135th Street is designated as "Dr. T. Stewart Greer Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. T. Stewart Greer Avenue as described in subsection (1).

Section 19. Andrew J. Aviles Trail designated; Department of Transportation to erect suitable markers.--

(1) That portion of the Old Gandy Access Road number 10-130-000 between Gandy Boulevard and the Friendship Trail Bridge, Department of Transportation number 10-130-001, in Hillsborough County is designated as "Andrew J. Aviles Trail."

(2) The Department of Transportation is directed to erect suitable markers designating Andrew J. Aviles Trail as described in subsection (1).

Section 20. Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of State Road 19 in Lake County from the north end of Lake County to the intersection of State Road 19 and U.S. Highway 441 in Eustis is designated as "Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway as described in subsection (1).

Section 21. Deputy Charles "Chuck" Sease Memorial Interchange designated; Department of Transportation to erect suitable markers.--

(1) The interchange of Interstate Highway 95 and State Road 100 at exit number 284 in Flagler County is designated as "Deputy Charles 'Chuck' Sease Memorial Interchange."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Charles "Chuck" Sease Memorial Interchange as described in subsection (1).

Section 22. Cpl. Larry E. Smedley Medal of Honor Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of Interstate 4 from State Road 436 to State Road 50 is designated as "Larry E. Smedley Medal of Honor Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Larry E. Smedley Medal of Honor Highway as described in subsection (1).

Section 23. James H. Pruitt Memorial Bridge designated; Department of Transportation to erect suitable markers.--

(1) The bridge over the Sebastian Inlet, bridge number 880005, located on

State Road A1A between Brevard County and Indian River County is designated as the "James H. Pruitt Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the James H. Pruitt Memorial Bridge as described in subsection (1).

Section 24. Veterans Memorial Interchange designated; Department of Transportation to erect suitable markers.--

(1) The interchange of State Road 50, State Road 429, and the Florida Turnpike in Orange County is designated as "Veterans Memorial Interchange."

(2) The Department of Transportation is directed to erect suitable markers designating Veterans Memorial Interchange as described in subsection (1).

Section 25. St. Petersburg/William C. Cramer Parkway designated; Department of Transportation to erect suitable markers.--

(1) Contingent on the passage of a resolution by the affected parties, that part of Interstate 275 in Pinellas County which extends from the Howard Frankland Bridge to the Skyway Bridge is designated as "St. Petersburg/William C. Cramer Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating St. Petersburg/William C. Cramer Parkway as described in subsection (1).

Section 26. President Ronald Reagan Parkway designated; Department of Transportation to erect suitable markers.--

(1) The access road connecting the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute to Bruce B. Downs Boulevard in Hillsborough County is designated as "President Ronald Reagan Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating President Ronald Reagan Parkway as described in subsection (1).

Section 27. Robert "Bullet Bob" Hayes Avenue designated; department to erect suitable markers.--

(1) That portion of Edgewood Avenue W. in Jacksonville from U.S. 1, East to where Edgewood Avenue W. becomes Tallulah is designated as "Robert 'Bullet Bob' Hayes Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Robert "Bullet Bob" Hayes Avenue as described in subsection (1).

Section 28. Dan Jones Avenue designated; department to erect suitable markers.--

(1) That portion of Dunn Avenue in Jacksonville between I-295 West and I-95 North is designated as "Dan Jones Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Dan Jones Avenue as described in subsection (1).

Section 29. Clyde Hart Highway designated; department to erect suitable markers.--

(1) That portion of State Road 44 which lies between Deland and State Road 415 in Volusia County is designated as "Clyde Hart Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Clyde Hart Highway as described in subsection (1).

Section 30. Charles E. Bennett Memorial Bridge designated; department to erect suitable markers.--

(1) Upon designation as part of the State Highway System, the Intracoastal Waterway bridge portion of the Wonderwood Connector on Wonderwood Road between Girvin Road and State Route A1A in Duval County is designated as the "Charles E. Bennett Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating the Charles E. Bennett Memorial Bridge as described in subsection (1).

Section 31. Circus Bridge designated; department to erect suitable markers.--

(1) Bridge number 170167, the Intracoastal Waterway bridge replacing bridge number 170036 on Business U.S. Highway 41 in Sarasota County, is designated as "Circus Bridge."

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

Section 32. Emerald Coast Parkway named.--

(1) U.S. Highway 98, in the City of Destin, from Gulf Shore Drive to 2378 Scenic Highway 98, is renamed "Emerald Coast Parkway."

(2) The City of Destin is directed to erect suitable markers identifying Emerald Coast Parkway as described in subsection (1).

Section 33. Harbor Boulevard named.--

(1) U.S. Highway 98, in the City of Destin, from the East end of Marler Bridge to Gulf Shore Drive, is renamed "Harbor Boulevard."

(2) The City of Destin is directed to erect suitable markers identifying Harbor Boulevard as described in subsection (1).

Section 34. Alexandre Petion Boulevard designation; Department of Transportation to erect suitable markers.--

(1) State Road 909 on West Dixie Highway in Miami-Dade County, from the north boundary of State House District 108 to N.E. 2nd Avenue, is designated as "Alexandre Petion Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Alexandre Petion Boulevard as described in subsection (1).

Section 35. Frederick Douglass Boulevard designated; Department of Transportation to erect suitable markers.--

(1) State Road 915 on N.E. 6th Avenue in Miami-Dade County, from the north boundary of State House District 108 to U.S. 1, is designated as "Frederick Douglass Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Frederick Douglass Boulevard as described in subsection (1).

Section 36. George Gill Boulevard designated; Department of Transportation to erect suitable markers.--

(1) State Road 5 on Biscayne Boulevard (U.S. 1) in Miami-Dade County, from the north boundary of State House District 108 to the south boundary of the District, is designated as "George Gill Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating George Gill Boulevard as described in subsection (1).

Section 37. James Weldon Johnson Boulevard designated; Department of Transportation to erect suitable markers.--

(1) State Road 932 on N.W. 103rd Street in Miami-Dade County, from the west boundary of State House District 108 to N.E. 6th Avenue, is designated as "James Weldon Johnson Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating James Weldon Johnson Boulevard as described in subsection (1).

Section 38. Jean-Jacques Dessalines Boulevard designated; Department of Transportation to erect suitable markers.--

(1) State Road 922 on N.W. 125th Street in Miami-Dade County, from N.W. 7th Avenue to Griffing Boulevard, is designated as "Jean-Jacques Dessalines Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Jean-Jacques Dessalines Boulevard as described in subsection (1).

Section 39. Judge Wilkie D. Ferguson, Jr. Boulevard designated; Department of Transportation to erect suitable markers.--

(1) That portion of Honey Hill Drive in Miami-Dade County, from N.W. 27th Avenue to N.W. 47th Avenue is designated as "Judge Wilkie D. Ferguson, Jr. Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Judge Wilkie D. Ferguson, Jr. Boulevard as described in subsection (1).

Section 40. Sidney Alterman Way designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 42nd Avenue in Miami-Dade County, from N.W. 119th Street to N.W. 135th Street is designated as "Sidney Alterman Way."

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

Section 41. Kermit Sigmon Trail designated; department to erect suitable markers.--

(1) The portion of the State Road 24 Trail in Gainesville from Newell Drive to Southwest 16th Avenue is designated "Kermit Sigmon Trail."

(2) The Department of Transportation is directed to erect suitable markers designating the Kermit Sigmon Trail as described in subsection (1).

Section 42. Veterans Memorial Highway designated; department to erect suitable markers.--

(1) U.S. Highway 331 in Walton County, from U.S. Highway 90 to the southern boundary of the City of DeFuniak Springs, is designated as "Veterans Memorial Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the Veterans Memorial Boulevard as described in subsection (1).

Section 43. Captain Charles "Bo" Harrison Memorial Highway designated; department to erect suitable markers.--

(1) That portion of U.S. Highway 301 in Pasco County, northbound and southbound, is designated as "Captain Charles 'Bo' Harrison Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Captain Charles "Bo" Harrison Memorial Highway as described in subsection (1).

Section 44. Gale Lemerand Drive designated; University of Florida to erect suitable markers.--

(1) The North-South Drive on the University of Florida campus is redesignated as "Gale Lemerand Drive."

(2) The University of Florida is directed to erect suitable markers designating Gale Lemerand Drive as described in subsection (1).

Section 45. Jerry Underwood Memorial Highway designated; markers.--

(1) U.S. 1, between 296th Avenue SW and 304 Street in Miami-Dade County, is designated as the "Jerry Underwood Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the Jerry Underwood Memorial Highway as described in subsection (1).

Section 46. Cesar Calas Way designation; markers.--

(1) 8th Street between SW 57th Avenue and SW 62th Avenue in Miami-Dade County is hereby designated "Cesar Calas Memorial Highway."

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

Section 47. Bill Seidle Boulevard designated; markers.--

(1) That portion of N.W. 36th Street between N.W. 27th Avenue and N.W. 39th Avenue is Miami-Dade County is designated "Bill Seidle Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the Bill Seidle Boulevard.

Section 48. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to road and bridge designations; designating Browning-Pearce Memorial Highway in St. Johns and Putnam Counties; designating Jerome A. Williams Memorial Highway in Putnam County; designating James C. Penney Memorial Boulevard in Clay County; designating C. Fred and Marvin Arrington Bridge in Leon County; designating Howard E. Futch Memorial Highway in Brevard and Osceola Counties; designating the St. Johns River Bridge on I-4 at the Seminole/Volusia County line as "St. Johns River Veterans Memorial Bridge"; designating the Ed Fraser Memorial Highway; designating the Trooper Charles W. Parks Memorial Highway; designating the Deputy Renee Danell Azure Memorial Highway; designating the portion of State Road 441 (Orange Blossom Trail) from State Road 192 to the Orange County line as "Robert Guevara Memorial Highway"; designating William H. Turner Memorial Boulevard in Miami-Dade County; designating a portion of U.S. Highway 98 in Gulf County as "Clifford C. Sims Parkway"; designating the bridge located on I-75 at the Lake Panasoffkee area exit in Sumter County as "Florida Veterans Memorial Bridge"; extending the Florida Arts Trail through Jefferson and Madison Counties; designating the Arthur L. Andrews Bridge in Wakulla County; designating the Skypass Bridge in the City of Riviera Beach as the "L. E. Buie Memorial Bridge"; designating Forest Ranger Edward O. Peters Memorial Highway in Levy County; designating Dr. T. Stewart Greer Avenue in Miami-Dade County; designating Andrew J. Aviles Trail in Hillsborough County; designating Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway in Lake County; designating a portion of I-95 at approximately mile marker 284 as the "Deputy Charles 'Chuck' Sease Highway"; designating Larry E. Smedley Medal of Honor Highway in Orange County; designating the James H. Pruitt Memorial Bridge in Brevard and Indian River Counties; designating Veterans Memorial Interchange in Orange County; designating St. Petersburg/William C. Cramer Parkway in Pinellas County; designating President Ronald Reagan Parkway in Hillsborough County; designating a portion of Edgewood Avenue in Jacksonville as the "Robert 'Bullet Bob' Hayes Avenue"; designating a portion of Dunn Avenue in Jacksonville as "Dan Jones Avenue"; designating the portion of State Road 44 which lies between Deland and State Road 415 in Volusia County as "Clyde Hart Highway"; designating Charles E. Bennett Memorial Bridge in Duval County; designating Circus Bridge in Sarasota County; naming Emerald Coast Parkway in the City of Destin; naming Harbor Boulevard in the City of Destin; designating Alexandre Petion Boulevard in Miami-Dade County; designating Frederick Douglass Boulevard in Miami-Dade County; designating George Gill Boulevard in Miami-Dade County; designating James Weldon Johnson Boulevard in Miami-Dade County; designating Jean-Jacques Dessalines Boulevard in Miami-Dade County; designating Judge Wilkie D. Ferguson, Jr. Boulevard in Miami-Dade County; designating Sidney Alterman Way in Miami-Dade County; designating the State Road 24 Trail from Newell Drive to Southwest 16th Avenue in Gainesville as "Kermit Sigmon Trail"; designating Veterans Memorial Highway in Walton County; designating Captain Charles "Bo" Harrison Memorial Highway in Pasco County; directing the department to erect suitable markers; designating Gale Lemerand Drive in Alachua County; designates a portion of U.S. 1 in Miami-Dade County as the Jerry Underwood Memorial Highway; designates a portion of 8th Street in Miami-Dade County the Cesar Calas Memorial Highway; designating the "Bill Seidle" Boulevard in Miami-Dade County; providing an effective date.

On motion by Rep. Needelman, the House concurred in Senate Amendment 1.

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

Reports of Standing Committees

Report of the Subcommittee on Rules

The Honorable Johnnie Byrd April 26, 2004
Speaker, House of Representatives

Dear Mr. Speaker:

Your Subcommittee on Rules herewith submits Special Orders for Wednesday, April 28, 2004. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

I. Consideration of the following bill(s) on Third Reading:

HB 821 - Barreiro, Arza & others
Early Childhood Education
HB 23 - Sansom, Ambler & others
Property Tax Exemptions
HB 51 - Brown
Insurance
HB 723 - Murman
Foster Care Services
HB 887 - Murman, Bendross-Mindingall & others
Services for the Elderly
HB 1093 - Kottkamp
Electrical and Alarm System Contracting
HB 1139 - Arza, Bendross-Mindingall & others
Reading Deficiencies
HB 1197 - Rivera, Davis, M. & others
Radio Transmission
HB 1251 CS - Berfield, Holloway
Joint Underwriting Plan of Insurers
HB 1715 - Bilirakis
Public Records
HB 1823 - Future of Florida's Families, Murman & others
Developmental Services and Mental Health
HB 1887 - Health Care, Farkas
Public Records and Public Meetings Exemptions
HB 1981 - Future of Florida's Families, Fiorentino
Independent Living Transition Services
CS/CS/SB 44 - Criminal Justice, Judiciary & others
DNA Evidence
CS/SB 1650 - Appropriations, Wise & others
State Financial Matters/FRS
CS/SB 1790 - Governmental Oversight and Productivity, Posey
Paintball/Governmental Liability
HB 1187 - Poppell, Evers & others
Agricultural Equipment Manufacturers, Distributors, and Dealers
HB 1613 - Davis, M., Rivera & others

Vessel Safety
HB 237 - Kilmer, Brummer & others
Tax on Sales, Use, and Other Transactions
HB 1793 - Procedures, Harrington & others
Campaign Financing
HJR 41 - Zapata, Adams & others
Prohibiting an Increase in the Assessed Value of Homestead Property for Some Senior Citizens
HB 769 - Jennings, Allen & others
Career Education
HB 1663 - Brandenburg
Condominiums
SB 1728 - Fasano
Condos & Cooperatives/Handrails
HB 1147 - State Administration, Benson
Public Records **(IF RECEIVED)**

II. Consideration of the following bill(s) on Second Reading:

HB 101 CS - Quinones, Antone & others
Fire Prevention and Control
HB 161 - Kravitz, Antone & others
Department of Highway Safety and Motor Vehicles
HB 185 CS - Quinones, Arza & others
Student Assessment
HB 261 CS - Russell
Construction Contracting
HB 287 - Jordan
Vessel Registration Requirements
HB 477 CS - Cusack
State's Entitlement to a Speedy Trial
HB 555 - Baker, Patterson
Road and Bridge Designations
HB 661 - Arza, Bean
State University Student Fees
HB 901 CS - Baxley, Carroll & others
Public School Educational Instruction
HB 1049 CS - Transportation, Evers
Specialty License Plates
HB 1059 CS - Wiles, Carroll & others
Florida School for the Deaf and the Blind
HB 1143 CS - Kilmer, Homan & others
State Lottery
HB 1147 - State Administration, Benson
Public Records
HB 1153 - Planas, Kravitz & others
Discipline of State Prisoners
HB 1185 CS - Poppell, Fiorentino & others
Water Management District Security
HB 1583 CS - Goodlette
Water and Wastewater Utilities
HB 1593 CS - Davis, M., Rivera
Land Development
HB 1681 CS - Rivera, Davis, M. & others
Duties of Agency Inspectors General
HB 1769 - Public Safety & Crime Prevention, Barreiro
Sale and Delivery of Firearms
HB 1791 - Finance & Tax, Johnson, Stargel
Corporate Income Tax
HB 1799 CS - Natural Resources, Spratt & others
Fish and Wildlife Conservation Commission
HB 1891 - State Administration, Benson
Procurement of Real Property Leases By State Agencies
HB 1913 - Education K-20, Kilmer & others
Charter Schools
HB 1971 - Procedures, Harrington
Elections
HB 1973 - Procedures, Harrington
Public Records Exemptions
HB 1977 - Public Safety & Crime Prevention, Barreiro & others
Human Trafficking
HB 1993 - Finance & Tax, Johnson
Property Tax Administration
HB 2003 - Appropriations, Russell
Airport Zoning
HB 2005 - Appropriations, Kyle
Trauma Care
HB 71 - Antone
Home-Invasion Robbery
HB 85 - Needelman, Bullard
Law Enforcement
HB 123 - Cretul, Brandenburg & others
Assault or Battery on Officials
HB 297 CS - Kendrick, Brown & others
Indigent Care Surtax
HB 463 CS - Simmons
Mental Health
HB 487 CS - Reagan, Troutman
Prompt Payment for Construction Services
HB 719 - Roberson, Holloway & others
Law Enforcement Officers, Correctional Officers, and Correctional Probation Officers
HB 761 CS - Wishner
Possession of Firearms, Electric Weapons or Devices, or Concealed Weapons by Persons Found to Have Committed Certain Delinquent Acts
HB 955 CS - Judiciary, Kottkamp
Judgment Liens
HB 1027 CS - Reagan
Transportation
HB 1109 CS - McInvale
Hospice Facilities
HB 1301 - Quinones, Antone & others
Student Achievement
HB 1917 - Education K-20, Kilmer & others
Class Size Reduction
HB 1989 - Education K-20, Kilmer
Juvenile Justice Education
HB 81 CS - Henriquez, Bendross-Mindingall & others
Educational Instruction
HB 153 - Smith, Bendross-Mindingall & others
Florida Litter Law
HB 1297 CS - Ritter, Bendross-Mindingall & others
Insurance Payments from Escrow Accounts
HB 1531 CS - Greenstein
Arcade Amusement Centers
HB 1983 - Insurance, Berfield
Florida Hurricane Catastrophe Fund
HB 1825 - Commerce, Detert
Banking
HB 1903 - Future of Florida's Families, Fiorentino
Administration of the State's Social and Economic Programs
CS/SB 2646 - Appropriations, Webster
Trust Funds/Terminations
HB 157 CS - Poppell, Adams & others
School District Taxation **(IF RECEIVED)**
HB 203 CS - Kravitz, Richardson
Dental Licensure **(IF RECEIVED)**
HB 227 CS - Bilirakis, Brandenburg & others
Florida Coordinating Council for the Deaf and the Hard of Hearing **(IF RECEIVED)**
HB 461 CS - Brown, Arza & others
Liens on Commercial Real Estate **(IF RECEIVED)**
HB 523 CS - Stargel, Arza & others
Video Voyeurism **(IF RECEIVED)**
HB 739 CS - Davis, D., Jordan & others
Road and Bridge Designations **(IF RECEIVED)**
HB 877 CS - Green, Richardson
The Designation of University Buildings and Roads **(IF RECEIVED)**
HB 1171 CS - Baker
Money Transmitters **(IF RECEIVED)**

HB 1223 CS - Robaina, Antone & others
Condominium Associations **(IF RECEIVED)**
HB 1363 CS - Benson, Bullard & others
Commercial Relations **(IF RECEIVED)**
HB 1763 - Education K-20, Kilmer
Quality of School Personnel **(IF RECEIVED)**
HB 1809 CS - Transportation, Evers
Motor Vehicles, Mobile Homes, and Vessels **(IF RECEIVED)**
HB 1811 - Health Care, Farkas
Medicaid **(IF RECEIVED)**
HB 1987 - Judiciary, Kottkamp
Homeowners' Associations **(IF RECEIVED)**
HB 443 CS - Russell
Mobile and Manufactured Homes **(IF RECEIVED)**
HB 547 CS - Stargel, Sansom
Local Government Accountability **(IF RECEIVED)**
HB 633 CS - Harrington
Manatee Protection **(IF RECEIVED)**
HB 1179 CS - Pickens, Allen & others
Greenways and Trails **(IF RECEIVED)**
HB 1201 CS - Paul, Farkas
Veterinary Prescription Drugs **(IF RECEIVED)**
HB 1283 CS - Baker, Allen & others
Electronic Monitoring of Probationers and Community Controllees
(IF RECEIVED)
HB 1307 CS - Poppell, Galvano & others
Agricultural and Migrant Labor **(IF RECEIVED)**
HB 1801 CS - Judiciary, Kottkamp & others
Probation and Community Control **(IF RECEIVED)**
HB 1953 - State Administration, Benson
Administrative Procedures **(IF RECEIVED)**
HB 379 CS - McInvale, Holloway
Protection and Care for Elders **(IF RECEIVED)**
HB 1771 - Public Safety & Crime Prevention, Barreiro & others
Chief of Domestic Security Initiatives **(IF RECEIVED)**
HB 1819 - State Administration, Benson
Procurement **(IF RECEIVED)**

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,

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

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

Motion

On motion by Rep. Murman, by the required two-thirds vote, **HB 399, HB 557, HB 105, HB 109, HB 397, HB 505, HB 583, HB 705, HB 805, HB 935, HB 1115, HB 1169, HB 1379, HB 267, HB 913, HB 1703, HB 1921, HB 1927, HB 1775, CS for SB 1926, HB 967, HB 1269, HB 115, CS for CS for SB 2882, CS for CS for SB 348, CS for SJR 2396, CS for CS for SB 2020, HB 411, and HB 73** were added to the end of the Special Order Calendar.

Moment of Silence

At the request of Rep. Stansel, the House observed a moment of silence in memory of Sgt. Andy Brown of the Florida Highway Patrol, who was killed in the line of duty on April 27, 2004, in Columbia County. Rep. Stansel also requested that the House remember Sgt. Brown's 13-year-old son, Tucker, whose mother passed away six months ago.

Special Orders

Third Reading

HB 821—A bill to be entitled An act relating to early childhood education; creating pt. V of ch. 1002, F.S., entitled "Voluntary Prekindergarten Education Program"; providing definitions; creating the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education to implement s. 1(b) and (c), Art. IX of the State Constitution; providing student eligibility and enrollment requirements; providing scholarship options and for issuance of scholarships; providing eligibility requirements for prekindergarten schools to participate in the VPK Program; providing educational requirements for prekindergarten directors of prekindergarten schools; providing requirements for a prekindergarten school teacher preparation and continuing education course; requiring adoption of VPK Program student performance standards; providing curriculum requirements and accountability standards; requiring adoption of a statewide kindergarten screening, and implementation of a screening instrument, to assess kindergarten readiness; providing funding, payment, and attendance requirements for prekindergarten schools; providing for administration of the VPK Program; providing department powers and duties; providing for an evaluation and adoption of curriculum standards for child development associate credentials; providing for interinstitutional articulation agreements; creating the Early Learning Advisory Council within the Agency for Workforce Innovation to provide advice on early childhood education policy and administration of the VPK Program and early learning programs; providing council requirements; providing State Board of Education rulemaking authority; amending and renumbering s. 402.3017, F.S.; authorizing the department to contract for administration of scholarship initiatives for early childhood education personnel and for a program to encourage parental involvement; amending s. 411.01, F.S.; conforming provisions to the transfer of the powers and duties of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and the abolishment of the partnership; redesignating school readiness programs as early learning programs and school readiness coalitions as early learning councils; providing duties of the Agency for Workforce Innovation with respect to administration of early learning programs at the statewide level, adoption of standards and outcome measures for early learning programs, and approval, coordination, and evaluation of early learning councils; providing for the organization of early learning councils and membership thereof; providing for administration and implementation of early learning programs by early learning councils; specifying requirements for, and elements of, early learning programs; requiring Agency for Workforce Innovation approval of early learning program plans submitted by early learning councils; specifying minimum standards and provisions for each early learning plan; providing requirements relating to the procurement of commodities or services, payment schedules, fiscal agents, and evaluation of early learning programs and reporting thereof; providing eligibility requirements for participation in early learning programs; requiring early learning programs to provide parental choice; requiring early learning programs to meet performance standards and outcome measures adopted by the Agency for Workforce Innovation; providing for allocation of funds to early learning councils by the Agency for Workforce Innovation and specifying use of such funds; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the early learning system; amending s. 20.50, F.S.; creating the Office of Early Childhood Education within the Agency for Workforce Innovation to administer the early learning system; amending s. 125.901, F.S.; conforming provisions; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Childhood Education Programs Estimating Conference; requiring estimates and forecasts for early learning programs and the VPK Program; amending s. 402.3016, F.S.; conforming provisions; amending and renumbering s. 402.27, F.S.; requiring the Agency for Workforce Innovation to administer a statewide resource and referral network to provide information for, and assistance in, the operation of early learning councils and the VPK Program; including a system of local resource and referral within the network and specifying services to be provided; amending s. 402.3018, F.S.; requiring the Agency for Workforce Innovation to provide for a statewide toll-free Warm-Line; amending s. 409.178, F.S.; redesignating the Child Care Executive Partnership as the Business Partnership for Early Learning to be administered by the Agency for Workforce Innovation and providing for establishment of the Business Partnership for Early Learning Program; amending s. 402.25, F.S.; conforming provisions; amending s. 402.281, F.S.; redesignating the Gold Seal Quality Care program as the Gold Seal Quality program; specifying requirements for a Gold Seal Quality designation; amending ss. 402.3051, 402.315, and 212.08, F.S.; conforming provisions; amending s. 402.305, F.S.;

revising requirements for an introductory course in child care for child care personnel; revising minimum staff credential requirements for child care personnel and providing rulemaking authority for equivalent credentials; amending ss. 383.14, 402.45, 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, and 1006.03, F.S.; conforming provisions; requiring the Department of Education to submit to the Legislature recommendations for professional development programs for the VPK Program; repealing ss. 402.30501, 411.012, and 1008.21, F.S., relating to modification of the introductory child care course for community college credit, the voluntary universal prekindergarten education program, and the school readiness uniform screening, respectively; abolishing the Florida Partnership for School Readiness and providing for transfer of powers, duties, functions, rules, records, personnel, property, and funds to the Agency for Workforce Innovation; providing for the transfer of the TEACH Early Childhood Project and the HIPPY program from the Agency for Workforce Innovation to the Department of Education; prohibiting certain transfers without specific legislative authority; providing that the VPK Program is a choice option for parents and providers and not part of the system of public education; providing effective dates.

—was read the third time by title.

Representative Sobel offered the following:

(Amendment Bar Code: 390665)

Amendment 3—Remove lines 235-254 and insert:
(1)(a) The prekindergarten school shall maintain an accurate school profile containing the information required in s. 1002.53(5) and other objective measures and keep this profile readily available and easy to access and understand by parents of children attending the school and parents interested in the school for their child.
(b) The prekindergarten school shall provide the

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

Representative Richardson offered the following:

(Amendment Bar Code: 378851)

Amendment 4 (with title amendment)—Remove lines 3204-3206 and insert:
based providers may opt to participate or not to participate.

Remove lines 120 and 121 and insert:
option for parents and providers; providing effective dates.

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

Representatives Ausley, Kosmas, and Rich offered the following:

(Amendment Bar Code: 854129)

Amendment 5 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Chapter 1014, Florida Statutes, shall be entitled "Early Learning" and shall consist of ss. 1014.01-1014.54.
Section 2. Part I of chapter 1014, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1014.01-1014.10.
Section 3. Section 1014.01, Florida Statutes, is created to read:
1014.01 Name.--Chapter 1014 shall be known as "Early Learning."
Section 4. Section 1014.02, Florida Statutes, is created to read:
1014.02 Definitions.--When used in this chapter and other sections of Florida Statutes referenced in this chapter, specific definitions shall be as follows:
(1) "Child care center" means the type of early childhood education provider defined in s. 402.302.
(2) "Department" means the Department of Education.
(3) "Director" means an onsite person ultimately responsible for the overall operation of a child care center or specialized child care center for mildly ill children, regardless of whether he or she is the owner of the center.
(4) "Early childhood education" means child development or child care, that is provided for a period of less than 24 hours per day on a regular basis, and for which a payment of a fee or grant is made.
(5) "Early childhood education provider" means a provider of early childhood education services. The term includes public and private providers, including child care centers, specialized child care centers for mildly ill children, family child care homes, large family child care homes, and informal providers, regardless of whether a provider is licensed, registered, exempt from licensure, or unregulated under s. 402.305.
(6) "Early learning" means the enhancement of a child's ability to make age-appropriate progress in the development of language and cognitive capabilities, including early literacy skills, emotional, social, regulatory, and moral capacities, through education in basic skills, as part of an early learning program provided pursuant to this chapter.
(7) "Early Learning Council" means the council established in s. 1014.41 to administer early childhood education programs and services, excluding voluntary universal prekindergarten, at the local level.
(8) "Early learning funds" means all state and federal funds appropriated to the Department of Education for delivery and administration of early learning programs. Except as otherwise expressly provided by law, the term does not include funds provided for the Business Partnership for Early Learning under s. 1014.50.
(9) "Early learning programs" means programs that provide state-funded services under this chapter, including early childhood education and the voluntary universal prekindergarten program.
(10) "Family day care home" means the type of early childhood education provider defined in s. 402.302(7).
(11) "Informal provider" means a service provider that is unregulated under part IV of this chapter and, accordingly, is not required to be licensed or registered under part IV of this chapter, and is not exempted from licensure pursuant to s. 402.305. The term includes an arrangement in which early childhood education is provided by a relative of the child or by another unregulated caregiver, regardless of whether those services are provided in the child's residence or at another location.
(12) "Kindergarten eligibility" means the age at which a child is eligible for admission to public kindergarten under s.1003.21(1)(a)2.
(13) "Large family child care home" means the type of early childhood education provider defined in s. 402.302(8).
(14) "Operator" means an onsite person ultimately responsible for the overall operation of a family child care home or large family child care home, regardless of whether he or she is the owner of the home.
(15) "Owner" means the person who is licensed or registered to operate as an early childhood education provider.
(16) "Payment certificate" means a "child care certificate" as defined in 45 C.F.R. s. 98.2.
(17) "Single point of entry" means an integrated information system that allows a parent to enroll his or her child in early learning programs at various locations throughout the county or multicounty region served by an early learning council, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in available early learning programs.
(18) "Voluntary universal prekindergarten funds" means all state funds appropriated to the Department of Education for the voluntary universal prekindergarten program.
(19) "Voluntary universal prekindergarten program" means the voluntary universal prekindergarten education program mandated by s.1(b) and (c), Article IX of the State constitution.
(20) "Voluntary Universal prekindergarten provider" means a provider of the voluntary universal prekindergarten program. The term includes all providers that meet the criteria specified in s.1014.27 and have signed a funding agreement pursuant to s. 1014.28.
Section 5. Section 1014.03, Florida Statutes, is created to read:

1014.03 Governance; state and local.--

(1) STATE BOARD OF EDUCATION.--

(a) The State Board of Education is the chief implementing and coordinating body of public education in Florida, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it for the improvement of early learning programs including the voluntary universal prekindergarten program. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

(b) In order to ensure compliance, the State Board of Education shall have the authority to request and receive information, data, and reports from early learning councils and providers governed by this chapter.

1. If an early learning council, a voluntary universal prekindergarten provider, or an early childhood education provider cannot satisfactorily document compliance, the State Board of Education may mandate compliance within a specified timeframe.

2. If the State Board of Education determines that an early learning council, a voluntary universal prekindergarten provider, or an early childhood education provider is unwilling or unable to comply with law or state board rule within the specified time, the State Board of Education shall have the authority to initiate any of the following actions:

a. Report to the Legislature that the early learning council, voluntary universal prekindergarten provider, or an early childhood education provider has been unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

b. Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the early learning council, voluntary universal prekindergarten provider, or an early childhood education provider complies with the law or state board rule.

c. Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(c) The State Board of Education shall ensure that administrative costs associated with delivering early childhood education programs and services during fiscal year 2004-2005 do not exceed administrative costs associated with delivering those programs and services during fiscal year 2003-2004.

(d) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary for the implementation of this section.

(2) EARLY LEARNING ADVISORY COUNCIL.--The Early Learning Advisory Council shall be responsible for the activities prescribed in s. 1014.05.

(3) DEPARTMENT OF EDUCATION.--The Department of Education shall be responsible for:

(a) Developing standards for all early learning programs.

(b) Facilitating the process by which early learning instructional personnel meet minimum training standards as specified in s. 1014.07.

(c) Providing technical assistance to early learning councils and all providers.

(d) Monitoring early learning councils and providers to ensure compliance with all applicable laws and rules.

(e) Creating and implementing a consumer education and protection program as specified in s. 1014.43.

(f) Providing or securing provision of services and functions necessary for effective and efficient implementation of this chapter.

(4) COMMISSIONER OF EDUCATION.--The Commissioner of Education is authorized to suspend or prohibit an eligible voluntary universal prekindergarten provider or early childhood education provider from participation in publicly-funded early learning programs and to take other action as necessary to ensure compliance with program provider eligibility.

(a) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and may determine probable cause.

(b) The Commissioner of Education shall report to the State Board of Education noncompliance with law or state board rule.

(c) In addition, the Commissioner of Education shall:

1. Oversee the compliance of the Division of Early Learning and early learning councils with curriculum standards defined in s. 1014.47 and state board rules.

2. Oversee the evaluation and accountability components of the programs as defined in s.1014.07 and state board rule.

(5) DIVISION OF EARLY LEARNING.--The Division of Early Learning shall be responsible for the administration of early learning programs. The division shall issue fiscal and policy guidance to early learning councils including standard contract and voucher agreement language. In addition, the division is responsible for issuing guidance to early learning councils regarding payment rates, parent fees, and other matters related the early learning program.

(a) Pursuant to federal regulations, the division shall ensure that no more than 5 percent of aggregate funds in each fiscal year is expended for administrative activities. The division shall work with subrecipients to properly classify and capture expenditures as direct, non-direct and administrative.

(b) The division shall establish and maintain contracting, payment and reporting systems that provide timely information to the Legislature including, but not limited to, information about expenditures and numbers of children served.

(c) The division shall maintain a list of providers of publicly funded early learning programs.

(d) The division shall implement audit procedures to ensure that providers have accurately been designated as eligible to provide the voluntary universal prekindergarten program.

(e) In an effort to provide for the efficient use of program funding, the division shall fully utilize federal funds, as well as state and local matching funds.

(f) The division shall be responsible to ensure that federal and state funds are used in compliance with laws, regulations, and contracts or grant agreements and that performance goals are achieved.

(g) The division shall be responsible for developing and distributing information about best practices for effective and cost efficient service delivery and management of early learning programs.

(h) The division shall establish a means by which the public can provide comments and recommendations for the successful implementation of the voluntary universal prekindergarten program.

(i) The division shall provide means by which individuals may notify the Department of Education of any provider that may be in violation of state laws or rules relating to the voluntary universal prekindergarten program.

(j) The division shall ensure that the early childhood education and voluntary universal prekindergarten programs are delivered as a continuum of services for children ages birth to 5 and that effective mechanisms and procedures for coordination between the programs are implemented throughout the state.

Section 6. Section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.--There is created a Department of Education.

(1) STATE BOARD OF EDUCATION.--In accordance with s. 2, Art. IX of the State Constitution, the State Board of Education is a body corporate and must supervise the system of free public education as is provided by law. The State Board of Education is the head of the Department of Education.

(2) COMMISSIONER OF EDUCATION.--The Commissioner of Education is appointed by the State Board of Education and serves as the Executive Director of the Department of Education.

(3) DIVISIONS.--The following divisions of the Department of Education are established:

(a) Division of Community Colleges.

(b) Division of Public Schools.

(c) Division of Colleges and Universities.

(d) Division of Vocational Rehabilitation.

(e) Division of Blind Services.

(f) Division of Early Learning.

(4) DIRECTORS.--The directors of all divisions shall be appointed by the commissioner subject to approval by the state board.

(5) POWERS AND DUTIES.--The State Board of Education and the Commissioner of Education shall assign to the divisions such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in K-20 education.

(6) COUNCILS AND COMMITTEES.--Notwithstanding anything contained in law to the contrary, the commissioner shall appoint all members of all councils and committees of the Department of Education, except the Commission for Independent Education, ~~and~~ the Education Practices

Commission, and the Early Learning Advisory Council.

(7) BOARDS.--Notwithstanding anything contained in law to the contrary, all members of the university and community college boards of trustees must be appointed according to chapter 1001.

Section 7. Section 20.50, Florida Statutes, is amended to read:

20.50 Agency for Workforce Innovation.--There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(1) The Agency for Workforce Innovation shall ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc. The operating budget and midyear amendments thereto must be part of such contract.

(a) All program and fiscal instructions to regional workforce boards shall emanate from the agency pursuant to plans and policies of Workforce Florida, Inc. Workforce Florida, Inc., shall be responsible for all policy directions to the regional boards.

(b) Unless otherwise provided by agreement with Workforce Florida, Inc., administrative and personnel policies of the Agency for Workforce Innovation shall apply.

(2) The Agency for Workforce Innovation shall be the designated administrative agency for receipt of federal workforce development grants and other federal funds, and shall carry out the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the director of Workforce Innovation, who shall be appointed by the Governor. Accountability and reporting functions of the agency shall be administered by the director or his or her designee. Included in these functions are budget management, financial management, audit, performance management standards and controls, assessing outcomes of service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9). Within the agency's overall organizational structure, the agency shall include the following offices which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer the unemployment compensation program, the Rapid Response program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop delivery system. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of Program Support and Accountability shall administer state merit system program staff within the workforce service delivery system, pursuant to policies of Workforce Florida, Inc. The office shall be responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including subsidized child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office shall also be responsible for program quality assurance, grants and contract management, contracting, financial management, and reporting. The office shall be directed by the Deputy Director for Program Support and Accountability, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for:

1. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

2. Annual review of each regional workforce board and administrative entity to ensure adequate systems of reporting and control are in place, and monitoring, quality assurance, and quality improvement activities are conducted routinely, and corrective action is taken to eliminate deficiencies.

(c) The Office of Agency Support Services shall be responsible for procurement, human resource services, and information services including delivering information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system ~~and the school readiness services system~~, including, but not limited to, those systems described in s. 445.009. The office will be under the direction of the Deputy Director for Agency Support Services, who shall be appointed by and serve at the pleasure of the director. The office shall be responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs pursuant to s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

~~3. Information systems that support school readiness services.~~

(d) The Unemployment Appeals Commission, authorized by s. 443.012, shall not be subject to the control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that may be required for the performance of its duties.

(3) The Agency for Workforce Innovation shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The agency shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The agency shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it, and shall disperse such grants pursuant to the plans and policies of Workforce Florida, Inc. The director may, upon delegation from the Governor and pursuant to agreement with Workforce Florida, Inc., sign contracts, grants, and other instruments as necessary to execute functions assigned to the agency. Notwithstanding other provisions of law, the following federal grants and other funds are assigned for administration to the Agency for Workforce Innovation:

(a) Programs authorized under Title I of the Workforce Investment Act of 1998, Pub. L. No. 105-220, except for programs funded directly by the United States Department of Labor under Title I, s. 167.

(b) Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

(c) Welfare-to-work grants administered by the United States Department of Labor under Title IV, s. 403, of the Social Security Act, as amended.

(d) Activities authorized under Title II of the Trade Act of 1974, as amended, 2 U.S.C. ss. 2271 et seq., and the Trade Adjustment Assistance Program.

(e) Activities authorized under chapter 41 of Title 38 U.S.C., including job counseling, training, and placement for veterans.

(f) Employment and training activities carried out under the Community Services Block Grant Act, 42 U.S.C. ss. 9901 et seq.

(g) Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

(h) Designated state and local program expenditures under part A of Title IV of the Social Security Act for welfare transition workforce services associated with the Temporary Assistance for Needy Families Program.

(i) Programs authorized under the National and Community Service Act of 1990, 42 U.S.C. ss. 12501 et seq., and the Service-America programs, the National Service Trust programs, the Civilian Community Corps, the Corporation for National and Community Service, the American Conservation and Youth Service Corps, and the Points of Light Foundation programs, if such programs are awarded to the state.

(j) The Unemployment Compensation program provided pursuant to chapter 443.

(k) Other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or by law.

(4) The Agency for Workforce Innovation shall provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services pursuant to s. 445.004(5)(b). Training requirements include, but are not limited to:

(a) Minimum skills, knowledge, and abilities required for each

classification of program personnel utilized in the regional workforce boards' service delivery plans.

(b) Minimum requirements for development of a regional workforce board supported personnel training plan to include preservice and inservice components.

(c) Specifications or criteria under which any regional workforce board may award bonus points or otherwise give preference to competitive service provider applications that provide minimum criteria for assuring competent case management, including, but not limited to, maximum caseload per case manager, current staff turnover rate, minimum educational or work experience requirements, and a differentiated compensation plan based on the competency levels of personnel.

(d) Minimum skills, knowledge, and abilities required for contract management, including budgeting, expenditure, and performance information related to service delivery and financial administration, monitoring, quality assurance and improvement, and standards of conduct for employees of regional workforce boards and administrative entities specifically related to carrying out contracting responsibilities.

Section 8. Sections 402.26, 402.301, 402.3016, 402.302, 402.30501, 402.3135, 402.3145, 411.01, and 411.012, Florida Statutes, are repealed.

Section 9. Section 1014.04, Florida Statutes is created to read:

1014.04 Early Learning Advisory Council.--

(1) The Governor shall appoint an Early Learning Advisory Council to advise the Commissioner of Education concerning implementation of the voluntary universal prekindergarten program, transition of school readiness programs to the Department of Education, and operation of early learning programs.

(2) The Early Learning Advisory Council shall include, at a minimum, the following members:

(a) A representative of private for-profit early childhood education providers;

(b) A representative of faith-based early childhood education providers;

(c) A Head Start service provider;

(d) A representative of a program for prekindergarten programs for children with disabilities under the Individuals with Disabilities Education Act;

(e) A representative of not-for-profit early childhood education providers;

(f) A public school superintendent;

(g) The chair of an early learning council;

(h) The chair of the Business Partnership for Early Learning;

(i) The chair of a local Children's Services Council or its equivalent;

(j) A parent of a child who is enrolled in a publicly-funded early learning program;

(k) A representative of family child care homes; and

(l) A minimum of four representatives of the private business community who do not derive their income from the delivery of early childhood education.

(3) The members must be geographically and demographically representative of the state. The governor may appoint additional members to ensure balanced representation.

(4) Members are subject to the ethics provisions in part III of chapter 112.

(5) Members shall serve 3-year terms, except that half of the members shall have initial appointments of 2 years. Members may be reappointed for one additional 3-year term.

(6) Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and reimbursement for other reasonable, necessary, and actual expenses.

Section 10. Section 1014.05, Florida Statutes, is created to read:

1014.05 Parental involvement.--The involvement of parents is critical to a child's readiness to learn; therefore, nothing in this chapter shall be construed to limit the role of a child's parents as their first teacher.

(1) To provide opportunities for effective parental involvement, early learning councils shall ensure that information is made available to parents to enable them to make informed choices about their child's participation in early learning programs, including:

(a) Information required by s. 402.3125 regarding the licensure of child care centers and family child care homes;

(b) Related community resources available to meet the parent's and child's needs; and

(c) The requirements of the consumer protection system for the voluntary universal prekindergarten program, pursuant to s.1014.22.

(2) Parents are expected to be active participants in the early learning program in which they enroll their child. Early learning program providers must ensure that opportunities are made available for parents to support their child in developing literacy skills and achieving other early learning objectives.

Section 11. Section 1014.06, Florida Statutes, is created to read:

1014.06 Early learning personnel; training requirements.--

(1) The State Board of Education shall adopt rules prescribing minimum standards for the training of early learning personnel. These standards shall ensure that each of the following early learning personnel successfully completes an approved introductory course in early childhood education, as evidenced by passage of a competency examination:

(a) Directors and other early childhood education personnel of child care centers.

(b) Directors and other early childhood education personnel of specialized child care centers for mildly ill children.

(c) Operators of family child care homes.

(d) Operators of large family child care homes.

These minimum training standards do not apply to certain occasional or part-time support staff, including, but not limited to, swimming instructors, piano teachers, dance instructors, and gymnastics instructors. Universities, community colleges, school districts, and private providers are authorized to coordinate or provide this training.

(2) The department shall grant exemptions from all or a portion of the required training to a director or other early childhood education personnel of a child care center, of a specialized child care center for mildly ill children, of a large family child care home, or of a family child care home, based upon educational credentials or passage of competency examinations. A director or other early childhood education personnel of a child care center, or of a specialized child care center for mildly ill children, of a large family child care home or of a family child care home, who possesses a 2-year degree or higher that includes 6 college credit hours in early child development or child growth and development, or a child development associate credential, an equivalent state-approved child development associate credential, or a child development associate waiver certificate shall be automatically exempted from the training requirements in paragraph (3)(b), paragraph (3)(d), and paragraph (3)(e).

(3) The introductory course for directors and other early childhood education personnel of child care centers and specialized child care centers for mildly ill children, and for operators of large family child care homes, shall be 45 clock hours. The introductory course for operators of family child care homes shall be 30 clock hours. Each approved introductory course must cover at least the following topic areas:

(a) State and local rules and regulations governing early learning programs.

(b) Health, safety, and nutrition.

(c) Identifying and reporting of child abuse and neglect.

(d) Early learning, including typical and atypical language, cognitive, motor, social, and self-help skills development.

(e) Observation of developmental behaviors, including the use of a checklist or other similar observation tools and techniques to determine the child's developmental age level.

(f) Early literacy and language development of children from birth to 5 years of age.

(g) Other specialized areas as determined by the State Board of Education. For directors and early childhood education personnel of child care centers and specialized child care centers for mildly ill children, these specialized topic areas must also include computer technology for professional and classroom use.

(h) The introductory course for directors and early education personnel of child care centers, and of specialized child care centers for mildly ill children, shall stress, to the maximum extent practicable, an interdisciplinary approach to the study of children.

(4)(a) Each operator of a family child care home must successfully complete the training required under this section, as evidenced by passage of the competency examination, before providing early learning programs to a child.

(b) Each director or other early childhood education personnel of a child

care center or specialized child care center for mildly ill children, and each operator of a large family child care home, must:

1. Begin training to meet the training requirements within 90 days after initial employment within the early learning field in this state; and

2. Successfully complete the training required under this section, as evidenced by passage of the competency examination, within 1 year after the date on which the training begins.

(5)(a) In order to further their early learning programs and, if appropriate, administrative skills, each director, operator, or other early childhood education personnel required to be trained under this section who has fulfilled the requirements for the introductory training, must annually complete an additional 1 continuing education unit of approved inservice training, or 10 clock hours of equivalent training, as determined by the State Board of Education.

(b) Each director, operator, or early childhood education personnel required to be trained under this section must complete 0.5 continuing education units of approved training or 5 clock hours of equivalent training, as determined by the department, in early literacy and language development of children from birth to 5 years of age.

Section 12. Section 1014.061, Florida Statutes, is created to read:

1014.061 Child development associate and child development associate equivalent curriculum.--

(1) The Department of Education shall conduct a program review of all currently approved child development associate and child development associate equivalent educational programs and any corresponding state requirements in order to assess the curriculum and testing requirements and to develop methods for the improvement of these requirements and procedures. The evaluation shall be conducted every 3 years. The evaluation shall include, but not be limited to, a determination of the accessibility, quality, scope, and sources of current training; a determination of the need for specialty training; and a determination of ways to increase inservice training and ways to increase the accessibility, quality, and cost-effectiveness of current and proposed training.

(2) The State Board of Education shall establish rules identifying curriculum standards for the approval of child development associate and child development associate equivalent programs, and for the renewal of the child development associate or child development associate equivalent credential. The curriculum standards for the child development associate equivalent shall include a requirement for successful completion of a competency based examination for which a professional certificate will be awarded. The curriculum standards and the renewal requirement for the equivalent state-approved child development associate credential shall include literacy education, effective practices for increasing parental involvement, and strategies to meet the needs of non-English-speaking children and children with disabilities. Universities, community colleges, school districts, and private providers are authorized to deliver training for professional development.

Section 13. Section 1014.062, Florida Statutes, is created to read:

1014.062 Trainer qualifications.--Early learning professionals teaching an approved 45 clock-hour introductory course, a child development associate credential, or an equivalent state-approved child development associate credential shall meet the following qualifications at a minimum:

(1) Be at least 21 years old.

(2) Complete the training course developed by the Department of Education.

(3) Meet one of the following educational and experiential credentials verified by the training coordinating agency:

a. Four-year college degree or higher with 6 college credit hours in early childhood education, plus 480 hours experience in a child care setting serving children ages birth through 5 years of age or a teaching certificate.

b. A.S. or A.A. degree in child development, plus 480 hours experience in a child care setting serving children birth through five years of age.

c. Associate degree with 6 college credit hours in early childhood education, plus 960 hours experience in a child care setting serving children birth through five years of age.

Section 14. Section 1014.063, Florida Statutes, is created to read:

1014.063 Early learning personnel training capacity.--The department shall conduct an evaluation of training requirements and testing procedures for early learning personnel in order to assess the status of this training and testing and to develop methods for improving these requirements and procedures. The evaluation shall be conducted every 3 years and shall include, but not be limited to, a determination of the accessibility, quality, scope, and sources of current training; a determination of the need for specialty training; and a determination of ways to increase inservice training and accessibility, quality, and cost-effectiveness of current and proposed training.

Section 15. Section 1014.064, Florida Statutes, is created to read:

1014.064 Articulation.--The State Board of Education shall development guidelines for the articulation required in this subsection which maximize local flexibility in developing inter-institutional articulation agreements while assuring students in the field of early learning the ability to proceed toward their higher educational and professional objectives. The State Board of Education shall establish in rule a statewide articulation agreement in which:

(1) Successful completion of the 45-clock-hour introductory course shall reduce the number of hours required for the equivalent state-approved child development associate credential by 45 hours. The specific competencies into which the hours articulate shall be determined by the State Board of Education.

(2) Successful completion of a child development associate credential or an equivalent state-approved child development associate credential shall articulate into a minimum of 12 community college credit hours in early childhood education. The specific courses into which the credits articulate shall be determined by the local community college.

(3) Successful completion of the early childhood education Associate Degree shall articulate into the appropriate state university baccalaureate degree program.

Section 16. Section 1014.065, Florida Statutes, is created to read:

1014.065 Experience credit.--

(1) The State Board of Education shall develop, in rule, a process by which early learning personnel who have completed the introductory training program prior to June 30, 1999, and who have been employed no less than 5 years as early childhood education personnel may have an opportunity to earn an equivalent state-approved child development associate credential. The process should, at a minimum, include:

(a) A procedure for application and determination of eligibility.

(b) A method of measuring competency that shall include observation of the applicant in an early learning setting by a qualified observer and successful completion of the child development associate equivalent competency based examination.

(2) This subsection shall expire on June 30, 2009, unless reenacted by the Legislature.

Section 17. Section 402.3017, Florida Statutes, is transferred, renumbered as section 1014.07, Florida Statutes, and amended to read:

1014.07 ~~402.3017~~ Early learning quality initiatives Teacher Education and Compensation Helps (TEACH) Early Childhood Project 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 child care.~~

(1)~~(2)~~ The department may ~~Department of Children and Family Services is authorized to~~ contract for the administration of the Teacher Education and Compensation Helps (TEACH) Early Childhood Project. The project shall be based on its national model and shall provide ~~scholarship program, which provides~~ educational scholarships to ~~caregivers and administrators of early childhood programs, family day care homes, and large family~~ early childhood education personnel ~~child care homes~~.

(2) The department may contract for the administration of the Home Instruction for Parents of Preschool Youngsters (HIPPY) program. The program shall be based on its national model and shall encourage parental involvement in early learning programs by providing parents with assistance in preparing their children for school.

(3) The department may ~~shall~~ adopt rules under s. 120.536(1) and s. 120.54 ~~as necessary~~ to administer ~~implement~~ this section.

~~(4) For the 2003-2004 fiscal year only, the Agency for Workforce Innovation shall administer this section. This subsection expires July 1, 2004.~~

Section 18. Section 1014.08, Florida Statutes, is created to read:

1014.08 Accountability.--

(1) LEGISLATIVE INTENT.--It is the intent of the Legislature that:

(a) The performance accountability system implemented to assess the effectiveness of Florida's publicly-funded early learning programs, including the voluntary universal prekindergarten program, must provide answers to the following questions:

1. What is the public receiving in return for funds it invests in early learning programs?

2. How effective are the early learning programs and providers in preparing children to be "ready" for kindergarten?

3. How effective and efficient are the local early learning councils in meeting performance standards established by the State Board of Education?

4. How effective and efficient are the State Board of Education and Commissioner of Education in administering and supporting early learning programs?

(b) The early learning performance accountability system shall be established as a single, unified accountability system with multiple components including, but not limited to, measures of a child's readiness for kindergarten; program effectiveness including effectiveness of the voluntary universal prekindergarten program; effectiveness of the Department of Education, early learning councils, and early learning providers; and return on investment. The State Board of Education shall be responsible for maintaining a comprehensive early learning performance accountability system.

(c) The State Board of Education shall recommend to the Legislature, no later than January 2005, early learning performance measures and standards including the components identified in subsection (1)(a).

(d) The Legislature must adopt early learning performance measures and standards no later than June 2005. The measures and standards adopted by the Legislature shall provide Floridians with information on what the public is receiving in return for the funds it invests in early learning programs and answer the other questions identified in subsection (1)(a).

(e) Each early learning council must conduct an annual evaluation of the effectiveness of its early childhood education programs. The results of the evaluations shall be submitted in the manner prescribed by the Department of Education and made available to the public upon request. This evaluation shall include components prescribed by the State Board of Education and, at a minimum, measures of the following:

1. The children's achievement as measured by age-appropriate assessments upon entry into the program and upon completion of the program; and

2. The children's readiness for kindergarten as measured by the instrument adopted by the State Board of Education to assess the school readiness of all children entering kindergarten.

(2) MISSION, GOALS, PERFORMANCE MEASURES.--

(a) The mission of early learning programs is to provide the elements necessary to prepare children for school, including health screening and referral, a developmentally appropriate educational program, and opportunities for parental involvement. The purpose of the early learning programs is to assist local communities in implementing programs that will enable all children in the community to be prepared for success in school.

(b) The State Board of Education shall adopt guiding principles for establishing state, early learning councils, and provider standards and measures.

(c) The Department of Education shall recommend to the State Board of Education an early learning accountability system that determines the efficiency and effectiveness of publicly-funded early learning programs. The Department of Education shall consult with early learning stakeholders in the development of its recommendations.

(d) The State Board of Education shall maintain an accountability system that measures the following goals:

1. Children's preparedness to enter kindergarten,

2. Children's acquisition of early literacy skills needed to become successful readers,

3. Parental involvement opportunities provided,

4. Community partnerships leveraged to meet the needs of children, and

5. Assistance to working families.

(3) SYSTEM WIDE DATA COLLECTION.--Early learning councils and state funded providers shall maintain information systems that will provide the State Board of Education and the Legislature with information and reports necessary to address the specifications of the accountability system. The State Board of Education shall determine the standards for the required data.

(4) RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary for the implementation of this section.

Section 19. Section 411.0105, Florida Statutes, is transferred, renumbered as section 1014.09, Florida Statutes, and amended to read:

1014.09 ~~411.0105~~ Federal ~~Early Learning Opportunities Act and Even Start Family Literacy Programs;~~ lead agency responsibilities.--The Governor may designate the Department of Education as the lead agency for purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, and the federal Early Learning Opportunities Act, 20 U.S.C. ss. 9401-9413. If designated as the lead agency, the department must comply with the lead agency responsibilities under federal law.

Section 20. Section 1014.10, Florida Statutes is created to read:

1014.10 Conflicting provisions.--If a conflicting provision exists between this chapter and federal requirements, the federal requirements shall control.

Section 21. Part II of chapter 1014, Florida Statutes, shall be entitled "Voluntary universal prekindergarten program" and shall consist of ss. 1014.20-1014.32.

Section 22. 1014.20 Legislative intent.--

(1) The voluntary universal prekindergarten program shall provide a high-quality prekindergarten learning opportunity that is voluntary and free for every child in Florida who is 4 years of age.

(2) The program must be organized, designed and delivered in accordance with sections 1(b) and (c), Article IX, of the State Constitution.

(3) It is the goal of the Legislature that 100% of the children that participate in the voluntary universal prekindergarten program are assessed as "ready" upon entering kindergarten.

(4) The Legislature recognizes that high-quality voluntary universal prekindergarten increases children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that such programs be developmentally appropriate, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of all children, and support family education and the involvement of parents in their child's educational progress. The voluntary universal prekindergarten program shall provide the elements necessary to prepare children for school including, but not limited to, health screening and referral, a developmentally appropriate educational program, and opportunities for parental involvement in the program.

(5) The Legislature recognizes that there is a strong relationship between the skill and preparation of early learning staff and educational outcomes of children in early learning programs. To improve educational outcomes, it is the goal of the Legislature that all early learning staff continually improve their skill and preparation through education and training so that in 5 years, at least one staff member in each classroom will have an associate's degree in the field of early childhood education or child development and in eight years, at least one staff member in each classroom will have a bachelor's degree in the field of early childhood education or child development.

(6) It is the intent of the Legislature that the prekindergarten program exist not as an isolated program, but build upon existing services and work in cooperation with other programs for young children.

Section 23. Section 1014.21, Florida Statutes, is created to read:

1014.21 Parental rights, choices, and responsibilities.--

(1) The voluntary universal prekindergarten program is expected to assist and support parents in fulfilling their role as their child's first teachers. To that end, parental involvement in the program will be characterized by respectful partnerships between parents and staff and sensitivity to cultural diversity and language.

(2) Parents must be provided information necessary to make an informed choice among available prekindergarten program sites and providers.

(3) Each voluntary universal prekindergarten service provider should have strong expectations of parental involvement and encourage parents to be involved in getting their children ready for school.

(4) Parents should receive periodic assessments of child progress and developmental and educational needs. When necessary and appropriate, parents should be offered assistance in interpreting assessment information and in accessing resources to address their child's needs.

(5) The universal prekindergarten program is voluntary, and parents who exercise the option to have their four-year-old child participate have the responsibility to ensure that the child experiences a high-quality learning opportunity. In selecting a voluntary universal prekindergarten service provider, the parent or guardian should:

(a) Be aware of the range of eligible public, private, and faith-based

programs;

(b) Verify that providers meet all program eligibility requirements pursuant to this act;

(c) Review program performance data that may include performance of children who have been served by the provider on the required school readiness screening administered upon entry into public kindergarten and other program evaluations;

(d) Verify that the provider's license is current;

(e) Talk with other parents about their child's experience with the provider; and

(f) Select the provider that is most appropriate for the child, based on such considerations as quality of the physical learning environment (facilities, equipment, materials); regular periodic assessments of child progress and developmental and educational needs; literacy-focused curricula and learning experiences; sensitivity to cultural diversity; recognition of children's individual needs and rates of learning; the parental visitation policy; meaningful opportunities for parent involvement, education, and enrichment; respect for the role of the parent as the child's first and most vital teacher; establishment of a partnership between parents and staff in the child's program; opportunities for parents to grow with their child and develop parenting skills; and availability of a variety of resources and services for parents and families.

Section 24. Section 1014.22, Florida Statutes, is created to read:

1014.22 Consumer protection; Department of Education, parents, and guardians.--Parents are responsible for making informed choices about whether their child should participate in the voluntary universal prekindergarten program and, if they decide to participate in the program, selecting the provider best suited to meet their child's needs. The state serves a number of important roles in providing consumer protection for participants in the voluntary universal prekindergarten program such as prescribing program provider eligibility criteria (including fiscal soundness, staff credential requirements, approved curriculum, program length and child to staff ratio), maintaining a comprehensive public accountability system, funding the program and infrastructure, research and development, and disseminating information.

(1)(a) The Department of Education shall create and implement a consumer education and protection program that strengthens the delivery system. The goal of the program is to empower families and guardians to make informed decisions about participation in the voluntary universal prekindergarten program. The program shall include a variety of strategies that, at a minimum, communicate the purpose of the program, the characteristics of a high quality program, application information, and program eligibility criteria.

(b) The Department of Education shall establish a toll-free hotline and Internet website to answer questions and provide information regarding the voluntary universal prekindergarten program. This hotline shall be separate but should be accessible from the single point of entry system. The statewide resource and referral system provided pursuant to s. 1014.48 shall also include information about voluntary prekindergarten programs and providers.

(2)(a) Each provider must communicate objective information about its program(s) to parents who wish to participate in the voluntary prekindergarten education program.

(b) Participating providers must provide evidence on an annual basis that they meet all program eligibility criteria specified in s. 1014.27.

Section 25. Section 1014.23, Florida Statutes, is created to read:

1014.23 Service delivery and design.--

(1) The voluntary universal prekindergarten program will be delivered through a diverse network of high quality private not-for-profit, private for-profit, faith-based, and public providers. This diversity is necessary to support parental choice and maximize use of existing program capacity and community resources.

(2) The department will encourage and support partnerships among early learning councils, local governments, community and faith-based organizations, private schools and early learning providers, public schools, and businesses to ensure that the capacity of high quality services is adequate to meet anticipated demand for voluntary universal prekindergarten.

Section 26. Section 1014.24, Florida Statutes, is created to read:

1014.24 Community partnerships.--

(1) Physical, behavioral, and developmental needs of children enrolled in the voluntary universal prekindergarten program will be addressed through coordination with and referral to other local and state agencies or community-based partnerships.

(2) Each provider must implement processes for referring children who need additional support services to appropriate community service providers including, but not limited to, public health departments, providers of early intervention services, and publicly funded providers of behavioral or developmental services. The statewide resource and referral system provided pursuant to s. 1014.48 shall include guidelines and procedures for referring children for support services.

(3) The application used by parents for voluntary universal prekindergarten program enrollment must include an inventory of their child's needs and service history so that program service providers can identify referral needs.

Section 27. Section 1014.25, Florida Statutes, is created to read:

1014.25 Eligibility and application for services.--

(1) Children who are residents of Florida and have attained the age of 4 years on or before September 1 of the school year are eligible for admission to the voluntary universal prekindergarten education program for that school year.

(2) Prior to the beginning of the school year, parents will be given an opportunity to submit an application for voluntary universal prekindergarten program admission for each eligible child.

(3) The State Board of Education shall establish by rule the procedures for application including, but not limited to, the following:

(a) The application form;

(b) The application time period; and

(c) Processes and procedures.

(4) The Department of Education must make information about the application process accessible to the public through a public information program that includes print and electronic media and the Internet.

Section 28. Section 1014.26, Florida Statutes, is created to read:

1014.26 Program description.--Voluntary universal prekindergarten education program; child expectations, curricula, and transition to kindergarten.

(1) The voluntary universal prekindergarten program shall be designed to address and enhance each child's ability to make age-appropriate progress, provide development of language and cognitive capabilities, and provide education in basic and other appropriate skills through high-quality learning experiences that build upon children's interests and skills.

(2) To define age-appropriate expectations that will enable children to be ready for school, the Department of Education shall work with the Florida Center for Reading Research to review the Florida School Readiness Performance Standards for Three-Year Old, Four-Year Old, and Five-Year-Old Children 2002 to revise and propose additional or revised standards that emphasize early literacy and oral language skills, including vocabulary development. The State Board of Education shall adopt these literacy and language standards for use in the state's voluntary universal prekindergarten program.

(3) Curricula used in voluntary universal prekindergarten programs shall be age-appropriate, literacy-focused, and responsive to children with special needs including those with disabilities, and those whose first language is other than English. Such curricula shall be aligned with the expected child outcomes, as referenced in subparagraph (1)(a). The State Board of Education shall:

(a) Identify curricula that meet the adopted standards;

(b) Provide a mechanism for review and approval of additional curricula proposed for use in voluntary universal prekindergarten programs; and

(c) Ensure that all voluntary universal prekindergarten education programs use curricula that meet the adopted standards.

(4) Information related to the child's progress while in the voluntary universal prekindergarten program shall be submitted to the child's parent on a regular basis and such information shall be provided, in the manner prescribed by the Department of Education, to the school at which the child enrolls for kindergarten.

Section 29. Section 1008.21, Florida Statutes, is amended to read:

1008.21 School readiness uniform screening (kindergarten).--

(1) The Department of Education shall implement a ~~the~~ school readiness uniform screening ~~developed by the Florida Partnership for School Readiness,~~ and shall require that all school districts administer the ~~kindergarten~~ uniform screening to each kindergarten student in the district school system upon the

student's entry into kindergarten.

(2)(a) ~~The Department of Education shall implement the school readiness uniform screening to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must be administered the school readiness uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking.~~

~~(b)~~ The uniform screening shall provide objective data regarding ~~the following~~ expectations for school readiness which shall include, at a minimum:

~~1.The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.~~

~~2.The child's physical development.~~

1.~~3.~~ The child's compliance with rules, limitations, and routines.

2.~~4.~~ The child's ability to perform tasks.

3.~~5.~~ The child's interactions with peers and adults.

~~6. The child's interactions with peers.~~

~~7. The child's ability to cope with challenges.~~

~~8. The child's self-help skills.~~

~~9. The child's ability to express his or her needs.~~

~~10. The child's verbal communication skills.~~

4.~~11.~~ The child's problem-solving skills.

5.~~12.~~ The child's ability to follow verbal directions.

6.~~13.~~ The child's demonstration of curiosity, persistence, and exploratory behavior.

7.~~14.~~ The child's knowledge of and interest in books and other printed materials.

~~15. The child's ability to pay attention to stories.~~

~~16. The child's participation in art and music activities.~~

~~17. The child's ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.~~

(b) The screening system shall measure emerging phonemic awareness and phonics skills that are valid and reliable predictors for later reading performance.

(3) Recognizing the importance of a child's development in the domain of physical health, each district school board shall ensure that prior to enrollment in kindergarten, information regarding the child's immunizations, physical development, and other health information, including appropriate vision and hearing screening and examinations as necessary, is obtained as required by s. 1003.22.

(4) To enhance each child's ability to make age-appropriate progress, each district school board shall also provide for ongoing formal and informal assessment of a child's social and emotional development. Information obtained through such assessments shall be shared with the child's parent and or used to guide instruction.

Section 30. Section 1014.27, Florida Statutes, is created to read:

1014.27 Program provider eligibility criteria.--To be eligible to participate as a provider in Florida's voluntary universal prekindergarten program and be eligible for state funds, the provider must be located in Florida and must:

(1) Demonstrate fiscal soundness by being in operation for at least one year or being part of a corporation with early learning program providers in Florida prior to June 2004.

(2) By the 2006-07 school year, meet Gold Seal standards pursuant to s.387.24.

(3) Have a minimum staff ratio of 1:10 and serve at least 5 children.

(4) Beginning in 2005-06, ensure that one instructional staff for every ten children has a minimum staff credential of:

(a) A child development associate credential; or

(b) A credential that is equivalent to or greater than the credential required in (a).

(5) Beginning in 2006-2007, a second staff member meeting the minimum staff credential prescribed in (4) is required for classes of eleven to twenty children.

(6) Use a curriculum that has been determined to meet standards set by the State Board of Education pursuant to s. 1014.26.

(7) Provide parents regular periodic information of the child's progress towards attaining age-appropriate developmental and early learning outcomes consistent with expectations in s. 1014.26.

(8) Establish an information and referral process for wrap-around services for children who need support beyond what is provided within the voluntary universal prekindergarten program.

(9) Provide opportunities for parental involvement.

(10) Cultivate and leverage community partnerships.

(11) Annually register with the appropriate early learning council. Each owner or operator must provide the following information:

(a) The legal business and trade names, mailing address and business location of the early learning program;

(b) The full names, addresses, and telephone numbers of all owners or operators of the provider; and

(c) A notification of the provider's intent to participate in the program under this section.

(12) Offer a program that is 180 days in length and 4 hours per day or 720 hours per year.

(13) Comply with applicable state and local health and safety laws, rules and codes.

Section 31. Section 1014.28, Florida Statutes, is created to read:

1014.28 Transportation.--

(1) Voluntary universal prekindergarten funds may not be used in any form to provide transportation services for the voluntary universal prekindergarten program or for the purchase of motor vehicles. Voluntary universal prekindergarten providers may provide transportation services for a voluntary universal prekindergarten program through other funds, including local monies or parent fees.

(2) Children who are from economically disadvantaged families as defined in 1014.40(2) may have the cost of their transportation reimbursed pursuant to 1014.42.

Section 32. Section 1014.29, Florida Statutes, is created to read:

1014.29 Financial matters.--

(1)(a) In order to maximize parental choice, a voucher in the amount established by the Legislature in the General Appropriations Act shall be awarded to parents of children who are eligible to participate in a voluntary universal prekindergarten program. Payment for the voucher will be made to the parent for the voluntary universal prekindergarten provider of the parent's choice, or if the parent so chooses, directly to the provider.

(b) Providers wanting to operate a voluntary universal prekindergarten program are required to sign an annual funding agreement that must include, at a minimum:

1. Evidence that they meet provider eligibility criteria contained in s. 1014.27.

2. Clear statement that a provider will not charge above and beyond what the state funds per child, except for transportation, food, field trips, late pick-up fees, or other related fees.

(2) No liability shall arise on the part of the state based on any use of a voucher for a voluntary universal prekindergarten program.

Section 33. Section 1014.30, Florida Statutes, is created to read:

1014.30 Budgeting.--All funds associated with the voluntary universal prekindergarten program must be appropriated in a single and separate budget entity.

Section 34. Section 1014.31, Florida Statutes, is created to read:

1014.31 Voluntary universal prekindergarten capacity assessment.--

(1) The State Board of Education shall annually assess the state's capacity to provide high quality voluntary universal prekindergarten programs. This assessment shall include:

(a) The capacity of the early childhood education providers to serve the projected 4-year-old population; and

(b) The capacity of educational institutions and other training providers to prepare highly qualified personnel for early learning, pursuant to s.1014.06.

(2) The assessment shall specifically include the capacity needs of each county and be developed in partnership with local governments, businesses, community and faith-based organizations, and postsecondary educational institutions.

(3) The State Board of Education shall report the findings of this assessment and recommendations to improve the state's capacity to provide high quality voluntary universal prekindergarten programs to the Governor, the President of the Senate, and the Speaker of the House on or before September 30 of each year.

Section 35. Section 1014.32, Florida Statutes, is created to read:

1014.32 Targeted occupation list.--Workforce Florida, Inc., shall recognize credentialed placement in the field of early learning as a high skill occupation for purposes of performance outcome measures pursuant to s.1011.80(4)(c).

Section 36. Part III of chapter 1014, Florida Statutes, shall be entitled "Early Learning Opportunities" and shall consist of ss. 1014.40-1014.54.

Section 37. Section 1014.40, Florida Statutes is created to read:

1014.40 Definitions.--

(1) "Central agency" means a community child care coordinating agency, which was established under the former subsidized child care program of the Department of Children and Family Services.

(2) "Economically disadvantaged" means having a family income that does not exceed 150 percent of the federal poverty level.

Section 38. Section 1014.41, Florida Statutes, is created to read:

1014.41 Early learning councils.--

(1) Effective January 1, 2005, local governance shall be through no more than 28 early learning councils.

(2)(a) Early learning councils shall be responsible for compliance with law and State Board of Education rules related to early childhood education at the local level. In performance of these duties, early learning councils must submit, in a timely manner, any information requested by the State Board of Education or the Department of Education relating to compliance accountability and consumer protection.

(b) Early learning councils shall provide oversight and accountability for early childhood education at the local level that shall include but not be limited to the following:

1. Maintain accurate records including those necessary to ensure fiscal and programmatic accountability and compliance with laws and State Board of Education rules governing local providers of early childhood education.

2. Provide for representation of a fiscal agent, if necessary, in compliance with s. 1014.52.

3. Retain legal representation, as necessary, for the review and implementation of contracts.

4. Implement a system of consumer protection as provided in s. 1014.22.

5. Prepare an annual financial and compliance audit of all accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General.

(c) Each early learning council shall have as many members as may be required to include the following:

1. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

2. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

3. A regional workforce development board executive director.

4. A county health department director or his or her designee.

5. A children's services council or juvenile welfare board chair or executive director, where applicable.

6. A local child care licensing agency head, where applicable.

7. A community college president or designated representative.

8. A representative of a program for children with disabilities under the Individuals with Disabilities Education Act.

9. A parent or guardian of a child who participates in a publicly-funded early learning program.

10. A central child care agency administrator.

11. A Head Start director.

12. A representative of private child care providers.

13. A representative of faith-based child care providers.

14. A representative of family day care home providers.

(d) The Governor shall appoint the 14 members of each local council listed in (c) no later than January 1, 2005. Members shall serve a term of 4 years, except that one-third of initial appointees shall serve for 2 years, one-third shall serve for 3 years and one-third shall serve for 4 years. These 14 members shall appoint other council members.

(e) A voting majority of local council members shall be persons who do not have a substantial financial interest in the design or delivery of public or private early learning services in Florida, and neither they nor their families may earn an income from the early learning programs. To meet this requirement a council must appoint additional members from a list of nominees presented to the coalition by chambers of commerce or economic development councils within the geographic area of the council. The chair of the council must be chosen from among the voting majority.

(f) No member of a council may appoint a designee to act in his or her place unless specifically provided in this act. A member may send a representative to council meetings, but that representative will have no voting privileges.

(g) Members of the council are subject to the ethics provisions in part III of chapter 112. It is the duty of all members of the local coalition board to report all possible or apparent conflicts to the chairperson and to recuse themselves from participating in council activities related to their areas of conflict. A conflict shall be deemed to exist if the council member represents any organization whether as an employee, officer or director that receives financial compensation or business for services rendered to the organization or has direct or indirect interest in action to be taken by the council.

(h) For the purposes of tort liability, the members of the council and its employees shall be governed by s. 768.28.

(i) All councils shall include representation from each county in the service area.

(j) Appointed members may serve a maximum of two terms. When a vacancy occurs in an appointed position, the governor shall fill the vacancy. When a vacancy occurs in a non-appointed position, the vacancy shall be publicly advertised for a minimum of 14 calendar days.

Section 39. Section 1014.42, Florida Statutes, is created to read:

1014.42 Local council transition.--

(1) Between July 1, 2004, and December 31, 2004, local school readiness coalitions established pursuant to s. 411.01(5), shall transition to early learning councils created pursuant to s. 1014.03(6).

(2) No later than October 1, 2004, executive Directors of the school readiness coalitions shall submit a plan to the Commissioner of Education for consolidating school readiness coalitions to create 28 early learning Councils (ELC). Any school readiness coalition that has not agreed to the consolidation plan would be assigned to an early learning council region by the commissioner.

(3) All facilities, equipment, and other resources purchased by local school readiness coalitions using state or federal child care or school readiness funding shall be transferred to the early learning council that assumes responsibility for the county or multi-county area previously served by the local school readiness coalition.

(4) In multi-county local school readiness coalition regions where the counties are divided between two or more early learning council service areas, each early learning council shall receive the share of the facilities, equipment, and other resources that is fairly apportioned to the county or counties for which it assumes jurisdiction. Any disagreements that may arise regarding resource allocation shall be resolved by the Chancellor for Early Learning.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 40. Section 1014.43, Florida Statutes is created to read:

1014.43 Early childhood education expectations.--Each early learning council shall administer and assure the provision of publicly-funded early childhood education programs that meet the following expectations:

(1) The services must prepare preschool children to enter kindergarten ready to learn, as measured by the performance standards and outcome measures adopted by the State Board of Education under s. 1014.08.

(2) The services must be developmentally appropriate and research-based, involve parents as their children's first teachers, serve as a preventive measure for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education.

(3) The services must offer extended-day and extended-year options to the maximum extent practicable, within funding limitations and without compromising the quality of the program, to meet the needs of parents who work.

(4) The services must make available access to community services and resources for families to help achieve economic self-sufficiency.

(5) The services must allow persons with an early childhood teaching certificate to provide support and supervision to other staff.

(6) The services must provide for coordinated staff development and teaching opportunities.

(7) The services must meet all state licensing guidelines, where applicable.

Section 41. Section 1014.44, Florida Statutes, is created to read:

1014.44 Early childhood education eligibility and priority for participation.--

(1) Each early learning council shall give priority for participation in publicly-funded early childhood education programs, as follows:

(a) Priority shall be given first to a child from a family in which there is an adult receiving temporary cash assistance who is subject to federal work requirements.

(b) Priority shall be given next to a child from birth to kindergarten eligibility who is served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under chapter 39 and for whom early childhood education is needed to minimize the risk of further abuse, neglect, or abandonment.

(c) Subsequent priority shall be given to a child younger than kindergarten eligibility who meets one or more of the following criteria:

1. A child who is not included for priority in paragraph (b), but who is determined to be at risk of abuse, neglect, or exploitation and who is currently a client of the Family Safety Program Office of the Department of Children and Family Services.

2. A child at risk of welfare dependency, including an economically disadvantaged child, a child of a participant in the welfare transition program, a child of a migrant farm worker, or a child of a teen parent.

3. A child of a working family that is economically disadvantaged.

4. A child for whom financial assistance is provided through the Relative Caregiver Program under s. 39.5085.

5. A 3-year-old child or 4-year-old child who may not be economically disadvantaged, but who has been determined eligible as a child with a disability in accordance with the rules of the State Board of Education and is participating in a program for children with disabilities of the local school district.

6. An economically disadvantaged child, a child with a disability, or a child at risk of future school failure, from birth to 4 years of age, who is served at home through a home visitor program and an intensive parent education program, including, but not limited to, the Florida First Start Program.

7. A child who meets federal and state requirements for eligibility for the migrant preschool program, but who does not meet the criteria of economically disadvantaged.

(2) An early learning council may use early learning funds allocated to the council to provide early childhood education for any child who is eligible for services under the federal law or regulations governing those federal funds, including, but not limited to, the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, or the Social Services Block Grant, if approved by the Department of Education as part of the council's early learning plan.

(3) A child who meets the eligibility requirements upon initial registration in an early learning program shall be considered eligible for one year, regardless of a change in his or her family's economic status, but subject to additional family contributions in accordance with the council's sliding fee scale.

Section 42. Section 1014.45, Florida Statutes, is created to read:

1014.45 Early childhood education program description.--

(1) Each council shall provide a comprehensive program of early childhood education that enhances the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted by the State Board of Education pursuant to s.1014.07.

(2) Each early learning council shall ensure that the early childhood education provided under its plan, include at a minimum, the following elements:

(a) Developmentally and age appropriate curriculum that, at a minimum, prepares a child for school in each of the following components:

1. Physical development.

2. Oral language ability including vocabulary development.

3. Phonemic awareness.

4. Knowledge of and interest in books and other printed materials.

5. Ability to cope with challenges.

6. Ability to perform tasks.

7. Problem-solving skills.

8. Following verbal directions.

9. Demonstration of curiosity, persistence, and exploratory behavior.

10. Interactions with peers and adults.

11. Compliance with rules, limitations, and routines.

(b) A character development program to develop basic values.

(c) A valid and reliable age-appropriate screening of each child's development when they enter the program.

(d) A valid and reliable measurement of each child's developmental progress when they enter and when they exit the program.

(e) An appropriate staff-to-children ratio.

(f) A healthy and safe environment.

Section 43. Section 1014.46, Florida Statutes, is created to read:

1014.46 Early childhood education plans.--

(1) Each early learning council shall adopt a plan for implementing its early childhood education plan that meets the requirements of this section and the performance standards and outcome measures adopted by the State Board of Education. Implementation of each council's plan is subject to approval by the department.

(2)(a) Before implementing its plan, each early learning council must adopt and submit its plan for approval to the Department of Education. The department shall approve the plan, reject the plan, or approve the plan with conditions.

(b) The department shall review each council's plan annually. If an early learning council does not substantially implement its plan or does not substantially meet the performance standards or outcome measures adopted by the department, the department may contract with a qualified entity to continue early childhood education in the council's county or multicounty region until the department determines that the council is fully prepared to resume operations and perform its functions in conformance with applicable laws, rules and performance expectations.

(c) Each early learning council must review and revise its plan annually. An early learning council may not implement plan revisions until it submits the revised plan to, and receives approval from, the department. If the department rejects a revised plan, the early learning council must continue to operate under its prior approved plan.

(3) Each early learning plan must be submitted in the manner prescribed by the department and shall include the following minimum standards and provisions:

(a) The business organization of the early learning council must include the council's articles of incorporation and bylaws if the council is organized as a corporation. If the early learning council is not legally organized as a corporation or other business entity, the plan must include the contract with a fiscal agent in accordance with s. 1014.30.

(b) The establishment of a local resource and referral agency as part of the statewide resource and referral network under s. 1014.46, that assists parents in making an informed choice of early childhood education providers.

(c) A community plan that addresses the needs of all eligible children.

(d) A single point of entry and unified waiting list for early learning programs.

(e) A description of the council's early childhood education program, which includes the following:

1. The plan must describe the role of early childhood education programs in the council's effort to collaborate with community partners and schools as part of a statewide comprehensive initiative that prepares children and families for the children's success in school.

2. The plan must demonstrate that each child in early childhood education programs will receive scheduled activities and instruction designed to prepare the children to enter kindergarten ready to learn, that the programs will achieve the program expectations described in s. 1014.21, and that the early childhood education services provided under the plan will contain the elements described in s. 1014.21.

3. The plan must reflect inclusion of before and after school child care.

(f) A parental choice of locations and types of early childhood education providers, as defined in s. 1014.02, including licensed, registered, religious-exempt, and school-based providers.

(g) A schedule of payment rates adopted by the early learning council which encompasses all types of early childhood education and providers funded by the council. The early learning council must consider the prevailing market-rate schedule adopted under s. 1014.31 when adopting the council's payment schedule.

1. The payment schedule must specify that an informal provider of

unregulated early childhood education may not be paid at more than 50 percent of the payment rate for a family child care home.

2. The payment schedule must not have the effect of limiting parental choice; however, the department may authorize early learning councils to use its funds to provide a rate differential or stipend to early childhood education providers that hold a current Gold Seal designation under s. 402.281. The differential may not exceed 20 percent of the payment rate for providers that do not hold the Gold Seal designation.

3. The payment schedule must include a projection of the number of children to be served by the early learning council and must be submitted to the department for information.

(h) A sliding fee scale establishing a copayment for parents based upon their ability to pay, that is uniform for all providers participating in the early learning program, and can be implemented and reflected in the program's budget.

1. Early learning councils must report and monitor the collection of parent copayments by providing a system of oversight and accountability at the local level as described in s. 1004.03(6).

2. Providers must maintain records of the collection of parent fees and must report to early learning councils and the department records of their collection of parent fees.

3. The collection of parent fees and the compliance with relevant federal regulations requiring the collection of parent fees must be included in provider and early learning council audit requirements as required in s. 1004.03(6).

(i) The qualifications of early childhood education personnel for providers participating in the early learning programs, including, but not limited to, successful completion of the 45-clock-hour introductory course described in s. 1014.081 and of any additional training or credentials required by the department. The early learning plan must provide a method for verifying these qualifications of all early childhood education personnel for each type of provider.

(j) The performance standards and outcome measures adopted for early learning programs by the department pursuant to s. 1014.07.

(k) Direct enhancement services for families and children. These enhancement services shall be in addition to payments for the placement of children in early learning programs.

(l) Nondirect services including, but not limited to, the enrollment of children in early learning programs, eligibility determination for early learning programs, training of early learning providers, and parental support and involvement.

(m) Strategies to meet the needs of unique populations, such as migrant workers.

(4)(a) As part of its early learning plan, an early learning council may request the Governor to apply for a waiver to allow the council to administer the Head Start program to accomplish the purposes of its early learning program.

(b) If an early learning plan demonstrates that specific statutory goals may be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, the early learning council may include in the plan a request for a waiver by the State Board of Education. Upon review, the State Board of Education may grant the proposed modification.

(c) Early learning councils may enter into contracts with service providers outside their service areas in order to meet the needs of unique populations, such as migrant workers.

(d) The department may enter into statewide contracts with service providers in order to meet the needs of unique populations such as migrant workers. Information regarding services provided through a statewide contract will be provided to each early learning council to ensure communication, coordination and resource maximization.

Section 44. Section 1014.47, Florida Statutes, is created to read:

1014.47 Parental choice in early childhood education programs.--

(1) Each council's early childhood education program shall, in accordance with 45 C.F.R. s. 98.30, provide parental choice in a manner that ensures, to the maximum extent practicable, flexibility in the early learning program and reimbursement arrangements. A parent may choose for early childhood education to be provided to his or her child:

(a) Through an early childhood education provider that is reimbursed for providing early childhood education under a contract; or

(b) Upon the request of the parent, through the issuance of a payment certificate to the parent for use at a early childhood education provider of the parent's choice, including an informal provider of unregulated early childhood education, regardless of whether the chosen provider otherwise participates in the early learning program.

(2) Each payment certificate must bear the names of the beneficiary and the early childhood education provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(3) If it is determined that an early learning provider has given any cash to the beneficiary in return for receiving a payment certificate, the early learning council or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud or the state attorney for investigation.

Section 45. Section 402.47, Florida Statutes, is transferred, renumbered as section 1014.48, Florida Statutes, and amended to read:

1014.48 ~~402.27 Child care and early childhood~~ Resource and referral.--The Department of Education ~~Children and Family Services~~ shall ensure that ~~establish~~ a statewide ~~child care~~ resource and referral network is established. The network shall be composed of a state resource and referral agency and a system of local agencies contracted through the state agency. ~~Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service,~~ The department ~~of Children and Family Services~~ shall select the state resource and referral ~~the resource information~~ agency using ~~based upon~~ a request for proposals ~~proposal~~. Each early learning council shall establish at least one local ~~child care~~ resource and referral agency ~~must be established~~ in the county or multicounty area served by the council ~~each district of the department~~, but no more than one local agency may be established in a ~~any~~ county. ~~Child care~~ Resource and referral agencies shall provide the following services:

(1) Identification of existing public and private early childhood education providers ~~child care and early childhood education services, including child care services by public and private employers,~~ and the development of a database ~~resource file~~ of ~~those~~ providers ~~services~~. These providers ~~services~~ may include early learning providers that are licensed, exempt from licensure, or registered under part III of this chapter; providers participating in the voluntary universal prekindergarten program; providers participating in a council's early learning programs; a ~~family day care, public and private child care programs,~~ Head Start program;~~,~~ ~~prekindergarten early intervention programs,~~ special education programs for prekindergarten ~~handicapped~~ children with disabilities;~~,~~ services for children with developmental disabilities;~~,~~ full-time and part-time programs;~~,~~ before-school and after-school programs;~~,~~ vacation care programs;~~,~~ parent education; welfare transition~~, the~~ WAGES programs;~~,~~ and related family support services. The database ~~resource file~~ shall include, but not be limited to, the following information:

(a) Type of early childhood education provider ~~program~~.

(b) Hours of service.

(c) Significant program information.

(f) Fees and eligibility for services.

(g) Availability of transportation.

(2) The establishment of a referral process that ~~which~~ responds to parental need for information and that ~~which~~ is provided with full recognition of the confidentiality rights of parents. Resource and referral agencies may only ~~programs shall~~ make referrals to licensed early childhood education providers, except that a referral may ~~care facilities. Referrals shall~~ be made to an unlicensed provider ~~child care facility or arrangement only~~ if the provider is not required to ~~there is no requirement that the facility or arrangement~~ be licensed.

(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by each ~~all child care~~ resource and referral agency ~~agencies~~:

(a) Number of calls and contacts to the resource ~~child care information~~ and referral agency ~~component~~ by the type of early childhood education provider ~~service~~ requested.

(b) Ages of children for whom service is ~~was~~ requested.

(c) Time category of early learning service ~~child care~~ requests for each child.

(d) Special time category, such as nights, weekends, and swing shifts ~~shift~~.

(e) Reason that ~~the~~ early childhood education are ~~care is~~ needed.

(f) Name of the employer and primary focus of the

business.

(4) Provision of technical assistance to existing and potential early childhood education providers ~~of child care services~~. This assistance may include:

(a) Information on initiating new early learning ~~care~~ services, zoning, and program and budget development, and assistance in finding the ~~such~~ information from other sources.

(b) Information and resources that assist ~~which help~~ existing early learning ~~child care~~ services providers to maximize their ability to serve children and parents in their community.

(c) Information and incentives that may ~~which could~~ help existing or planned early learning ~~child care~~ services offered by public or private employers seeking to maximize their ability to serve the children of their ~~working parent~~ employees who are working parents in their community, through contractual or other funding arrangements with businesses.

(5) Assistance to families and employers in applying for various early childhood education programs, ~~sources of subsidy~~ including, but not limited to, the voluntary universal prekindergarten program or a council's early learning programs; ~~subsidized child care,~~ a Head Start program; ~~, prekindergarten early intervention programs, Project Independence,~~ private scholarships; ~~,~~ and the federal child and dependent care tax credit.

(6) Assistance to state agencies in determining the prevailing market rate for early childhood education ~~child care~~.

(7) Assistance in negotiating discounts or other special arrangements with early childhood education ~~child care~~ providers.

(8) Information and assistance to local interagency councils coordinating services for prekindergarten ~~handicapped~~ children with disabilities.

(9) Assistance to families in identifying summer recreation camp and summer day camp programs and in evaluating the health and safety qualities of summer recreation camp, ~~and~~ summer day camp, ~~programs~~ and ~~in evaluating the health and safety qualities of~~ summer camp programs. Subject to legislative ~~Contingent upon specific~~ appropriation, a checklist of important health and safety qualities that parents may ~~can~~ use to choose their summer camp programs shall be developed and distributed in a manner that will reach parents interested in such programs for their children.

(10) Each ~~A~~ early childhood education provider ~~care facility~~ licensed or registered under s. 387.04 ~~s. 402.305 and licensed and registered family day care homes~~ must provide the local ~~statewide child care and~~ resource and referral agency ~~agencies~~ with the following information annually:

(a) Type of early childhood education provider ~~program~~.

(b) Hours of service.

(c) Ages of children served.

(d) Fees and eligibility for services.

Section 46. Section 402.3018, Florida Statutes, is transferred, renumbered as section 1014.49, Florida Statutes, and amended to read:

1014.49 ~~402.3018~~ Consultation to early childhood education providers ~~child care centers and family day care homes~~ regarding health, developmental, behavioral ~~disability~~, and other special needs issues.--

(1) Early childhood education providers are encouraged to serve children with special needs. The department, when requested, shall provide technical assistance to parents and early childhood education providers in order to facilitate serving children with special needs.

(2)~~(1)~~ Subject to legislative appropriation ~~Contingent upon specific appropriations~~, the department shall ~~is directed to~~ contract with the state ~~statewide~~ resource information and referral agency for a statewide toll-free Warm-Line for the purpose of providing assistance and consultation to early childhood education providers ~~child care centers and family day care homes~~ regarding health, developmental, behavioral ~~disability~~, and other special needs issues of the children they are serving~~, particularly children with disabilities and other special needs~~.

(3)~~(2)~~ The purpose of the Warm-Line is to provide advice to early childhood education ~~child care~~ personnel concerning strategies, curriculum, and environmental adaptations that allow a child to derive maximum benefit from receiving ~~the~~ early childhood education ~~child care experience~~.

(4)~~(3)~~ The department shall annually inform early childhood education providers ~~child care centers and family day care homes~~ of the availability of this service~~, on an annual basis~~.

(5)~~(4)~~ Subject to legislative appropriation ~~Contingent upon specific appropriations~~, the department shall expand, or contract for the expansion of, the Warm-Line from one statewide site to one Warm-Line site in each county or region served by an early learning council ~~child care resource and referral agency region~~.

(6)~~(5)~~ Each county or regional Warm-Line shall provide assistance and consultation to early childhood education providers ~~care centers and family day care homes~~ regarding health, developmental, behavioral ~~disability~~, and other special needs ~~issues~~ of the children they are serving~~, particularly children with disabilities and other special needs~~. County or regional Warm-Line staff shall provide onsite technical assistance, when requested, to assist early childhood education providers ~~child care centers and family day care homes~~ with inquiries relative to the strategies, curriculum, and environmental adaptations the early childhood education providers ~~child care centers and family day care homes~~ may need as they serve children with ~~disabilities and other~~ special needs.

Section 47. Section 409.178, Florida Statutes, is transferred, renumbered as 1014.50, Florida Statutes, and amended to read:

1014.50 ~~409.178~~ Business ~~Child Care Executive~~ Partnership for Early Learning ~~Act; findings and intent; grant; limitation; rules~~.--

~~(1) This section may be cited as the "Child Care Executive Partnership Act."~~

~~(2)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale. The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.~~

~~(b) It is the intent of the Legislature to promote public/private departments to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.~~

~~(c) The Legislature further recognizes that many parents need assistance in paying the full costs of quality child care. The public and private sectors, by working in department, can promote and improve access to quality child care and early education for children of working families who need it. Therefore, a more formal mechanism is necessary to stimulate the establishment of public-private departments. It is the intent of the Legislature to expand the availability of scholarship options for working families by providing incentives for employers to contribute to meeting the needs of their employees' families through matching public dollars available for child care.~~

(1)(a)~~(3)~~ There is created a body ~~politic and~~ corporate, ~~known as~~ the Business ~~Child Care Executive~~ Partnership for Early Learning, which shall establish and govern the Business ~~Child Care Executive~~ Partnership for Early Learning Program.

(b) The purpose of the Business ~~Child Care Executive~~ Partnership for Early Learning Program is to utilize state and federal funds as incentives for matching local funds derived from local governments, employers, charitable foundations, and other sources, in order ~~so~~ that ~~Florida~~ communities in this state may create local flexible agreements ~~departments~~ with employers.

(c) ~~The~~ Business ~~Child Care Executive~~ Partnership for Early Learning program funds shall be used at the discretion of local communities to meet the needs of working parents. An early childhood education ~~a child care~~ purchasing pool shall be developed with ~~the~~ state, federal, and local funds to provide subsidies to low-income working parents whose family income does not exceed 200 percent of the federal poverty level ~~who are eligible for subsidized child care~~ with a dollar-for-dollar match from employers, local government, and other matching contributions. The funds used from the early childhood education ~~child care~~ purchasing pool must be used to supplement or extend the use of existing public or private funds.

(2)~~(4)~~ The Business ~~Child Care Executive~~ Partnership for Early Learning, staffed by or through the department, shall consist of a representative of the

Executive Office of the Governor and nine members of the corporate or early childhood education ~~child care~~ community, appointed by the Governor.

(a) Members shall serve for a period of 4 years, except that the representative of the Executive Office of the Governor shall serve at the pleasure of the Governor.

(b) The Business ~~Child Care Executive~~ Partnership for Early Learning shall be chaired by a member chosen by a majority vote and shall meet at least quarterly and at other times upon the call of the chair.

(c) Members shall serve without compensation, but may be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(d) The Business ~~Child Care Executive~~ Partnership for Early Learning shall have all ~~the~~ powers and authority, not explicitly prohibited by law ~~statute~~, necessary to administer ~~carry out and effectuate the purposes of~~ this section, ~~as well as the functions, duties, and responsibilities of the department,~~ including, but not limited to, the following:

1. Assisting in the formulation and coordination of the state's early childhood education ~~child care~~ policy.

2. Adopting an official seal.

3. Soliciting, accepting, receiving, investing, and expending funds from public or private sources.

4. Contracting with public or private entities, as necessary.

5. Approving an annual budget.

6. Carrying forward any unexpended state appropriations into succeeding fiscal years.

7. Providing a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, on or before December 1 of each year.

(3)~~(5)~~(a) The State Board of Education ~~Legislature~~ shall consider the recommendation from the Business Partnership for Early Learning annually to determine the amount of state funds ~~or federal low-income child care moneys~~ which shall be used to create the Business ~~Child Care Executive~~ Partnership for Early Learning Program early childhood education ~~child care~~ purchasing pools in counties chosen by the Business ~~Child Care Executive~~ Partnership for Early Learning. A purchasing pool must be created in, ~~provided that~~ at least two ~~of the~~ counties that have populations of ~~no more than~~ 300,000 or fewer persons. The Legislature shall annually review the effectiveness of the early childhood education ~~child care~~ purchasing pool program and reevaluate the percentage of additional state ~~or federal~~ funds, if any, that may ~~can~~ be used for the program's expansion.

(b) To ensure a seamless service delivery and ease of access for families, the Business ~~Child Care Executive~~ Partnership for Early Learning may contract with early learning councils, community coordinated child care agencies, or the state resource and referral agency to ~~shall~~ administer ~~the child care~~ purchasing pool funds.

(c) The department, in conjunction with the Business ~~Child Care Executive~~ Partnership for Early Learning, shall develop procedures for disbursement of funds through the ~~child care~~ purchasing pools. In order to be considered for funding, an ~~the~~ early learning council ~~community coordinated child care agency or the statewide resource and referral agency~~ must commit to:

1. Matching the state purchasing pool funds on a dollar-for-dollar basis; and

2. Expending only those state ~~public~~ funds that ~~which~~ are matched by employers, local government, and other matching contributors who contribute to the purchasing pool. Parents shall also pay a fee, which must ~~shall be~~ not be less than the amount identified in the ~~department's subsidized child care~~ sliding fee scale adopted by the early learning council.

(d) Each early learning council must ~~community coordinated child care agency shall be required to~~ establish a community ~~child care~~ task force for each ~~child care~~ purchasing pool. The task force must be composed of employers, parents, private early childhood education ~~child care~~ providers, and one representative from the local children's services council, if one exists in the area of the purchasing pool. The early learning council shall ~~community coordinated child care agency is expected to~~ recruit the task force members from existing ~~child care~~ councils, commissions, or task forces already operating in the area of the ~~a~~ purchasing pool. A majority of the task force shall consist of employers. Each task force shall develop a plan for the use of ~~child care~~ purchasing pool funds. The plan must demonstrate ~~show~~ how many children will be served by the purchasing pool, how many will be new to receiving early learning ~~child care~~ services, and how the early learning council ~~community coordinated child care agency~~ intends to attract new employers and their employees to the program.

(4)~~(6)~~ The department may ~~Department of Children and Family Services shall~~ adopt ~~any~~ rules under s. 120.536(1) and s. 120.54 to administer ~~necessary for the implementation and administration of~~ this section.

Section 48. Section 402.25, Florida Statutes, is transferred, renumbered as 1014.51, Florida Statutes, and amended to read:

1014.51 ~~402.25~~ Infants and toddlers in state-funded early childhood education ~~and care~~ programs; brain development activities.--Each state-funded early childhood education ~~and care~~ program for children from birth to 5 years of age must provide activities to foster brain development in infants and toddlers. Each ~~A~~ program must provide an environment rich in language and music and filled with objects of various colors, shapes, textures, and sizes to stimulate visual, tactile, auditory, and linguistic senses in the children ~~and must include classical music and at least 30 minutes of reading to the children each day~~. ~~A program may be offered through an existing early childhood program such as Healthy Start, the Title I program, contracted or directly operated subsidized child care, the prekindergarten early intervention program, Florida First Start, the Head Start program, or a private child care program~~. Each ~~A~~ program must also provide training for the infants' and toddlers' parents including direct dialogue and interaction between teachers and parents demonstrating the urgency of brain development in the first year of a child's life. A family child ~~day~~ care home is ~~centers are~~ encouraged, but not required, to comply with this section.

Section 49. Section 1014.52, Florida Statutes is created to read:

1014.52 Fiscal agents.--If an early learning council is not legally organized as a corporation or other business entity, the council must designate a fiscal agent, which may be a public entity or a private nonprofit organization. Each fiscal agent must provide financial and administrative services under a contract or agreement with the early learning council. A fiscal agent may not provide direct early childhood education; however, a fiscal agent may provide direct services upon written request of the council to the Department of Education and approval by the department. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the early learning council. If the fiscal agent is a provider of early childhood education, the contract must specify that the fiscal agent will act on policy direction from the council and will not receive policy direction from its own corporate board regarding the disbursal of council funds. The fiscal agent shall disburse funds in accordance with the council's approved early learning plan and based on billing and disbursement procedures approved by the Department of Education. The fiscal agent must conform to all data- reporting requirements established by the department.

Section 50. Section 402.3051, Florida Statutes, is transferred, renumbered as 1014.53, Florida Statutes, and amended to read:

1014.53 ~~402.3051~~ Prevailing market-rate schedule ~~Child care market rate reimbursement~~; early childhood education ~~care~~ grants.--

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

~~(a) "Child care program assessment tool" means an assessment instrument designated or developed by the department to determine quality child care and other child development services to children under the provision of s. 402.3015, Title IV-A of the Social Security Act, and the Child Care and Development Block Grant Act of 1990.~~

(a)~~(b)~~ "Market rate" means the price that an early childhood education ~~a child care~~ provider charges for daily, weekly, or monthly early learning ~~child care~~ services. The market rate shall:

1. Be established for licensed child care centers, child care centers exempt from licensure, licensed specialized child care centers for mildly ill children ~~facilities or facilities that are not subject to s. 402.305~~, licensed large family child care homes, licensed or registered family child ~~day~~ care homes, licensed before-school and after-school ~~child care~~ programs, and informal providers of unregulated early childhood education ~~child care provided by a relative or other caretaker~~.

2. Differentiate among early childhood education ~~care~~ for children with special needs, at-risk children ~~or risk categories~~, infants, toddlers, ~~and~~ preschool children, and school-age children.

3. Differentiate between full-time and part-time services ~~care~~.

4. Consider reductions in the cost of services ~~care~~ for additional children in the same family.

(b)~~(c)~~ "Prevailing market rate" means the annually determined 75th percentile of a reasonable frequency distribution of market rate in a

predetermined geographic market at which ~~licensed~~ early childhood education ~~care~~ providers charge a person for early learning ~~child care~~ services.

(2) The department shall establish procedures for the adoption of a prevailing market-rate schedule to reimburse:

(a) Licensed, exempt, or registered early learning ~~care~~ providers that ~~who~~ hold a current Gold Seal Quality ~~Care~~ designation at 120 percent of the prevailing market rate for early learning ~~child care~~ services for children who are eligible to participate in an early learning program under s. 1014.22 ~~to receive subsidized child care~~; and

(b) Licensed, exempt, or registered early childhood education ~~child care~~ providers at the prevailing market rate for early learning ~~child care~~ services for children who are eligible to participate in a early learning program under s. 1014.22 ~~to receive subsidized child care~~, unless prohibited by federal law ~~under s. 402.3015. The department shall establish procedures to reimburse providers of unregulated child care at not more than 50 percent of the market rate~~.

The prevailing market-rate schedule adopted under this subsection ~~payment system~~ may not interfere with the parental choice of ~~parents' decision as to the appropriate child~~ providers under s. 1014.06 ~~care arrangement~~, regardless of the level of available funding for early childhood education ~~child care~~. The prevailing market-rate schedule must be based exclusively on the costs and prices charged for early childhood education and must not be based on any ~~child care program~~ assessment tool ~~may not be~~ used to evaluate early childhood education providers ~~determine reimbursement rates~~.

(3) The department may provide ~~child care~~ grants to early learning councils, central agencies, community colleges, and workforce development education ~~vocational/technical~~ programs for the purpose of providing support and technical assistance to licensed early childhood education ~~child care~~ providers.

(4) The department may contract, using a request for proposals, with a qualified entity ~~use the state community child care coordination agencies (central agencies), community colleges, and vocational/technical programs~~ to administer ~~implement~~ this section.

(5) The State Board of Education ~~department~~ may adopt rules under s. 120.536(1) and s. 120.54 ~~and other policy provisions necessary~~ to administer ~~implement~~ this section.

(6) This section shall be implemented only to the extent that funding is available.

Section 51. Section 1014.54, Florida Statutes, is created to read:

1014.54 Early childhood education funds; competitive procurement.--

(1)(a) All funds associated with early childhood education provided pursuant to this chapter, other than the funds associated with the voluntary universal prekindergarten program, shall be appropriated in a single and separate budget entity.

(b) The Department of Education shall annually allocate all funds appropriated in the early childhood education budget entity, other than those allocated to statewide contracts, to each early learning council in accordance with the equity and performance allocation formula approved under s. 1014.03.

(c) Early childhood education funds allocated to each council may be used only to implement the council's early childhood education plan. Early learning funds may not be used for the construction of new facilities and may be used only for transportation services in accordance with this act.

(d) As part of the approval and periodic review of each council's early childhood education plan, the Department of Education shall require that administrative costs be kept to the minimum necessary for the efficient and effective administration of the council's early childhood education, but that administrative expenditures of early learning funds may not exceed 5 percent of the council's total expenditures of early learning funds, unless specifically waived by the department. The department shall annually report to the Legislature any issues relating to administrative costs.

(2) Each early learning council must comply with s. 287.057 for the procurement from state funds of commodities or contractual services. The period of a contract for purchase of these commodities or contractual services, together with any renewal of the original contract, may not exceed 3 years.

(3)(a) Each early learning council may contract with a central agency or other qualified entities to perform any of the duties assigned to the council under this chapter; however, the early learning council has ultimate responsibility for the performance of these duties. Contracts awarded under this section must comply with the competitive procurement requirements of this section.

(b) The Department of Education shall conduct an investigation of any violations of this section including the misuse of funds.

(4) The Auditor General shall annually audit all early learning councils and any central agency awarded a contract under this section.

Section 52. Section 402.281, Florida Statutes, is amended to read:

402.281 Gold Seal Quality ~~Care~~ program.--

(1) Child care centers, specialized child care centers for mildly ill children ~~facilities~~, large family child care homes, or family child ~~day~~ care homes that are accredited by a ~~nationally~~ recognized accrediting association whose standards substantially meet or exceed the National Association for the Education of Young Children (NAEYC), the National Association of Family Child Care, regional commissions and member organizations of the Commission on International and Trans-Regional Accreditation, or ~~and~~ the National Early Childhood Program Accreditation Commission shall receive a separate "Gold Seal Quality ~~Care~~" designation to operate as a gold seal child care center, a gold seal specialized child care center for mildly ill children ~~facility~~, a gold seal large family child care home, or a gold seal family child ~~day~~ care home.

(2) In developing the Gold Seal Quality ~~Care~~ program standards, the department shall consult with the Department of Education, the Florida Head Start Directors Association, the Florida Association of Child Care Management, the Florida Family Day Care Association, the Florida Children's Forum, ~~the State Coordinating Council for School Readiness Programs,~~ the Early Childhood Association of Florida, the National Association for Child Development Education, early childhood education providers receiving exemptions under s. 402.316, and parents, for the purpose of approving the accrediting associations.

Section 53. Subsections (1) and (4) of section 445.023, Florida Statutes, are amended to read:

445.023 Program for dependent care for families with children with special needs.--

(1) There is created the program for dependent care for families with children with special needs. This program is intended to provide assistance to families with children who meet the following requirements:

(a) The child or children are between the ages of 13 and 17 years, inclusive.

(b) The child or children are considered to be children with special needs.

(c) The family is economically disadvantaged as defined in s. 1014.20 ~~meets the income guidelines established under s. 411.01(6)~~, notwithstanding any financial eligibility criteria to the contrary in s. 414.075, s. 414.085, or s. 414.095.

(4) In addition to early learning ~~school readiness~~ services provided under chapter 1014, ~~s. 411.01,~~ dependent care may be provided for children age 13 years and older who are in need of care due to disability and where such care is needed for the parent to accept or continue employment or otherwise participate in work activities. The amount of subsidy shall be consistent with the rates for special needs child care established by the department. Dependent care needed for employment may be provided as transitional services for up to 2 years after eligibility for temporary cash assistance ends.

Section 54. (1) Effective July 1, 2004, the Florida Partnership for School Readiness, school readiness, and early childhood resource and referral, and the subsidized child care program are transferred by a type two transfer, pursuant to s. 20.06(2), from the Agency for Workforce Innovation to the Department of Education. To ensure continuity in payment to providers of school readiness services, the Department of Education is authorized to execute an interagency operating agreement with the Agency for Workforce Innovation for a transition period not to exceed 120 days.

(2) Effective July 1, 2004, the Child Care Executive Partnership Program is transferred by a type two transfer, pursuant to s. 20.06(2), to the Department of Education.

(3) Effective July 1, 2004, functions associated with training and credentialing child care facility personnel are transferred by type two transfer pursuant to s. 20.06(2), from the Department of Children and Family Services to the Department of Education.

Section 55. In editing the manuscript for the 2004 Florida Statutes, the Division of Statutory Revision is directed to incorporate any amendments, by laws passed during the 2004 Regular Session of the Legislature or any 2004 Special Sessions of the Legislature, to provisions repealed by this act into the

parallel successor provisions created by this act. The division is further directed to transfer any provisions enacted within chapter 402, Florida Statutes, by 2004 legislation to parallel locations in accordance with this act.

Section 56. 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 57. Except as otherwise specifically provided herein, this act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to early learning; creating chapter 1014, F.S., entitled "Early Learning," consisting of part I relating to general provisions, part II relating to voluntary universal prekindergarten, and part III relating to early learning opportunities; providing for governance, an Early Learning Advisory Council, parental involvement, early learning personnel, curriculum, personnel qualifications, and accountability; amending s. 20.15, F.S.; creating the Division of Early Learning within the Department of Education; amending s. 20.50, F.S.; deleting school readiness functions from the Agency for Workforce Innovation; amending s. 402.3017, F.S.; authorizing the Department of Education to contract for the administration of certain scholarship programs; amending s. 411.0105, F.S.; providing federal lead agency responsibilities; prescribing the required content of plans; providing requirements for the voluntary universal prekindergarten program; providing parental rights, eligibility for services, provider eligibility requirements, and financial matters; providing for early learning councils and eligibility for early childhood education; amending s. 1008.21, F.S.; revising school readiness screening; amending s. 402.27, F.S.; requiring the Department of Education to provide a statewide early learning resource and referral network; amending s. 402.3018, F.S.; providing consultation to early childhood education providers; amending s. 409.178, F.S.; creating the business partnership for early learning program; amending s. 402.25, F.S.; requiring state-funded early childhood education programs to provide activities to foster brain development in infants and toddlers; amending s. 402.3051, F.S.; requiring a market rate to be established for early learning providers; amending s. 402.281, F.S., relating to the Gold Seal Quality designation; amending s. 445.023, F.S.; correcting cross references; repealing ss. 402.26, 402.301, 402.3016, 402.302, 402.30501, 402.3135, 402.3145, 411.01, and 411.012, F.S., to conform; providing for type two transfers; providing duties of the Division of Statutory Revision; providing for severability; providing effective dates.

WHEREAS, a child's parent is his or her first teacher and most important teacher, and it is imperative that opportunities are provided to parents and guardians to participate in the choices and preparations of their child's educational opportunities, including early learning programs that are sensitive to cultural diversity, children whose first language is other than English, and children with disabilities, and

WHEREAS, community partnerships between and among county government, public health departments, children's services councils, libraries, business, and early child care and educational resources are integral for the successful preparation of children in their early educational endeavors, and

WHEREAS, the public's return on their investment in early learning shall be shown as a ratio of the program outcome represented by children who are ready to enter kindergarten divided by the money used to achieve the outcome, NOW, THEREFORE,

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

Session Vote Sequence: 971

Speaker Byrd in the Chair.

Yeas—43

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

Nays—71

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

Votes after roll call:
Nays—Benson
Yeas to Nays—Clarke, Rivera

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

The question recurred on the passage of HB 821. The vote was:

Session Vote Sequence: 972

Speaker Byrd in the Chair.

Yeas—76

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

Nays—39

Antone	Brandenburg	Bullard	Gannon
Ausley	Brutus	Cusack	Gelber
Bendross-Mindingall	Bucher	Fields	Gibson, A.

Gottlieb	Justice	Rich	Smith
Greenstein	Kendrick	Richardson	Sobel
Harper	Kosmas	Ritter	Stansel
Henriquez	Machek	Roberson	Vana
Holloway	McInvale	Ryan	Wiles
Jennings	Meadows	Seiler	Wishner
Joyner	Peterman	Slosberg	

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

Motions Relating to Committee References

On motion by Rep. Cantens, by the required two-thirds vote, HB 109, HB 505, HB 557, HB 805, HB 1115, HB 1169 and HB 1379 were withdrawn from the Committee on Appropriations and placed on the Calendar of the House; and HB 399 was withdrawn from the Committee on State Administration and the Committee on Appropriations and placed on the Calendar of the House.

Recessed

On motion by Rep. Murman, the House recessed at 1:00 p.m., to reconvene at 2:15 p.m. today, or upon call of the Chair.

Reconvened

The House was called to order by the Speaker at 2:22 p.m. A quorum was present [Session Vote Sequence: 973].

Special Orders

Third Reading

HB 23—A bill to be entitled An act relating to property tax exemptions; amending s. 196.012, F.S.; defining the term "ex-service member"; amending s. 196.081, F.S.; providing exemption for certain permanently and totally disabled veterans; providing a conforming cross reference; amending s. 196.24, F.S.; entitling disabled ex-service members and the surviving spouses of such persons to an exemption from taxation of the value of certain property under certain circumstances; providing for grandfathering persons currently receiving the exemption; providing an effective date.

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

Session Vote Sequence: 974

Speaker Byrd in the Chair.

Yeas—109

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

Nays—None

Votes after roll call:
Yeas—Antone, Ausley, Bean, Evers, Stargel, Troutman, Vana

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

HB 51 was taken up. On motion by Rep. Brown, the rules were waived and CS for SB 2696 was substituted for HB 51. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2696—A bill to be entitled An act relating to insurance; creating s. 255.0517, F.S.; defining terms; limiting the authority of certain public agencies to purchase owner-controlled insurance programs for public construction projects; establishing purchase requirements; providing exemptions; creating s. 627.441, F.S.; defining terms; requiring insurers issuing commercial general liability policies to offer coverage for completed operations liability for certain contractors to the extent that coverage is not provided under an owner-controlled insurance program; providing an effective date.

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

Session Vote Sequence: 975

Speaker Byrd in the Chair.

Yeas—115

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

Rivera	Ryan	Sobel	Vana
Robaina	Sansom	Spratt	Waters
Roberson	Seiler	Stansel	Wiles
Ross	Simmons	Stargel	Wishner
Rubio	Slosberg	Sullivan	Zapata
Russell	Smith	Troutman	

Nays—None

Votes after roll call:
Yeas—Berfield, Sorensen
Yeas to Nays—Sorensen

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

HB 723—A bill to be entitled An act relating to foster care services; amending s. 20.19, F.S.; prohibiting certain members of a community alliance from receiving funds from the Department of Children and Family Services or a community-based care lead agency; amending s. 409.1671, F.S.; providing additional requirements for an eligible lead community-based provider to compete for a privatization project; requiring contracts with eligible lead community-based providers to include certain standards; revising requirements for the department's quality assurance program for privatized services; directing the Florida Coalition for Children, Inc., in consultation with the department, to develop a plan for a statewide risk pool for eligible lead community-based providers, their subcontractors, and certain providers that provide foster care and related services under contract with the department; deleting a requirement that the department develop a proposal; specifying the requirements of the plan; extending a plan submission deadline; revising the process for plan approval; directing the department to issue an interest-free loan upon approval of the plan; modifying the purposes of the community-based care risk pool; revising the purposes for which funding may be recommended to the Legislature; authorizing the risk pool to invest funds and retain interest; providing for payments upon a determination of insolvency; prohibiting payment of dividends to the risk pool members until repayment of the loan issued by the department and until the risk pool is actuarially sound and solvent; deleting a requirement for a performance bond; providing for the risk pool to be managed by the Florida Coalition for Children, Inc., or its designated contractor; specifying the manner in which nonmember entities may be authorized to contract with the department; authorizing the department to require a bond; providing an exemption from state travel policies for lead community-based providers and their subcontractors; providing an effective date.

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

Session Vote Sequence: 976

Speaker Byrd in the Chair.

Yeas—113

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

Nays—None

Votes after roll call:
Yeas—Antone, Arza, Needelman, Sorensen
Yeas to Nays—Sorensen

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

Consideration of **HB 887** was temporarily postponed under Rule 11.10.

HB 1093 was taken up. On motion by Rep. Kottkamp, CS for CS for SB 562 was substituted for HB 1093. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 562—A bill to be entitled An act relating to electrical and alarm system contracting; amending s. 489.517, F.S.; requiring certificateholders and registrants to have continuing education in preventing false alarms; amending s. 489.518, F.S.; revising qualifications for burglar alarm system agents; removing an exemption from training requirements for persons who only perform sales; authorizing employment as an alarm system agent or burglar alarm system agent under supervision for a specified period, pending completion of training and the criminal background check; providing the format, the validity period, and renewal requirements for burglar alarm system agent identification cards; requiring an updated criminal background check of each burglar alarm system agent who renews certification; providing continuing education requirements for burglar alarm system agents; amending s. 489.5185, F.S.; revising qualifications for fire alarm system agents; requiring an updated criminal background check of each fire alarm system agent who renews certification; requiring fire alarm system agents to have continuing education in preventing false alarms; providing an effective date.

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

Session Vote Sequence: 977

Speaker Byrd in the Chair.

Yeas—117

Adams	Berfield	Davis, D.	Goodlette
Allen	Bogdanoff	Davis, M.	Gottlieb
Altman	Bowen	Dean	Green
Ambler	Brandenburg	Detert	Greenstein
Anderson	Brown	Domino	Harper
Antone	Brummer	Evers	Harrell
Arza	Brutus	Farkas	Harrington
Attkisson	Bucher	Fields	Hasner
Ausley	Bullard	Fiorentino	Henriquez
Baker	Byrd	Galvano	Holloway
Barreiro	Cantens	Gannon	Homan
Baxley	Carroll	Garcia	Jennings
Bean	Clarke	Gardiner	Johnson
Bendross-Mindingall	Cretul	Gelber	Jordan
Bense	Culp	Gibson, A.	Joyner
Benson	Cusack	Gibson, H.	Justice

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

Nays—None

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

HB 1139—A bill to be entitled An act relating to reading deficiencies; amending s. 1002.20, F.S.; providing certain rights to parents of students with reading deficiencies; requiring that parents receive understandable information and are consulted regarding a child's academic progress; amending s. 1008.25, F.S.; removing an obsolete date; providing notification of additional information to parents of students who exhibit a substantial reading deficiency; revising certain good cause exemptions from mandatory retention; requiring school districts to provide certain reading interventions to students who have been retained; providing school district requirements relating to remediation of student reading deficiencies, parental notification, implementation of a mid-year promotion policy, provision of instructional options for students, establishment of a Reading Enhancement and Acceleration Development (READ) Initiative and an Intensive Acceleration Class, and reporting; providing an effective date.

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

Session Vote Sequence: 978

Speaker Byrd in the Chair.

Yeas—118

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

Nays—None

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

HB 1197 was taken up. On motion by Rep. Rivera, the rules were waived and SB 2714 was substituted for HB 1197. Under Rule 5.13, the House bill was laid on the table.

SB 2714—A bill to be entitled An act relating to an unauthorized transmission to, or interference with, a public or commercial radio station; creating s. 877.27, F.S.; prohibiting a person from making a radio transmission in this state unless the person obtains a license or an exemption from licensure from the Federal Communications Commission; prohibiting an unlicensed radio transmission that interferes with a licensed public or commercial radio station; providing criminal penalties; providing an effective date.

—was read the second time by title.

Statement of Legislative Intent on SB 2714

On motion by Rep. Stargel, the rules were waived and the following question(s) and answer(s) were ordered spread upon the *Journal*, in order to establish legislative intent.

Rep. Stargel: Representative Rivera, you and I have spoken about this on many occasions, and you know I have some concerns about the specific language in the Senate bill in subsection (b). But, so that we're not amending it and planning on the Senate to pass it, I wanted to just get on the record that the interference language in there—I want to clarify that there are numerous businesses that can interfere with radio transmissions in the normal course of the legitimate business operations: electricity transmission lines, telephone microwave relays, cellular telephone and radio and TV towers, and air traffic control devices. Is it your intent to criminalize any activities that would interfere with those radio transmissions not caused by pirate radio transmissions?

Rep. Rivera: Thank you for the question, Representative Stargel. No, it is not my intention.

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

Session Vote Sequence: 979

Speaker Byrd in the Chair.

Yeas—84

Adams	Bucher	Green	Murman
Allen	Byrd	Harrell	Murzin
Altman	Cantens	Harrington	Needelman
Ambler	Carroll	Hasner	Patterson
Anderson	Clarke	Henriquez	Pickens
Arza	Cretul	Homan	Planas
Attkisson	Culp	Johnson	Poppell
Baker	Davis, D.	Jordan	Prieguez
Barreiro	Davis, M.	Kallinger	Quinones
Baxley	Dean	Kilmer	Reagan
Bense	Domino	Kottkamp	Rich
Benson	Evers	Kravitz	Ritter
Berfield	Farkas	Littlefield	Rivera
Bowen	Fiorentino	Llorente	Robaina
Brandenburg	Galvano	Machek	Ross
Brown	Garcia	Mahon	Rubio
Brummer	Gardiner	Mayfield	Russell
Brutus	Gibson, H.	Mealor	Sansom

Seiler	Sorensen	Sullivan	Waters
Simmons	Spratt	Troutman	Wishner
Slosberg	Stansel	Vana	Zapata

Nays—31

Antone	Fields	Holloway	Peterman
Ausley	Gannon	Jennings	Richardson
Bean	Gelber	Joyner	Roberson
Bendross-Mindingall	Gibson, A.	Kendrick	Smith
Bogdanoff	Goodlette	Kosmas	Sobel
Bullard	Gottlieb	McInvale	Stargel
Cusack	Greenstein	Meadows	Wiles
Detert	Harper	Negron	

Votes after roll call:
Yeas—Justice
Nays—Ryan

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

HB 1251—A bill to be entitled An act relating to a joint underwriting plan of insurers; amending s. 627.311, F.S.; revising provisions requiring the Office of Insurance Regulation to approve a joint underwriting plan for workers' compensation and employer's liability insurers; requiring plan rates to be noncompetitive with the voluntary market for certain purposes; deleting authorization for insureds to select certain alternative coverages; requiring the plan of operation to establish three tiers for eligible employers; specifying criteria and rates for each tier; providing for an Assigned Risk Adjustment Program for certain employers; deleting provisions requiring establishment of certain subplans; providing policyholder choice under certain circumstances; providing requirements for premiums under such tiers; revising criteria, requirements, and limitations for a required depopulation program to reduce numbers of insureds under the tiers; providing an application fee for administration and fraud prevention; revising certain tier notice requirements; providing for funding of the plan through deficit funding; providing for a one-time capital contribution from the Workers' Compensation Administration Trust Fund to defray deficits prior to certain assessments; providing a mechanism for collecting deficit assessments; providing duties of the office; providing requirements, procedures, and limitations for collecting and enforcing deficit assessments; providing for transfers of funds from the Workers' Compensation Administration Trust Fund to the plan under certain circumstances; providing an exclusion for deficit assessments from certain taxes; specifying that deficit assessments are plan funds when collected; providing notice requirements for certain policies; providing for liability of certain insureds for certain additional deficit assessments; specifying venue for proceedings to enforce or collect assessments; expanding a prohibition against providing certain persons with workers' compensation and employers' liability insurance; providing an exclusion for the plan from certain taxes and assessments; providing an effective date.

—was read the third time by title.

REPRESENTATIVE GOODLETTE IN THE CHAIR

Representative Berfield offered the following:

(Amendment Bar Code: 240297)

Amendment 1—Remove line 62 and insert:
market. Except as provided herein, the plan must have actuarially sound rates that ensure

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

Representative Berfield offered the following:

(Amendment Bar Code: 603771)

Amendment 2 (with title amendment)—Remove lines 279-281 and insert:

~~Subplan "B" must include insureds that~~

Remove lines 11-12 and insert:

specifying criteria and rates for each tier;

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

Representative Berfield offered the following:

(Amendment Bar Code: 268713)

Amendment 3—Remove lines 294-296 and insert:

~~Subplan "C" must include all~~

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

Representative Berfield offered the following:

(Amendment Bar Code: 167969)

Amendment 4 (with title amendment)—Remove lines 316-323 and insert:

23. For Tier One or Tier Two employers which employ no nonexempt employees or which report payroll which is less than the minimum wage hourly rate for one full-time employee for 1 year at 40 hours per week, the plan shall establish actuarially sound premiums, provided, however, that the premiums may not exceed $2,500. These premiums shall be in addition to the fee specified in subparagraph 26. When the plan establishes actuarially sound rates for all employers in Tier One and Tier Two, the premiums for employers referred to in this paragraph are no longer subject to the $2,500 cap.

Remove lines 14-15 and insert:

subplans; providing criteria for minimum premium policies; providing requirements for premiums under

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

Representative Berfield offered the following:

(Amendment Bar Code: 752315)

Amendment 5—Remove lines 338-343 and insert:

carrier must be no greater than the ~~same~~ premium ~~plus, for the first 2 years, the surcharge as~~ the insured would have paid under the plan, and shall be adjusted upon renewal to reflect changes in the plan rates and the tier for which the insured would qualify as of the time of renewal. The insured may be charged such premiums only for the first 3 years of coverage in the voluntary market. ~~determined in sub-~~

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

Representative Berfield offered the following:

(Amendment Bar Code: 201169)

Amendment 6—Remove line 407 and insert:
attributable to the unearned premium.
e. Deficit assessments as described in this subparagraph shall not be levied

after July 1, 2007. ~~The plan may issue~~

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

Representative Berfield offered the following:

(Amendment Bar Code: 247461)

Amendment 7 (with title amendment)—Remove lines 557-576 and insert:

Section 2. Notwithstanding the provisions of sections 440.50 and 440.51, Florida Statutes, for the 2004-2005 fiscal year the sum of $10 million is appropriated from the Workers' Compensation Administration Trust Fund in the Department of Financial Services for transfer to the workers' compensation joint underwriting plan provided in section 627.311(5), Florida Statutes, as a capital contribution to fund any deficit in the plan. The Chief Financial Officer shall transfer such funds to the plan no later than July 31, 2004.

Notwithstanding the provisions of ss. 440.50 and 440.51, Florida Statutes, subject to the following procedures and approval, the Department of Financial Services may request transfer funds from the Workers' Compensation Administration Trust Fund within the Department of Financial Services to the workers' compensation joint underwriting plan provided in s. 627.311(5), Florida Statutes.

(1) The department shall establish a contingency reserve within the Workers' Compensation Administration Trust Fund, from which the department is authorized to expend funds as provided in the subsection, in an amount not to exceed $15 million to be released only upon the approval of a budget amendment presented to the Legislative Budget Commission. For actuarial deficits projected for policyholders, based on actuarial best estimates, covered in subplan "D" prior to July 1, 2004, and upon verification by the Office of Insurance Regulation, the plan is authorized to request and the department is authorized to submit a budget amendment in an amount not to exceed $15 million for the purpose of funding deficits in subplan "D".

(2) After the contingency reserve is established, whenever the board determines subplan "D" does not have a sufficient cash basis to meet 3 months of projected cash needs due to any deficit in subplan "D," the board is authorized to request the department to transfer funds from the contingency reserve fund within the Workers' Compensation Administration Trust Fund to the plan in an amount sufficient to fund the difference between the amount available and the amount needed to meet subplan "D"'s projected cash need for the subsequent 3-month period. The board and the office must first certify to the Department of Financial Services that there is not sufficient cash within subplan "D" to meet the projected cash needs in subplan "D" within the subsequent 3 months. The amount requested for transfer to subplan "D" may not exceed the difference between the amount available within subplan "D" and the amount needed to meet subplan "D"'s projected cash need for the subsequent 3-month period, as jointly certified by the board and the Office of Insurance Regulation to the Department of Financial Services, attributable to the former subplan "D" policyholders. The Department of Financial Services may submit a budget amendment to request release of funds from the Workers' Compensation Administration Trust Fund, subject to the approval of the Legislative Budget Commission. The board will provide, for review of the Legislative Budget Commission, information on the reasonableness of the plan's administration, including, but not limited to, the plan of operations and costs, claims costs, claims administration costs, overhead costs, claims reserves, and the latest report submitted on administration cost reduction alternatives as required in s. 627.311(5)(c)17., Florida Statutes.

(3) This section expires July 1, 2007.

Section 3. The Auditor General shall perform an operational audit, as defined in s. 11.45(1), Florida Statutes, of the Workers' Compensation Joint Underwriting Association created under s. 627.311(5), Florida Statutes. The scope of the audit shall also include:

(1) An analysis of the adequacy and appropriateness of the rates and reserves of the association. The Auditor General shall engage an independent consulting actuary who is a member of the American Academy of Actuaries or the Casualty Actuarial Society to evaluate the rates and the reserves of the association.

(2) An evaluation of costs associated with the administration and servicing of the policies issued by the association to determine alternatives by which costs can be reduced.

The Auditor General shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31, 2004.

Section 4. The Workers' Compensation Joint Underwriting Association is subject to the Florida Single Audit Act, as provided in s. 215.97, Florida Statutes, if the association expends a total amount of state financial assistance equal to or in excess of $300,000 in any fiscal year. Such audit reports shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor pursuant to s. 215.97, Florida Statutes.

Section 5. The sum of $50,000 in nonrecurring funds is appropriated from the Worker's Compensation Administration Trust Fund to the Office of the Auditor General for the purpose of engaging an actuary to evaluate the rates and reserves of the Florida Workers' compensation Joint Underwriting Association as required in section 3.

Remove lines 21-40 and insert:

funding of the plan through deficit funding; providing for transferring an appropriation in an amount not to exceed $10 million from the Workers' Compensation Administration Trust Fund to the workers' compensation joint underwriting plan for certain purposes; providing procedures and requirements; providing for establishing a contingency reserve for certain purposes; providing for transfers of funds from the contingency reserve in an amount not to exceed $10 million to the plan for purposes of funding certain deficits; providing limitations; providing for review of the reasonableness of the plan's administration; providing a sunset date for deficit funding; providing a mechanism for collecting deficit assessments; providing duties of the office; providing requirements, procedures, and limitations for collecting and enforcing deficit assessments; providing for transfers of funds from the Workers' Compensation Administration Trust Fund to the plan under certain circumstances; providing an exclusion for deficit assessments from certain taxes; specifying that deficit assessments are plan funds when collected; providing notice requirements for certain policies; providing for liability of certain insureds for certain additional deficit assessments; specifying venue for proceedings to enforce or collect assessments; expanding a prohibition against providing certain persons with workers' compensation and employers' liability insurance; providing an exclusion for the plan from certain taxes and assessments; requiring the Auditor General to conduct an operational audit of the association; providing audit requirements; requiring the association to comply with the Florida Single Audit Act, if certain conditions are met; requiring a report; providing appropriations; providing an effective date.

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

Representative Berfield offered the following:

(Amendment Bar Code: 582319)

Amendment 8 (with title amendments)—Between line(s) 576 and 577, insert:

Section 3. Transitional provisions.--Effective upon this act becoming a law:

(1) Notwithstanding s. 627.311(5), Florida Statutes, no policy in subplan "D" of the Florida Workers' Compensation Joint Underwriting Association is subject to an assessment for the purpose of funding a deficit.

(2) Any policy issued by the Florida's Workers' Compensation Joint Underwriting Association with an effective date between the date on which this act becomes a law and June 30, 2004, shall be rerated and placed in the appropriate tier provided in s. 627.311(5), Florida Statutes, as amended, effective July 1, 2004, and shall be subject to the premiums and charges provided for in that section as amended.

Remove line 40, and insert:

assessments; providing an exception from certain deficit funding assessment provisions; providing a procedure for a transition period; providing

application; providing an effective date.

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

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

On motion by Rep. Baker, consideration of **HB 1715** was temporarily postponed under Rule 11.10.

HB 1823—A bill to be entitled An act relating to developmental services and mental health; creating ss. 393.135, 394.4593, and 916.1075, F.S.; defining the terms "employee," "sexual activity," and "sexual misconduct"; providing that it is a second degree felony for an employee to engage in sexual misconduct with certain developmentally disabled clients, certain mental health patients, or certain forensic clients; providing certain exceptions; requiring certain employees to report sexual misconduct to the central abuse hotline of the Department of Children and Family Services and to the appropriate local law enforcement agency; providing for notification to the inspector general of the Department of Children and Family Services; providing that it is a first degree misdemeanor to knowingly and willfully fail to make a report as required, or to prevent another from doing so, or to submit inaccurate or untruthful information; providing that it is a third degree felony to coerce or threaten another person to alter testimony or a report with respect to an incident of sexual misconduct; providing criminal penalties; amending s. 435.03, F.S.; expanding level 1 screening standards to include criminal offenses related to sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients and the reporting of such sexual misconduct; amending s. 435.04, F.S.; expanding level 2 screening standards to include the offenses related to sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients and the reporting of such sexual misconduct; reenacting s. 393.067(6)(a), (b), (c), (d), (f), and (g), F.S., relating to background screening and licensure of personnel of intermediate care facilities for the developmentally disabled, for the purpose of incorporating the amendment to s. 435.04, F.S., in references thereto; amending s. 394.4572, F.S.; requiring the employment screening of mental health personnel to include screening as provided under ch. 435, F.S.; amending s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, for the purpose of incorporating the amendment to s. 943.059, F.S., in a reference thereto; providing that certain criminal history records relating to sexual misconduct with developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct, shall not be expunged; providing that the application for eligibility for expunction certify that the criminal history record does not relate to an offense involving sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct; amending s. 943.059, F.S., relating to court-ordered sealing of criminal history records, for the purpose of incorporating the amendment to s. 943.0585, F.S., in a reference thereto; providing that certain criminal history records relating to sexual misconduct with developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct, shall not be sealed; providing that the application for eligibility for sealing certify that the criminal history record does not relate to an offense involving sexual misconduct with certain developmentally disabled clients, mental health patients, or forensic clients, or the reporting of such sexual misconduct; amending s. 400.215, F.S., and reenacting paragraphs (b) and (c) of subsection (2) and subsection (3), relating to background screening requirements for certain nursing home personnel, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; correcting a cross reference; amending s. 400.964, F.S., and reenacting subsections (1), (2), and (7), relating to background screening requirements for certain personnel employed by intermediate care facilities for the developmentally disabled, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; correcting a cross reference; amending s. 435.045, F.S., and reenacting paragraph (a) of subsection (1), relating to requirements for the placement of dependent children, for the purpose of incorporating the amendment to s. 435.04, F.S., in a reference thereto; correcting a cross reference; reenacting ss. 400.414(1)(f) and (g), 400.4174, 400.509(4)(a), (b), (c), (d), (f), and (g), 400.556(2)(c), 400.6065(1), (2), and (4), 400.980(4)(a), (b), (c), (d), (f), and (g), 409.175(2)(k), 409.907(8)(d), 435.05(1) and (3), 744.3135, and 985.04(2), F.S., relating to denial, revocation, or suspension of license to operate an assisted living facility; background screening requirements for certain personnel employed by assisted living facilities; registration of particular home health care service providers; denial, suspension, or revocation of license to operate adult day care centers; background screening requirements for certain hospice personnel; background screening requirements for registrants of the health care service pools; the definition of "screening" in connection with the licensure of family foster homes, residential child-caring agencies, and child-placing agencies; background screening requirements of Medicaid providers; employment of persons in positions requiring background screening; credit and criminal investigations of guardians; oaths, records, and confidential information pertaining to juvenile offenders, respectively, for the purpose of incorporating the amendments to ss. 435.03 and 435.04, F.S., in references thereto; reenacting ss. 400.512, 400.619(4), 400.6194(1), 400.953, 409.912(32), 435.07(4), 464.018(1)(e), 744.309(3), 744.474(12), and 985.407(4), F.S., relating to background screening of home health agency personnel, nurse registry personnel, companions, and homemakers; application and renewal of adult family-care home provider licenses; relating to denial, revocation, or suspension of adult family-care home provider license; background screening of home medical equipment provider personnel, background screening requirements for certain persons responsible for managed care plans; exemptions from disqualification from employment; denial of nursing license and disciplinary actions against such licensees; disqualification of guardians; removal of guardians; background screening requirements for certain Department of Juvenile Justice personnel, respectively, for the purpose of incorporating the amendment to s. 435.03, F.S., in references thereto; reenacting ss. 39.001(2)(b), 39.821(1), 110.1127(3)(a) and (c), 112.0455(12)(a), 381.0059(1), (2), and (4), 381.60225(1)(a), (b), (c), (d), (f), and (g), 383.305(7)(a), (b), (c), (d), (f), and (g), 390.015(3)(a), (b), (c), (d), (f), and (g), 394.875(13)(a), (b), (c), (d), (f), and (g), 395.0055(1), (2), (3), (4), (6), and (8), 395.0199(4)(a), (b), (c), (d), (f), and (g), 397.451(1)(a), 400.071(4)(a), (b), (c), (d), and (f), 400.471(4)(a), (b), (c), (d), (f), and (g), 400.506(2)(a), (b), (c), (d), (f), and (g), 400.5572, 400.607(3)(a), 400.801(4)(a), (b), (c), (d), (f), and (g), 400.805(3)(a), (b), (c), (d), (f), and (g), 400.906(5)(a), (b), (c), (d), (f), and (g), 400.931(5)(a), (b), (c), (e), and (f), 400.962(10)(a), (b), (c), (d), and (f), 400.991(7)(b) and (d), 402.302(2)(e), 402.305(2)(a), 402.3054(3), 483.30(2)(a), (b), (c), (d), (f), and (g), 483.101(2)(a), (b), (c), (d), (f), and (g), 744.1085(5), 984.01(2)(b), 985.01(2)(b), 1002.36(7)(a) and (b), F.S., relating to background screening requirements for certain Department of Children and Family Services personnel; qualifications of guardians ad litem; security checks of certain public officers and employees; background screening requirements of certain laboratory personnel in connection with the Drug-Free Workplace Act; background screening requirements for school health services personnel; background screening of certain personnel of the public health system; background screening and licensure of birth center personnel; background screening and licensure of abortion clinic personnel; background screening of mental health personnel; background screening and licensure of personnel of crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; background screening and licensure of personnel of hospitals, ambulatory surgical centers, and mobile surgical facilities; background screening of certain personnel in connection with registration for private utilization reviews; background screening of certain service provider personnel; background screening and licensure of certain long-term care facility personnel; background screening and licensure of certain home health agency personnel; background screening and licensure of nurse registry applicants; background screening of certain adult day care center personnel; denial or revocation of hospice license; background screening and licensure of certain transitional living facility personnel; background screening and licensure of certain prescribed pediatric extended care center personnel; background screening and licensure of certain home medical equipment provider personnel; background screening and licensure of certain personnel of intermediate care facilities for the developmentally disabled; background screening and licensure of health care clinic personnel; the definition of "child care facility" in connection with background screening of operators; background screening requirements for personnel of child care facilities; background screening requirements for child enrichment service providers; background screening and licensure of certain personnel of

multiphasic health testing centers; background screening and licensure of certain clinical laboratory personnel; regulation of professional guardians; background screening of certain Department of Juvenile Justice and Department of Children and Family Services personnel in connection with programs for children and families in need of services; background screening of certain Department of Juvenile Justice and Department of Children and Family Services personnel in connection with juvenile justice programs, background screening of personnel of the Florida School for the Deaf and the Blind, respectively, for the purposes of incorporating the amendment to s. 435.04, F.S., in references thereto; reenacting s. 943.0582(2)(a) and (6), F.S., relating to prearrest, postarrest, or teen court diversion program expunction for the purpose of incorporating the amendments to ss. 943.0585 and 943.059, F.S., in references thereto; reenacting s. 943.053(7), (8), and (9), F.S., relating to dissemination of criminal justice information, for the purpose of incorporating the amendment to s. 943.059, F.S., in references thereto; providing applicability; amending s. 20.19, F.S.; removing the developmental disabilities program from the Department of Children and Family Services; creating s. 20.197, F.S.; establishing the Agency for Persons with Disabilities for the purpose of providing services to persons with developmental disabilities, including institutional services; directing the agency to execute interagency agreements with the Agency for Health Care Administration for the financial management of the Medicaid waivers and the Department of Children and Family Services for administrative support; amending s. 393.063, F.S.; updating definitions and deleting obsolete definitions; amending s. 393.064, F.S.; deleting requirements that the agency's legislative budget request include funding for prevention; amending s. 393.0655, F.S.; requiring Level 2 screening for specified persons and service providers; providing a limitation on the screening requirement in certain circumstances involving children between 12 and 18 years of age; amending s. 393.066, F.S.; removing requirement that services be administered and approved by the districts; modifying a requirement to provide certain services; deleting a requirement for a 5-year plan relating to community-based services; adding a requirement to assist clients in gaining employment; repealing obsolete requirement authorizing the state to lease or construct residential facilities; deleting authorization to adopt rules ensuring compliance with federal rules; amending s. 393.0661, F.S.; authorizing the Agency for Disabled Persons to enter into certain contracts; providing for reimbursement to certain providers of services to the developmentally disabled pursuant a methodology; requiring the Agency for Health Care administration, in consultation with the Agency for Disabled Persons, to adopt rules related to such methodology; authorizing the Agency for Health Care Administration to adopt emergency rules in certain circumstances; limiting the applicability of such emergency rules; authorizing the Agency for Health Care Administration, in consultation with the Agency for Disabled Persons, to make certain adjustments necessary to comply with the availability of appropriations; deleting an obsolete provision; modifying provisions relating to an assessment instrument; adding requirements for adoption of rate methodologies; amending s. 393.068, F.S.; making service provision subject to available resources; updating list of services to be provided; deleting provision referring to 5-year plans; amending s. 393.0695, F.S.; requiring in-home subsidy amounts to be reassessed annually; amending s. 393.11, F.S.; deleting provisions referring to districts, department programs, and the nonexistent Department of Labor and Employment Security; amending s. 393.13, F.S.; deleting obsolete provisions; adding legislative intent relating to reducing the use of sheltered workshops; amending s. 393.17, F.S.; authorizing the agency to contract for the certification of behavioral analysts; deleting provisions relating to a certification program and provisions allowing fees; amending s. 393.22, F.S.; deleting prohibition preventing transfer of funds and ensuring financial commitment for specified developmental conditions; amending s. 393.502, F.S.; removing reference to districts; deleting a provision permitting appointment of family care council members if the Governor does not act; amending ss. 408.301 and 408.302, F.S.; amending legislative intent to add the Agency for Persons with Disabilities and the Department of Elderly Affairs as agencies that the Agency for Health Care Administration must enter into interagency agreement with regarding persons with special needs; amending s. 409.906, F.S.; clarifying powers of the Agency for Health Care Administration with respect to limiting coverage for certain services; repealing s. 393.14, F.S.; requiring a multiyear plan; repealing s. 393.165, F.S., relating to ICF/DDs; repealing s. 393.166, F.S., relating to homes for special services; repealing s. 393.505, F.S., relating to comprehensive day treatment service projects; transferring programs and institutions relating to developmental disabilities from the Department of Children and Family Services to the Agency for Persons with Disabilities; providing duties of those agencies as well as the Department of Management Services; providing for substitution of parties in administrative and judicial proceedings; providing duties of the Office of Program Policy Analysis and Government Accountability; providing for a report; amending ss. 92.53, 397.405, 400.464, 419.001, 914.16, 914.17, 918.16, 943.0585, and 943.059, F.S.; conforming cross references; amending ss. 393.0641, 393.065, 393.0651, 393.067, 393.0673, 393.0675, 393.0678, 393.071, 393.075, 393.115, 393.12, 393.125, 393.15, 393.501, 393.503, and 393.506, F.S.; conforming to the changes made by the act; providing applicability; providing for contracts for eligibility determination functions; providing for review of eligibility contracts by the Legislative Budget Commission in certain instances; providing effective dates.

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

Session Vote Sequence: 980

Rep. Goodlette in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Troutman

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

HB 1887 was taken up. On motion by Rep. Farkas, the rules were waived and CS for SB 702 was substituted for HB 1887. Under Rule 5.13, the House bill was laid on the table.

CS for SB 702—A bill to be entitled An act relating to public records and meetings; creating s. 381.0273, F.S.; providing that information contained in patient safety data or other records maintained by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors which

identifies a patient, which identifies the person or entity reporting patient safety data, or which identifies a health care practitioner or health care facility is confidential and exempt from disclosure under public-records requirements; authorizing the release of information under specified circumstances, including release to a health care research entity; specifying circumstances under which the corporation may deny a request for records or data that identifies a patient; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, or contractors at which such information is discussed are exempt from public-meetings requirements; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

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

Rep. Smith suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 981].

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS for SB 702. The vote was:

Session Vote Sequence: 982

Speaker Byrd in the Chair.

Yeas—72

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

Nays—43

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

Votes after roll call:
Yeas—Littlefield, Murman, Ross
Yeas to Nays—Quinones

Explanation of Vote for Sequence Number 982

Voted Yea in error

Rep. John "Q" Quinones
District 49

So the bill failed to pass by the required constitutional two-thirds vote of the members voting.

HB 1981 was taken up. On motion by Rep. Fiorentino, the rules were waived and CS for CS for CS for SB 512 was substituted for HB 1981. Under Rule 5.13, the House bill was laid on the table.

CS for CS for CS for SB 512—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; authorizing community-based providers to administer an independent living transition services system; providing that foster care includes the temporary placement through the Department of Juvenile Justice or Department of Corrections; providing legislative intent regarding assistance to older children in foster care; requiring the Department of Children and Family Services to provide certain skills assessment and training to such children; providing guidelines to develop such training; providing certain educational goals; revising provisions governing a young adult's preparation for independent living; requiring the department to conduct an assessment and inform the child of certain scholarships, grants, and awards; providing for the identification of and coordination of assistance to children with developmental disabilities and special mental health needs; providing that such assessment be included in a certain report during judicial review; removing life skills activities guidelines for young adults who were formerly in foster care; revising aftercare services; providing a limitation on the amount of an award; providing additional qualifications to receive the award; providing requirements and options for determining the amount of the award; providing that a young adult who is eligible to receive such award may reside with a foster family or group care provider beyond his or her age of majority; providing a limitation on the number of diplomas, certificates, or the equivalent an award recipient may receive; expanding the services available through the transitional support service to include mental health and disability services; providing a priority for transitional support services for young adults who do not receive a scholarship award; abolishing the independent living services workgroup; creating the Independent Living Services Advisory Council; providing duties and responsibilities; requiring an annual report; providing membership criteria; limiting the department's rulemaking authority; amending s. 39.701, F.S.; requiring a judicial review hearing within a certain timeframe for each child in foster care; requiring that the court certify that such child has received certain information; providing that the department may be held in contempt; requiring that information from the preindependent living assessment be provided to the courts; requiring the court to determine the child's preparation for independence; amending s. 1009.25, F.S.; revising requirements specifying the students who are exempt from paying tuition and fees; requiring the Auditor General to perform an audit of the program and submit a report; directing the Office of Program Policy and Government Accountability to develop recommendations for minimum system standards; requiring that the recommendations be provided to the department by November 30, 2004; providing an effective date.

—was read the second time by title.

Representative Fiorentino offered the following:

(Amendment Bar Code: 328597)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Section 409.1451, Florida Statutes, is amended to read:
409.1451 Independent living transition services.--
(1) SYSTEM OF SERVICES.--
(a) The Department of Children and Family Services, ~~or~~ its agents, or community-based providers operating pursuant to s. 409.1671 shall administer a system of independent living transition services to enable older children in

foster care and young adults who exit foster care at age 18 to make the transition to self-sufficiency as adults.

(b) The goals of independent living transition services are to assist older children in foster care and young adults who were formerly in foster care to obtain life skills and education for independent living and employment, to have a quality of life appropriate for their age, and to assume personal responsibility for becoming self-sufficient adults.

(c) State funds for foster care or federal funds shall be used to establish a continuum of services for eligible children in foster care and eligible young adults who were formerly in foster care which accomplish the goals for the system of independent living transition services by providing ~~and provide the service components for~~ services for foster children, pursuant to ~~as provided in~~ subsection (4) ~~(3)~~, and services for young adults who were formerly in foster care, pursuant to ~~as provided in~~ subsection (5).

(d) For children in foster care, independent living transition services are not an alternative to adoption. Independent living transition services may occur concurrently with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(2) ELIGIBILITY.--

(a) The department shall serve children who have reached ~~are~~ 13 years of age but are not yet ~~to~~ 18 years of age and who are in foster care by providing services pursuant to ~~through the program component of services for foster children provided in~~ subsection (4) ~~(3)~~. Children to be served must meet the eligibility requirements set forth for specific services as provided in this section ~~and through department rule~~.

(b) The department shall serve young adults who have reached ~~are~~ 18 years of age but are not yet ~~to~~ 23 years of age and who were in foster care when they turned 18 years of age by providing services pursuant to ~~through the program component of services for young adults who were formerly in foster care in~~ subsection (5). Young adults ~~Children~~ to be served must meet the eligibility requirements set forth for specific services in this section ~~and through department rule~~.

(3) PREPARATION FOR INDEPENDENT LIVING.--

(a) It is the intent of the Legislature for the Department of Children and Family Services to assist older children in foster care and young adults who exit foster care at age 18 in making the transition to independent living and self-sufficiency as adults. The department shall provide such children and young adults with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages, and shall provide them with services to build the skills and increase their ability to live independently and become self-sufficient. To support the provision of opportunities for participation in age-appropriate life skills activities, the department shall:

1. Develop a list of age-appropriate activities and responsibilities to be offered to all children involved in independent living transition services and their foster parents.

2. Provide training for staff and foster parents to address the issues of older children in foster care in transitioning to adulthood, which shall include information on supporting education and employment and providing opportunities to participate in appropriate daily activities.

3. Develop procedures to maximize the authority of foster parents to approve participation in age-appropriate activities of children in their care.

4. Provide opportunities for older children in foster care to interact with mentors.

5. Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.

(b) It is further the intent of the Legislature that each child in foster care, his or her foster parents, if applicable, and the department or community-based provider set early achievement and career goals for the child's postsecondary educational and work experience. The department and community-based providers shall implement the model set forth in this paragraph to help ensure that children in foster care are ready for postsecondary education and the workplace.

1. Children in foster care entering the ninth grade, their foster parents, and the department or community-based provider shall be active participants in choosing a post-high school goal based upon both the abilities and interests of each child. The goal shall accommodate the needs of children served in exceptional education programs to the extent appropriate for each individual. Such children may continue to follow the courses outlined in the district school board student progression plan. Children in foster care, with the assistance of their foster parents, and the department or community-based provider shall choose one of the following postsecondary goals:

a. Attending a 4-year college or university, a community college plus university, or a military academy;

b. Receiving a 2-year postsecondary degree;

c. Attaining a postsecondary career and technical certificate or credential; or

d. Beginning immediate employment after completion of a high school diploma or its equivalent, or enlisting in the military.

2. In order to assist the child in foster care in achieving his or her chosen goal, the department or community-based provider shall, with the participation of the child and foster parents, identify:

a. The core courses necessary to qualify for a chosen goal.

b. Any elective courses which would provide additional help in reaching a chosen goal.

c. The grade point requirement and any additional information necessary to achieve a specific goal.

d. A teacher, other school staff member, employee of the department or community-based care provider, or community volunteer who would be willing to work with the child as an academic advocate or mentor if foster parent involvement is insufficient or unavailable.

3. In order to complement educational goals, the department and community-based providers are encouraged to form partnerships with the business community to support internships, apprenticeships, or other work-related opportunities.

4. The department and community-based providers shall ensure that children in foster care and their foster parents are made aware of the postsecondary goals available and shall assist in identifying the coursework necessary to enable the child to reach the chosen goal.

(c) All children in foster care and young adults formerly in foster care are encouraged to take part in learning opportunities that result from participation in community service activities.

(d) Children in foster care and young adults formerly in foster care shall be provided with the opportunity to change from one postsecondary goal to another, and each postsecondary goal shall allow for changes in each individual's needs and preferences. Any change, particularly a change that will result in additional time required to achieve a goal, shall be made with the guidance and assistance of the department or community-based provider.

(4)~~(3)~~ ~~PROGRAM COMPONENT OF~~ SERVICES FOR ~~FOSTER~~ CHILDREN IN FOSTER CARE.--The department shall provide the following transition to independence services to children in foster care who meet prescribed conditions and are determined eligible by the department. The service categories available to children in foster care which facilitate successful transition into adulthood are:

(a) Preindependent-living services.--

1. Preindependent-living services include, but are not limited to, life skills training, educational field trips, and conferences. The specific services to be provided to a child shall be determined using a preindependent-living assessment.

2. A child who has reached 13 years of age but is not yet ~~to~~ 15 years of age who is in foster care is eligible for such services.

3. The department shall conduct an annual staffing for each child who has reached 13 years of age but is not yet 15 years of age to ensure that the preindependent-living training and services to be provided as determined by the preindependent-living assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. At the first annual staffing that occurs following a child's 14th birthday, and at each subsequent staffing, the department shall provide to each child detailed information on services provided by the Road-to-Independence Scholarship Program, including requirements for eligibility; on other grants, scholarships, and waivers that are available and should be sought by the child with assistance from the department, including, but not limited to, the Bright Futures Scholarship Program, as provided in ss. 1009.53-1009.538; on application deadlines; and on grade requirements for such programs.

5. Information related to both the preindependent-living assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(b) Life skills services.--

1. Life skills services may include, but are not limited to, independent living skills training, including training to develop banking and budgeting skills, interviewing skills, parenting skills, educational support, employment training, and counseling. Children receiving these services should also be provided with information related to social security insurance benefits and public assistance. The specific services to be provided to a child shall be determined using an independent life skills assessment.

2. A child who has reached 15 years of age but is not yet ~~to~~ 18 years of age who is in foster care is eligible for such services.

3. The department shall conduct a staffing at least once every 6 months for each child who has reached 15 years of age but is not yet 18 years of age to ensure that the appropriate independent living training and services as determined by the independent life skills assessment are being received and to evaluate the progress of the child in developing the needed independent living skills.

4. The department shall provide to each child in foster care during the calendar month following the child's 17th birthday an independent-living assessment to determine the child's skills and abilities to live independently and become self-sufficient. Based on the results of the independent-living assessment, services and training shall be provided in order for the child to develop the necessary skills and abilities prior to the child's 18th birthday.

5. Information related to both the independent life skills assessment and all staffings, which shall be reduced to writing and signed by the child participant, shall be included as a part of the written report required to be provided to the court at each judicial review held pursuant to s. 39.701.

(c) Subsidized independent living services.--

1. Subsidized independent living services are living arrangements that allow the child to live independently of the daily care and supervision of an adult in a setting that is not required to be licensed under s. 409.175.

2. A child who has reached 16 years of age but is not yet ~~to~~ 18 years of age is eligible for such services if he or she:

a. Is adjudicated dependent under chapter 39; has been placed in licensed out-of-home care for at least 6 months prior to entering subsidized independent living; and has a permanency goal of adoption, independent living, or long-term licensed care; and

b. Is able to demonstrate independent living skills, as determined by the department, using established procedures and assessments.

3. Independent living arrangements established for a child must be part of an overall plan leading to the total independence of the child from the department's supervision. The plan must include, but need not be limited to, a description of the skills of the child and a plan for learning additional identified skills; the behavior that the child has exhibited which indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; a description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services to be provided by the department and other agencies, including the type of service and the nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

4. Subsidy payments in an amount established by the department may be made directly to a child under the direct supervision of a caseworker or other responsible adult approved by the department.

~~(4) PARTICIPATION IN LIFE SKILLS ACTIVITIES. In order to assist older children in foster care, ages 13 to 18 years of age, with the transition to independent living as adults, the program must provide them with opportunities to participate in and learn from life skills activities in their foster families and communities which are reasonable and appropriate for their age. Such activities may include, but are not limited to, managing money earned from a job, taking driver's education, and participating in after-school or extracurricular activities.~~

~~To support these opportunities for participation in age-appropriate life skills activities, the department may:~~

~~(a) Develop, with children in the program and their foster parents, a list of age-appropriate activities and responsibilities to be presented to all children involved in independent living transition services and their foster parents.~~

~~(b) Provide training for staff and foster parents which addresses issues of older children in foster care and the transition to adulthood, including supporting education and employment and providing opportunities to participate in appropriate daily activities.~~

~~(c) Develop procedures to maximize the authority of foster parents to approve participation in age-appropriate activities of children in their care.~~

~~(d) Provide opportunities for older children in foster care to interact with mentors.~~

~~(e) Develop and implement procedures for older children to directly access and manage the personal allowance they receive from the department in order to learn responsibility and participate in age-appropriate life skills activities to the extent feasible.~~

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

(a) Aftercare support services.--

1. Aftercare support services are available to assist young adults who were formerly in foster care in their efforts to continue to develop the skills and abilities necessary for independent living. The aftercare support services available include, but are not limited to, the following ~~referrals to resources in the community for~~:

a. Mentoring and tutoring.

b. Mental health services and substance abuse counseling.

c. Life skills classes, including credit management and preventive health activities.

d. Parenting classes.

e. Job skills training.

f. Counselor consultations.

g. Temporary financial assistance.

The specific services to be provided under this subparagraph shall be determined by an aftercare services assessment and may be provided by the department or through referrals in the community. Temporary assistance ~~may be~~ provided to prevent homelessness shall be provided as expeditiously as possible and within the limitations defined by the department.

2. A young adult who has reached 18 years of age but is not yet ~~to~~ 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

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

1. The Road-to-Independence Scholarship Program is intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to achieve independence. The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but shall not exceed, ~~equal~~ the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job~~, after considering other grants and scholarships that are in excess of the educational institutions' fees and costs, and contingent upon available funds. Students eligible for the Road-to-Independence Scholarship Program may also be eligible for educational fee waivers for workforce development postsecondary programs, community colleges, and universities, pursuant to s. 1009.25(2)(c)~~.

2. A young adult who has reached 18 years of age but is not yet ~~to~~ 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

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

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

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

d. Meets one of the following qualifications:

(I) Has earned a standard high school diploma or its equivalent as described in s. 1003.43 or s. 1003.435, or has earned a special diploma or special certificate of completion as described in s. 1003.438, and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in s. 1009.533;

(II) Is enrolled full time in an accredited high school~~, is within 2 years of graduation, and has maintained a grade point average of at least 2.0 on a scale~~

~~of 4.0 for the two semesters preceding the date of his or her 18th birthday~~; or

(III) Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent~~, is making satisfactory progress in that program as certified by the program, and is within 2 years of graduation~~.

3. A young adult applying for a Road-to-Independence Scholarship must apply for any other grants and scholarships for which he or she may qualify. The department shall assist the young adult in the application process and may use the federal financial aid grant process to determine the funding needs of the young adult.

4. The amount of the award, whether it is being used by a young adult working towards completion of a high school diploma or its equivalent or working towards completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult. An award shall be available only to the extent that other grants and scholarships are not sufficient to meet the living and educational needs of the young adult, but an award shall not be less than $25 in order to maintain Medicaid eligibility for the young adult as provided in s. 409.903.

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

b. A young adult must apply for the initial award during the 6 months immediately preceding his or her 18th birthday and the department shall provide assistance with the application process. A young adult who fails to make an initial application, but who otherwise meets the criteria for an initial award, may make one application for the initial award if such application is made before the young adult's 21st birthday. If the young adult does not apply for an initial award before his or her 18th birthday, the department shall inform that young adult of the opportunity to apply before turning 21 years of age.

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

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

e. A young adult who is eligible for the Road-to-Independence Program and who so desires shall be allowed to remain in the licensed foster family or group care provider with whom he or she was residing at the time of attaining his or her 18th birthday.

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

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

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

i.~~h.~~ Scholarship funds are intended to help eligible students who are former foster children in this state to receive the educational and vocational training needed to become independent and self-supporting. Such funds shall be terminated when the young adult has attained one of four postsecondary goals pursuant to subsection (3) ~~a bachelor of arts or bachelor of science degree, or equivalent undergraduate degree,~~ or reaches 23 years of age, whichever occurs earlier. In order to initiate postsecondary education, to allow for a change in career goal, or to obtain additional skills in the same educational or vocational area, a young adult may earn no more than two diplomas, certificates, or credentials. A young adult attaining an associate of arts or associate of science degree shall be permitted to work towards completion of a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree. Road-to-Independence Scholarship funds shall not be used for education or training after a young adult has attained a bachelor of arts or a bachelor of science degree or an equivalent undergraduate degree.

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

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

(II) Maintain appropriate progress as required by the educational institution ~~the cumulative grade point average required by the scholarship program~~, except that, if the young adult's progress is ~~grades are~~ insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress ~~the grade point average~~ to the required level.

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

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

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

(c) Transitional support services.--

1. In addition to any services provided through after care support or the Road-to-Independence Scholarship, a young adult formerly in foster care~~,~~ may receive other appropriate short-term services, which may include financial, housing, counseling, employment, education, mental health, disability, and other services, if the young adult demonstrates that the services are critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system.

2. A young adult formerly in foster care is eligible to apply for transitional support services if he or she has reached ~~is~~ 18 years of age but is not yet ~~to~~ 23 years of age, was a dependent child pursuant to chapter 39, was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

3. If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(d) Payment of aftercare, scholarship, or transitional support funds.--Payment of aftercare, scholarship, or transitional support funds shall be made directly to the recipient unless the recipient requests in writing to the community-based care lead agency, or the department, that the payments or a portion of the payments be made directly on the recipient's behalf in order to secure services such as housing, counseling, education, or employment training as part of the young adult's own efforts to achieve self-sufficiency ~~that the payments or a portion of the payments be made directly to a licensed foster family or group care provider with whom the recipient was residing at the time of attaining the 18th birthday and with whom the recipient desires to continue to reside. If a young adult and the former foster parent agree that the young adult shall continue to live in the foster home while receiving aftercare, scholarship, or transitional support funds, the caregiver shall establish written expectations for the young adult's behavior and responsibilities.~~ The young adult who continues with a foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home.

(e) Appeals process.--

1. The Department of Children and Family Services shall adopt by rule a procedure by which a young adult may appeal an eligibility determination or the department's failure to provide aftercare, scholarship, or transitional support services, or the termination of such services, if such funds are available.

2. The procedure developed by the department must be readily available to young adults, must provide timely decisions, and must provide for an appeal to the Secretary of Children and Family Services. The decision of the

secretary constitutes final agency action and is reviewable by the court as provided in s. 120.68.

(6) ACCOUNTABILITY.--The department shall develop outcome measures for the program and other performance measures.

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL ~~WORKGROUP~~.--The Secretary of Children and Family Services shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the independent living transition services. This advisory council shall continue to function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the independent living transition services.

(a) Specifically, the advisory council ~~workgroup, which, at a minimum, shall include representatives from the Department of Children and Family Services, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., and foster parents. The workgroup~~ shall assess the implementation and operation of the system of independent living transition services and advise the department on actions that would improve the ability of the independent living transition services to meet the established goals. The advisory council ~~workgroup~~ shall keep the department informed of problems being experienced with the services, barriers to the effective and efficient integration of services and support across systems, and successes that the system of independent living transition services has achieved. The department shall consider, but is not required to implement, the recommendations of the advisory council ~~workgroup~~.

(b) ~~For the 2002-2003 and 2003-2004 fiscal years,~~ The advisory council ~~workgroup~~ shall report to the appropriate substantive committees of the Senate and the House of Representatives on the status of the implementation of the system of independent living transition services; efforts to publicize the availability of aftercare support services, the Road-to-Independence Scholarship Program, and transitional support services; specific barriers to financial aid created by the scholarship and possible solutions; the success of the services; problems identified; recommendations for department or legislative action; and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the Senate and the House substantive committees December 31, 2002. This advisory council ~~workgroup~~ report shall ~~is to~~ be submitted by December 31 of each year that the council is in existence ~~December 31, 2003, and December 31, 2004,~~ and shall be accompanied by a report from the department which identifies the recommendations of the advisory council ~~workgroup~~ and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.

(c) Members of the advisory council shall be appointed by the secretary of the department. The membership of the advisory council must include, at a minimum, representatives from the headquarters and district offices of the Department of Children and Family Services, community-based care lead agencies, the Agency for Workforce Innovation, the Department of Education, the Agency for Health Care Administration, the State Youth Advisory Board, Workforce Florida, Inc., the Statewide Guardian Ad Litem Office, foster parents, and advocates for foster children. The secretary shall determine the length of the term to be served by each member appointed to the advisory council, which may not exceed 4 years.

(8) PERSONAL PROPERTY.--Property acquired on behalf of clients of this program shall become the personal property of the clients and is not subject to the requirements of chapter 273 relating to state-owned tangible personal property. Such property continues to be subject to applicable federal laws.

(9) RULEMAKING.--The department shall adopt by rule procedures to administer this section, including balancing ~~provision for the proportional reduction of scholarship awards when adequate funds are not available for all applicants. These rules shall balance~~ the goals of normalcy and safety for the youth and providing ~~provide~~ the caregivers with as much flexibility as possible to enable the youth to participate in normal life experiences. The department shall not adopt rules relating to reductions in scholarship awards. The department shall engage in appropriate planning to prevent, to the extent possible, a reduction in scholarship awards after issuance.

Section 2. Subsections (6) through (8) of section 39.701, Florida Statutes, are renumbered as subsections (7) through (9), respectively, present subsection (6) is amended, paragraph (j) is added to present subsection (7), and a new subsection (6) is added to said section, to read:

39.701 Judicial review.--

(6)(a) In addition to the provisions of s. 39.701(1)(a) and (2)(a), the court shall hold a judicial review hearing within 90 days after a child's 17th birthday and shall continue to hold timely judicial review hearings. In addition, the court may review the status of the child more frequently during the year prior to the child's 18th birthday if necessary. At each review held pursuant to this subsection, in addition to any information or report provided to the court, the foster parent, legal custodian, guardian ad litem, and the child shall be given the opportunity to address the court with any information relevant to the child's best interests, particularly as it relates to the provision of independent living transition services. In addition to any information or report provided to the court, the department shall include in its judicial review social study report written verification that the child:

1. Has been provided with a current Medicaid card.

2. Has been provided with a certified copy of his or her birth certificate and, if the child does not have a valid driver's license, a Florida identification card issued pursuant to s. 322.051.

3. Has been provided information relating to Social Security Insurance benefits if the child is eligible for such benefits. If the child has received these benefits and they are being held in trust for the child, a full accounting of those funds shall be provided and the child must be informed about how to access those funds.

4. Has been provided with information and training related to budgeting skills, interviewing skills, and parenting skills.

5. Has been provided with all relevant information related to the Road-to-Independence Scholarship, including, but not limited to, eligibility requirements, forms necessary to apply, and assistance in completing the forms.

6. Has an open bank account, or has identification necessary to open such an account, and has been provided with essential banking skills.

7. Has been provided with information on public assistance and how to apply.

8. Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program or school he or she will be enrolled in.

(b) At the first judicial review hearing held subsequent to the child's 17th birthday, in addition to the requirements of subsection (7), the department shall provide the court with an updated case plan that includes specific information related to independent living services that have been provided since the child's 13th birthday, or since the date the child came into foster care, whichever came later.

(c) At the time of a judicial review hearing held pursuant to this subsection, if, in the opinion of the court, the department has not complied with its obligations as specified in the written case plan or in the provision of independent living services as required by s. 409.1451 and this subsection, the court shall issue a show cause order. If cause is shown for failure to comply, the court shall give the department 30 days within which to comply and, on failure to comply with this or any subsequent order, the department may be held in contempt.

(7)~~(6)~~(a) Prior to every judicial review hearing or citizen review panel hearing, the social service agency shall make an investigation and social study concerning all pertinent details relating to the child and shall furnish to the court or citizen review panel a written report that includes, but is not limited to:

1. A description of the type of placement the child is in at the time of the hearing, including the safety of the child and the continuing necessity for and appropriateness of the placement.

2. Documentation of the diligent efforts made by all parties to the case plan to comply with each applicable provision of the plan.

3. The amount of fees assessed and collected during the period of time being reported.

4. The services provided to the foster family or legal custodian in an effort to address the needs of the child as indicated in the case plan.

5. A statement that either:

a. The parent, though able to do so, did not comply substantially with the provisions of the case plan, and the agency recommendations;

b. The parent did substantially comply with the provisions of the case

plan; or

c. The parent has partially complied with the provisions of the case plan, with a summary of additional progress needed and the agency recommendations.

6. A statement from the foster parent or legal custodian providing any material evidence concerning the return of the child to the parent or parents.

7. A statement concerning the frequency, duration, and results of the parent-child visitation, if any, and the agency recommendations for an expansion or restriction of future visitation.

8. The number of times a child has been removed from his or her home and placed elsewhere, the number and types of placements that have occurred, and the reason for the changes in placement.

9. The number of times a child's educational placement has been changed, the number and types of educational placements which have occurred, and the reason for any change in placement.

10. If the child has reached 13 years of age but is not yet 18 years of age, the results of the preindependent-living, life-skills, or independent-living assessment, the specific services needed, and the status of the delivery of the identified services.

11.~~10.~~ Copies of all medical, psychological, and educational records that support the terms of the case plan and that have been produced concerning the child, parents, or any caregiver since the last judicial review hearing.

(b) A copy of the social service agency's written report and the written report of the guardian ad litem must be served on all parties whose whereabouts are known; to the foster parents or legal custodians; and to the citizen review panel, at least 72 hours before the judicial review hearing or citizen review panel hearing. The requirement for providing parents with a copy of the written report does not apply to those parents who have voluntarily surrendered their child for adoption or who have had their parental rights to the child terminated.

(c) In a case in which the child has been permanently placed with the social service agency, the agency shall furnish to the court a written report concerning the progress being made to place the child for adoption. If the child cannot be placed for adoption, a report on the progress made by the child towards alternative permanency goals or placements, including, but not limited to, guardianship, long-term custody, long-term licensed custody, or independent living, must be submitted to the court. The report must be submitted to the court at least 72 hours before each scheduled judicial review.

(d) In addition to or in lieu of any written statement provided to the court, the foster parent or legal custodian, or any preadoptive parent, shall be given the opportunity to address the court with any information relevant to the best interests of the child at any judicial review hearing.

(8)~~(7)~~ The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

(j) For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living.

Section 3. Paragraph (c) of subsection (2) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.--

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

(c) A student who ~~to whom~~ the state has determined is eligible for the ~~awarded a~~ Road-to-Independence Scholarship, regardless of whether an award is issued or not, or a student who is or was at the time he or she reached 18 years of age in the custody of a relative under s. 39.5085, or who is adopted from the Department of Children and Family Services after May 5, 1997. Such exemption includes fees associated with enrollment in vocational-preparatory instruction and completion of the college-level communication and computation skills testing program. Such an exemption is available to any student who was in the custody of a relative under s. 39.5085 at the time he or she reached 18 years of age or was adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption remains valid for no more than 4 years after the date of graduation from high school.

Section 4. Pursuant to section 11.45(2), Florida Statutes, the Auditor General shall perform both an operational audit and a performance audit, as defined in s. 11.45(1), Florida Statutes, of the independent living transition services program within the Department of Children and Family Services and shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Children and Family Services, and the appropriate substantive committees of the Senate and the House of Representatives no later than February 28, 2005.

Section 5. The Office of Program Policy Analysis and Government Accountability develop recommendations for the minimum system standards for the independent living transition services system required in s. 409.1451(6), Florida Statutes. These recommendations shall be developed with advice from the key stakeholders in the independent living transition service system, including, but not limited to, independent living services staff of the Department of Children and Family Services and community-based care lead agencies, representatives of the State Youth Advisory Board, other youth and young adults who are or have been in the foster care system, foster parents, and representatives from other state agencies and community service providers who are involved in serving this population. These recommendations shall be provided to the Department of Children and Family Services on or before November 30, 2004.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to independent living transition services; amending s. 409.1451, F.S.; authorizing community-based providers to administer an independent living transition services system; providing legislative intent regarding assistance to older children in foster care; requiring the Department of Children and Family Services to provide certain skills assessment and training to such children; providing guidelines to develop such training; providing certain educational goals; revising provisions governing a young adult's preparation for independent living; requiring the department to conduct an assessment and inform the child of certain scholarships, grants, and awards; providing that such assessment be included in a certain report during judicial review; removing life skills activities guidelines for young adults who were formerly in foster care; revising aftercare services; providing a limitation on the amount of an award; providing additional qualifications to receive the award; providing that a young adult who is eligible to receive such award may remain with the foster family or group care provider beyond his or her age of majority; providing a limitation on the number of diplomas, certificates, or the equivalent an award recipient may receive; revising payment options for aftercare, scholarship, or transitional support funds; abolishing the independent living services workgroup; creating the Independent Living Services Advisory Council; providing duties and responsibilities; requiring an annual report; providing membership criteria; revising the department's rulemaking authority; amending s. 39.701, F.S.; requiring a judicial review hearing within a certain timeframe for each child in foster care; requiring that the court certify that such child has received certain information; providing that the department may be held in contempt; requiring that information from the preindependent living assessment be provided to the courts; requiring the court to determine the child's preparation for independence; amending s. 1009.25, F.S.; revising requirements specifying the students who are exempt from paying tuition and fees; requiring the Auditor General to perform an audit of the program and submit a report; requiring the Office of Program Policy Analysis and Government Accountability to develop recommendations and summit a report; providing an effective date.

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

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

CS for CS for SB 44—A bill to be entitled An act relating to DNA

evidence; amending s. 925.11, F.S.; extending the period following sentencing during which a petition may be filed or considered by the court to order the testing of criminal DNA evidence; providing an effective date.

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

Session Vote Sequence: 983

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

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

CS for SB 1650—A bill to be entitled An act relating to state financial matters; amending s. 112.363, F.S.; providing that the spouse at the time of a Florida Retirement System participant's death is considered the beneficiary for purposes of the retiree health insurance subsidy unless a different beneficiary has been designated; amending s. 121.4501, F.S.; defining the term "retiree" for purposes of the Public Employee Optional Retirement Program; changing the dates for election to participate in the program; prescribing the obligation of system employers to communicate the existence of both retirement plans; amending s. 121.591, F.S.; providing for cashing out de minimis accounts; amending s. 121.78, F.S.; providing the participant's obligation to return excess contributions; amending s. 215.47, F.S.; revising guidelines for foreign obligations that are eligible for state investment; providing that expenditures for acquisition for private equity or other private investment partnerships shall be included in the cost of the investment; amending ss. 215.475, 215.5601, F.S.; redesignating investment plans as "investment policy statements"; providing an effective date.

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

Session Vote Sequence: 984

Speaker Byrd in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Wiles

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

CS for SB 1790—A bill to be entitled An act relating to exemptions from liability for governmental property owners or lessees and public employees; amending s. 316.0085, F.S.; including the game of paintball in the exemption from liability granted to governmental property owners or lessees and public employees; requiring governmental entities to post rules indicating that written parental consent is required for minors; revising the exemptions from immunity provided by the act; providing for liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing requirements for participants in the game of paintball; providing an effective date.

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

Session Vote Sequence: 985

Speaker Byrd in the Chair.

Yeas—116

Adams	Bendross-Mindingall	Cantens	Fields
Allen	Bense	Carroll	Fiorentino
Altman	Benson	Clarke	Galvano
Ambler	Berfield	Cretul	Gannon
Anderson	Bogdanoff	Culp	Garcia
Antone	Bowen	Cusack	Gardiner
Arza	Brandenburg	Davis, D.	Gelber
Attkisson	Brown	Davis, M.	Gibosn, A.
Ausley	Brummer	Dean	Gibosn, H.
Baker	Brutus	Detert	Goodlette
Barreiro	Bucher	Domino	Gottlieb
Baxley	Bullard	Evers	Green
Bean	Byrd	Farkas	Greenstein

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

Nays—None

Votes after roll call:
Yeas—Harrington

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

HB 1187 was taken up. On motion by Rep. Poppell, the rules were waived and CS for CS for CS for SB 2480 was substituted for HB 1187. Under Rule 5.13, the House bill was laid on the table.

CS for CS for CS for SB 2480—A bill to be entitled An act relating to agricultural equipment; amending s. 686.40, F.S.; providing a popular name; amending s. 686.401, F.S.; clarifying intent of the Agricultural Equipment Manufacturers and Dealers Act to provide for regulation of the conduct of manufacturers, distributors, and dealers of equipment primarily designed for or used in agriculture; amending s. 686.402, F.S.; revising and adding definitions; amending s. 686.403, F.S.; clarifying provisions relating to application; amending s. 686.405, F.S.; providing that it is unlawful to deny, delay payment for, or restrict warranty claims under certain circumstances; providing for audit of warranty claims; amending s. 686.406, F.S.; clarifying provisions relating to surplus parts; amending s. 686.407, F.S.; providing requirements for the establishment of a new dealership or relocation of a current dealership within a certain area; providing requirements for the sale or lease of new equipment; amending s. 686.409, F.S.; clarifying provisions relating to compensation for inventory under certain circumstances; amending s. 686.413, F.S.; providing additional unlawful acts and practices in the conduct of the manufacturing, distribution, wholesaling, franchising, sale, and advertising of equipment; providing requirements for termination of a franchise or selling agreement under certain circumstances; amending s. 686.418, F.S.; clarifying provisions relating to the effect of the act on local ordinances; amending s. 316.515, F.S.; revising the criteria for determining whether agricultural equipment qualifies for an exemption from maximum width and length limits; providing an effective date.

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

Session Vote Sequence: 986

Speaker Byrd in the Chair.

Yeas—118

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

Nays—None

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

HB 1613—A bill to be entitled An act relating to vessel safety; amending s. 316.217, F.S.; providing exception for purposes of law enforcement to provisions requiring the display of lighted lamps; amending s. 327.301, F.S.; revising requirements for reports to the Division of Law Enforcement of the Fish and Wildlife Conservation Commission of certain accidents involving vessels; providing that a person who offers a vessel for lease, rental, or charter is responsible for compliance; amending s. 327.35215, F.S.; revising disposition of moneys collected for certain civil penalties; providing for use of moneys collected; creating s. 327.461, F.S.; providing legislative intent to authorize state and local law enforcement agencies to operate in federally designated safety zones, security zones, regulated navigation areas, and naval vessel protection zones; prohibiting the operation, or the authorization for the operation, of a vessel in violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone; providing penalties; prohibiting continuation of such operation, or authorization to operate, after a warning or an order to cease by law enforcement or military personnel; providing penalties; prohibiting entrance to such a zone by swimming, diving, wading, or similar means; providing penalties; prohibiting remaining in or reentering such a zone following a warning or order to leave by law enforcement or military personnel; providing penalties; providing that each incursion is a separate offense; providing that an entry authorized by the captain of the port or the captain's designee is not a violation; amending s. 327.731, F.S.; revising requirements to complete a boating safety course for certain violations; reenacting s. 327.73(11)(a), F.S., relating to noncriminal infractions, to incorporate changes made by the act; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without warrant under certain conditions for violation of specified navigation area restrictions; providing an effective date.

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

Session Vote Sequence: 987

Speaker Byrd in the Chair.

Yeas—115

Adams	Attkisson	Bense	Brummer
Allen	Ausley	Benson	Brutus
Altman	Baker	Berfield	Bucher
Ambler	Barreiro	Bogdanoff	Bullard
Anderson	Baxley	Bowen	Byrd
Antone	Bean	Brandenburg	Cantens
Arza	Bendross-Mindingall	Brown	Carroll

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

Nays—1

Kendrick

Votes after roll call:
Yeas—Sobel, Troutman
Yeas to Nays—Smith

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

On motion by Rep. Kilmer, consideration of **HB 237** was temporarily postponed under Rule 11.10.

HB 1793—A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; revising and providing definitions; amending s. 106.03, F.S.; revising registration requirements of political committees; requiring the statement of organization to be sworn to under oath and penalty of perjury; providing for personal liability; revising content requirements of the statement of organization; requiring amendment of the statement of organization under certain circumstances; amending s. 106.04, F.S.; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions, with specified exemptions; requiring reporting of expenditures; prohibiting transfers from committees of continuous existence to certain political committees for certain purposes; providing penalties; creating s. 106.045, F.S.; providing registration and reporting requirements for partisan affinity groups; providing a definition; providing penalties for late or incomplete reports; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing a definition; providing standards and guidelines; requiring the Division of Elections to adopt rules to administer the electronic filing system and its reports; amending s. 106.08, F.S.; providing applicability of contribution limits to related entities; providing limits on contributions to committees of continuous existence; providing penalties; creating s. 106.1439, F.S.; requiring reporting of contributions and expenditures for electioneering advertisements; providing definitions; providing filing requirements; providing for personal liability; requiring disclosure statements in such advertisements and providing requirements thereof; prohibiting certain contributions; providing penalties; reenacting ss. 106.075(2) and 106.19(1)(a), F.S., and s. 30(5), ch. 2003-415, Laws of Florida, relating to limitations on contributions to pay loans, acceptance of contributions in excess of the prescribed limits, and applicability of contribution limits to the 2004 elections, respectively, to incorporate the amendment to s. 106.08, F.S., in references thereto; providing severability; providing effective dates.

—was read the third time by title.

Representative Ryan offered the following:

(Amendment Bar Code: 165665)

Amendment 6 (with title amendment)—Remove lines 502-511, and insert:

(3)(a) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3), as applicable. If the person, committee, or organization is unable to file electronically because of a problem with Internet communication, a written report containing the required information shall be filed by facsimile or hand delivery to the division no later than noon on the next business day.

(b) In addition to any other reporting deadlines and notwithstanding any other provision of law, a political committee, a committee of continuous existence, or an executive committee of a political party must report each contribution of $10,000 or more through the electronic filing system within 24 hours after receipt of the contribution within 24 days preceding an election.

Remove line 23 and insert:
providing standards and guidelines; requiring reporting of contributions within a certain period after receipt; providing penalties; requiring the Division

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

Session Vote Sequence: 988

Speaker Byrd in the Chair.

Yeas—43

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

Nays—73

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

Votes after roll call:
Nays—Rivera

REPRESENTATIVE SPRATT IN THE CHAIR

Representative Needelman offered the following:

(Amendment Bar Code: 934727)

Amendment 7—Remove line 642, and insert:
finding intent of a violation of this subsection to impose a civil penalty

Rep. Needelman moved the adoption of the amendment. Subsequently, **Amendment 7** was withdrawn.

Representative Harrington offered the following:

(Amendment Bar Code: 708065)

Amendment 8 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. This act shall be known by the popular name the "Florida Advertising Campaign Exposure Act."

Section 2. Subsections (7) through (38) are renumbered as subsections (8) through (39), respectively, and a new subsection (8) is added to said section to read:

97.021 Definitions.--For the purposes of this code, except where the context clearly indicates otherwise, the term:

(7) "Early voting" means casting a ballot prior to election day at a location designated by the supervisor of elections and depositing the voted ballot in the tabulation system.

Section 3. Paragraphs (b) and (c) of subsection (4) of section 101.015, Florida Statutes, are amended to read:

101.015 Standards for voting systems.--

(4)

(b) Each supervisor of elections shall establish written procedures to assure accuracy and security in his or her county, including procedures related to early voting pursuant to s. 101.657. ~~and~~ Such procedures shall be reviewed in each odd-numbered year by the Department of State.

(c) Each supervisor of elections shall submit any revisions to the security procedures to the Department of State at least 45 days before early voting commences pursuant to s. 101.657 in an ~~the first~~ election in which they are to take effect.

Section 4. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.--

(2) On any day not more than 10 days prior to the commencement of early voting as provided in s. 101.657 ~~election day~~, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting the ~~such~~ notice in at least four conspicuous places in the county. The supervisor or the municipal elections official may, at the time of qualifying, give written notice of the time and location of the ~~such~~ public preelection test to each candidate qualifying with that office and obtain a signed receipt that the ~~such~~ notice has been given. The Department of State shall give written notice to each statewide candidate at the time of qualifying, or immediately at the end of qualifying, that the voting equipment will be tested and advise each ~~such~~ candidate to contact the county supervisor of elections as to the time and location of the public preelection test. The supervisor or the municipal elections official shall, at least 15 days prior to the commencement of early voting as provided in s. 101.657 ~~an election~~, send written notice by certified mail to the county party chair of each political party and to all candidates for other than statewide office whose names appear on the ballot in the county and who did not receive written notification from the supervisor or municipal elections official at the time of qualifying, stating the time and location of the public preelection test of the automatic tabulating equipment. The canvassing board shall convene, and each member of the canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The ~~Such~~ designee shall not interfere with the normal operation of the canvassing board.

Section 5. Section 101.5613, Florida Statutes, is amended to read:

101.5613 Examination of equipment during voting.--A member of the election board or, for purposes of early voting pursuant to s. 101.657, a representative of the supervisor of elections, shall occasionally examine the face of the voting device and the ballot information to determine that the device and the ballot information have not been damaged or tampered with.

Section 6. Section 101.657, Florida Statutes, is amended to read:

101.657 Early voting ~~absentee ballots in person~~.--

~~(1) Any qualified and registered elector may pick up and vote an absentee ballot in person at the office of, and under the supervision of, the supervisor of elections. Before receiving the ballot, the elector must present a current and valid picture identification as provided in s. 97.0535(3)(a). If the elector fails to furnish the required identification, or if the supervisor is in doubt as to the identity of the elector, the supervisor must follow the procedure prescribed in s. 101.49. If the elector who fails to furnish the required identification is a first-time voter who registered by mail and has not provided the required identification to the supervisor of elections prior to voting, the elector shall be allowed to vote a provisional ballot. The canvassing board shall compare the signature on the provisional ballot envelope with the signature on the voter's registration and, if the signatures match, shall count the ballot.~~

(1)(a)~~(2)~~ ~~As an alternative to the provisions of ss. 101.64 and 101.65,~~ The supervisor of elections shall ~~may~~ allow an elector to vote early ~~cast an absentee ballot~~ in the main or branch office of the supervisor by depositing the voted ballot in a voting device used by the supervisor to collect or tabulate ballots. In order for a branch office to be used for early voting, it shall be a full-service facility of the supervisor and shall have been designated as such at least 1 year prior to the election. The supervisor may designate any city hall or public library as an early voting site; however, if so designated, the site must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The results or tabulation may not be made before the close of the polls on election day.

(b) Early voting shall begin on the 15th day before an election and end on the day before an election. For purposes of a special election held pursuant to s. 100.101, early voting shall begin on the 8th day before an election and end on the day before an election. Early voting shall be provided for at least 8 hours per weekday during the applicable periods.

(2)(a) The elector must provide identification ~~as required in subsection (1)~~ and must complete an Early Voting ~~In-Office~~ Voter Certificate in substantially the following form:

EARLY VOTING ~~IN-OFFICE~~ VOTER CERTIFICATE

I, _____, am a qualified elector in this election and registered voter of _____ County, Florida. I do solemnly swear or affirm that I am the person so listed on the voter registration rolls of _____ County and that I reside at the listed address. I understand that if I commit or attempt to commit fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election I could be convicted of a felony of the third degree and both fined up to $5,000 and imprisoned for up to 5 years. I understand that my failure to sign this certificate ~~and have my signature witnessed~~ invalidates my ballot.

... (Voter's Signature) ...

... (Address) ...

... (City/State) ...

~~... (Name of Witness) ...~~

~~... (Signature of Witness) ...~~

~~... (Type of identification provided) ...~~

(b) Any elector may challenge an elector seeking to vote early ~~cast an absentee ballot~~ under the provisions of s. 101.111. Any challenged voter ~~ballot~~

must vote ~~be placed in~~ a provisional ~~regular absentee~~ ballot ~~envelope~~. The canvassing board shall review the ballot and decide the validity of the ballot by majority vote.

(c) The canvass of returns for ballots cast under this subsection shall be substantially the same as votes cast by electors in precincts, as provided in s. 101.5614.

Section 7. Section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.--As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of $500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party;~~.~~

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, national political parties, and the state and county executive committees of political parties regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications; however, such organizations shall be required to register and report contributions, including those received from committees of continuous existence, and expenditures in the same manner, at the same time, subject to the same penalties, and with the same filing officer as a political committee supporting or opposing a candidate or issue contained in the electioneering communication. If any such organization would be required to register and report with more than one filing officer, the organization shall register and report solely with the Division of Elections.

(2) "Committee of continuous existence" means any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

(c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements.

(4)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an "expenditure" for an electioneering communication is made when the earliest of the following occurs:

1. A person executes a contract for applicable goods or services;

2. A person makes payment, in whole or in part, for applicable goods or services; or

3. The electioneering communication is publicly disseminated.

(5)(a) "Independent expenditure" means an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee or committee of continuous existence, or any other person, shall not be considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or

4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or

5. After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

a. Any officer, director, employee, or agent of a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

b. Any person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to

the candidate; or

6. After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(6) "Election" means any primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting an issue to the electors for their approval or rejection.

(7) "Issue" means any proposition which is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of any political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have such proposition placed on the ballot at any election.

(8) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, political committee, or committee of continuous existence.

(9) "Campaign treasurer" means an individual appointed by a candidate or political committee as provided in this chapter.

(10) "Public office" means any state, county, municipal, or school or other district office or position which is filled by vote of the electors.

(11) "Campaign fund raiser" means any affair held to raise funds to be used in a campaign for public office.

(12) "Division" means the Division of Elections of the Department of State.

(13) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mailing companies, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure shall be deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(14) "Filing officer" means the person before whom a candidate qualifies, the agency or officer with whom a political committee registers, or the agency by whom a committee of continuous existence is certified.

(15) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(4), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(16) "Candidate" means any person to whom any one or more of the following apply:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(17) "Political advertisement" means a paid expression in any communications media prescribed in subsection (13), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue ~~shall support or oppose any candidate, elected public official, or issue~~. However, political advertisement does not include:

(a) A statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

(b) Editorial endorsements by any newspaper, radio or television station, or other recognized news medium.

(18)(a) "Electioneering communication" means a paid expression in any communications media prescribed in subsection (13) by means other than the spoken word in direct conversation that:

1. Refers to or depicts a clearly identified candidate for office or contains a clear reference indicating that an issue is to be voted on at an election, without expressly advocating the election or defeat of a candidate or the passage or defeat of an issue.

2. For communications referring to or depicting a clearly identified candidate for office, is targeted to the relevant electorate. A communication is considered targeted if 1,000 or more persons in the geographic area the candidate would represent if elected will receive the communication.

3. For communications referring to or depicting a clearly identified candidate for office, is published after the end of the candidate qualifying period for the office sought by the candidate.

4. For communications containing a clear reference indicating that an issue is to be voted on at an election, is published after the issue is designated a ballot position or 120 days before the date of the election on the issue, whichever occurs first.

(b) The term "electioneering communication" does not include:

1. A statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies or an issue identified is placed on the ballot for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. An editorial endorsement, news story, commentary, or editorial by any newspaper, radio, television station, or other recognized news medium.

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that:

a. The staging organization is either:

(I) A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

(II) A newspaper, radio station, television station, or other recognized news medium; and

b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.

(c) For purposes of this chapter, an expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate.

(d) For purposes of this chapter, an electioneering communication shall not constitute an independent expenditure nor be subject to the limitations applicable to independent expenditures.

Section 8. Effective July 1, 2004, and operating retroactively to January 1, 2002, subsection (3) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.--

(3) ~~Except for independent expenditures,~~ No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state or on behalf of any political committee except through the duly appointed campaign treasurer of the candidate or political committee, subject

to the following exceptions:~~; however,~~

(a) Independent expenditures;

(b) Reimbursements to a candidate or any other individual ~~may be reimbursed~~ for expenses incurred in connection with the campaign or activities of the political committee ~~for travel, food and beverage, office supplies, and mementos expressing gratitude to campaign supporters~~ by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). After July 1, 2004, the full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment;

(c) Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to s. 106.07(4)(a)13.; or

(d) ~~In addition,~~ Expenditures ~~may be~~ made directly by any political committee or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes of this chapter.

Section 9. Section 106.023, Florida Statutes, is amended to read:

106.023 Statement of candidate.--

(1) Each candidate must file a statement with the qualifying officer within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of this chapter. Such statement shall be provided by the filing officer and shall be in substantially the following form:

STATEMENT OF CANDIDATE

I, ____, candidate for the office of ____, have received, read, and understand the requirements of Chapter 106, Florida Statutes.

. . . (Signature of candidate) . . . . . (Date) . . .

Willful failure to file this form is a violation of ss. 106.19(1)(c) and 106.25(3), F.S.

(2) The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of this chapter or chapter 104 is a willful violation as defined in s. 106.37.

Section 10. Subsections (4) and (5) and paragraph (a) of subsection (8) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.--

(4)(a) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). However, the charter or bylaws need not be filed if the annual report is accompanied by a sworn statement by the chair that no changes have been made to such charter or bylaws since the last filing.

(b)1. Each committee of continuous existence shall file regular reports with the Division of Elections at the same times and subject to the same filing conditions as are established by s. 106.07(1) and (2) for candidates' reports.

2. Any committee of continuous existence failing to so file a report with the Division of Elections pursuant to this paragraph on the designated due date shall be subject to a fine for late filing as provided by this section.

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions, including contributions that represent the payment of membership dues, to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less, the occupation of the contributor or principal type of business need not be listed. However, for any contributions that ~~which~~ represent the payment of dues by members in a fixed amount aggregating no more than $250 per calendar year, pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

5. The full name and address of each person to whom expenditures have been made by or on behalf of the committee within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address, and office sought by, each candidate on whose behalf such expenditure was made.

6. The total sum of expenditures made by the committee during the reporting period.

(d) The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) No committee of continuous existence shall make an electioneering communication, contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1), or participate in any ~~other~~ activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof; provided such committee may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03 and formed to support or oppose issues.

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the General Revenue ~~Elections Commission Trust~~ Fund. No separate fine shall be assessed for failure to file a copy of any report required by this section.

Section 11. Paragraph (a) of subsection (2), paragraph (a) of subsection (4), and paragraphs (a), (c), and (d) of subsection (8) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.--

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file the original and one copy of their reports. In addition, a copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides. Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing

obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is $100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(8)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue ~~Elections Commission Trust~~ Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

Section 12. Effective January 1, 2005, paragraph (a) of subsection (2) of section 106.07, Florida Statutes, as amended by this act, and paragraph (b) of subsection (2), subsection (3), and paragraph (b) of subsection (8) of said section, are amended to read:

106.07 Reports; certification and filing.--

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file ~~the original and one copy of~~ their reports pursuant to s. 106.0705. In addition, a copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

(b)1. Any report which is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail as to why the report is incomplete and be given 3 days from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. In lieu of the notice by registered mail as required in subparagraph 1., the qualifying officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If, however, such information is not received by the qualifying officer within 3 days after ~~of~~ the telephone request therefor, notice shall be sent by registered mail as provided in subparagraph 1.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and

shall be subject to the same filing conditions as established for candidates' reports. ~~Only committees that file with the Department of State shall file the original and one copy of their reports.~~ Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(8)

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $50 per day for the first 3 days late and, thereafter, $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be $500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is $50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

Section 13. Effective January 1, 2005, section 106.0705, Florida Statutes, is created to read:

106.0705 Electronic filing of campaign treasurer's reports.--

(1) As used in this section, "electronic filing system" means an Internet system for recording and reporting campaign finance activity by reporting period.

(2)(a) Each candidate who is required to file reports pursuant to s. 106.07 with the division must file such reports with the division by means of the division's electronic filing system.

(b) Each political committee, committee of continuous existence, or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports with the division by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3), as applicable.

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer or the chair and treasurer, whichever is applicable, and such persons are subject to the provisions of s. 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section and provide for the reports required to be filed pursuant to this section. Such rules shall, at a minimum, provide:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) For the issuance of an electronic receipt to the person submitting the report indicating and verifying that the report has been filed.

Section 14. Section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; electioneering communications; reports; disclaimers.--

(1) Each person who makes an independent expenditure with respect to any candidate or issue, and each individual who makes an expenditure for an electioneering communication which is not otherwise reported pursuant to this chapter, which expenditure, in the aggregate, is in the amount of $100 or more, shall file periodic reports of such expenditures in the same manner, at the same time, subject to the same penalties, and with the same officer as a political committee supporting or opposing such candidate or issue. The report shall contain the full name and address of the person making the expenditure; the full name and address of each person to whom and for whom each such expenditure has been made; the amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; the issue to which the expenditure relates; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(2) Any political advertisement paid for by an independent expenditure shall prominently state "Paid political advertisement paid for by . . . (Name and address of person ~~or committee~~ paying for advertisement) . . . independently of any . . . (candidate or committee) . . . ." ~~and shall contain the name and address of the person paying for the political advertisement.~~

(3) Subsection (2) does not apply to novelty items having a retail value of $10 or less which support, but do not oppose, a candidate or issue.

(4)~~(2)~~ Any person who fails to include the disclaimer prescribed in subsection (2) ~~(1)~~ in any political advertisement that ~~which~~ is required to contain such disclaimer commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(3) No person may make a contribution in excess of $1,000 to any other person, to be used by such other person to make an independent expenditure.~~

Section 15. Paragraph (a) of subsection (4) and subsection (6) of section 106.141, Florida Statutes, are amended to read:

106.141 Disposition of surplus funds by candidates.--

(4)(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.

2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.

3. Give not more than $10,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member, except that a candidate for the Florida Senate may give not more than $30,000 of such funds to the political party of which the candidate is a member.

4. Give the funds that have not been spent or obligated:

a. In the case of a candidate for state office, to the state, to be deposited in either the Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the alternative method and was not required to pay an election assessment, shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the

election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the General Revenue ~~Elections Commission Trust~~ Fund.

Section 16. Subsection (1) of section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.--

(1)(a) Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, or on the day of, any election must prominently state: "Political advertisement paid for and approved by . . . (name of candidate) . . . , . . . (party affiliation) . . . , for . . . (office sought) . . . ."

(b) Any other political advertisement ~~and any campaign literature~~ published, displayed, or circulated prior to, or on the day of, any election must prominently ~~shall~~:

1.~~(a)~~ Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv."

2. State the name and address of the persons sponsoring the advertisement.

~~(b) Identify the persons or organizations sponsoring the advertisement.~~

3.a.(I)~~(c)1.a.~~ State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

(II)~~b.~~ State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

b.~~2.~~ This subparagraph does ~~paragraph shall~~ not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement ~~or campaign literature~~.

This subsection does not apply to campaign messages used by a candidate and the candidate's supporters if those messages are designed to be worn by a person.

Section 17. Section 106.1437, Florida Statutes, is amended to read:

106.1437 Miscellaneous advertisements.--Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

Section 18. Section 106.1439, Florida Statutes, is created to read:

106.1439 Electioneering communications; disclaimers.--

(1) Any electioneering communication shall prominently state, "Paid electioneering communication paid for by . . . (Name and address of person paying for the communication) . . . ."

(2) Any person who fails to include the disclaimer prescribed in this section in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Section 106.148, Florida Statutes, is repealed.

Section 20. Subsections (2) and (4) of section 106.25, Florida Statutes, are amended to read:

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.--

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant that is based upon such facts or allegations that were raised or could have been raised in the first complaint. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. All sworn complaints alleging violations of the Florida Election Code over which the commission has jurisdiction shall be filed with the commission within 2 years after ~~of~~ the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred. The respondent, the complainant, and their respective counsels shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the hearing shall be sent to the respondent and the complainant at least 14 days prior to the date of the hearing. The respondent and his or her counsel shall be permitted to make a brief oral statement in the nature of oral argument to the commission before the probable cause determination. The commission's determination shall be based upon the investigator's report, the complaint, and staff recommendations, as well as any written statements submitted by the respondent and any oral statements made at the hearing. No testimony or other evidence shall be accepted at the hearing. Upon completion of the preliminary investigation, the commission shall, by written report, find probable cause or no probable cause to believe that this chapter or chapter 104 has been violated.

(a) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator.

(b) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred.

Section 21. Subsection (5) is added to section 106.265, Florida Statutes, to read:

106.265 Civil penalties.--

(5) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Section 22. Paragraph (a) of subsection (3) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.--

(3)(a) Any state or county executive committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the General Revenue ~~Elections Commission Trust~~ Fund.

Section 23. Effective January 1, 2005, paragraph (b) of subsection (3) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.--

(3)

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be $1,000 for a state executive committee, and $50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine shall be $10,000 per day for each day a state executive committee is late and $500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). An officer or member of an executive committee shall not be personally liable for such fine.

Section 24. To provide for uniformity of the proceedings, the amendments to sections 106.021, 106.023, 106.04(8), 106.07, and 106.25, Florida Statutes, in sections 8, 9, 10, 11, and 20 of this act, respectively, shall apply to all cases before the Florida Elections Commission pending on or filed on or after the effective date of this act.

Section 25. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 26. Except as otherwise provided herein, this act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to elections; providing a popular name; amending s. 97.021, F.S.; defining the term "early voting"; amending s. 101.015, F.S.; requiring supervisors of elections to include written procedures for early voting in their accuracy and security procedures and to submit any revisions to those security procedures within a specified period before early voting commences; amending s. 101.5612, F.S.; providing for testing of tabulating equipment prior to commencement of early voting and notice thereof; amending s. 101.5613, F.S.; specifying the person responsible for examination of equipment for purposes of early voting; amending s. 101.657, F.S.; authorizing and providing requirements for early voting; providing for designation of certain facilities as early voting sites; amending s. 106.011, F.S.; redefining the terms "political committee," "contribution," "expenditure," "independent expenditure," "communications media," and "political advertisement"; defining the term "electioneering communication"; amending s. 106.021, F.S.; providing exceptions to a prohibition against making certain contributions or expenditures in connection with a campaign or activities of a political committee; authorizing reimbursement of expenses incurred in connection with a campaign or activities of a political committee; requiring disclosure of the names and addresses of persons reimbursed from a campaign account; providing for retroactive operation; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not in and of itself create a presumption that a violation of ch. 106 or ch. 104, F.S., is a willful violation; amending s. 106.04, F.S.; modifying contribution reporting requirements for committees of continuous existence; modifying prohibitions on activities of committees of continuous existence; reducing the fine for late filing of campaign finance reports by committees of continuous existence for the first 3 days; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; revising requirements for filing campaign reports; revising requirements with respect to timely filing of mailed reports; requiring the reporting of the primary purposes of certain expenditures made indirectly through a campaign treasurer for certain goods and services; expanding grounds for appealing or disputing a fine; requiring the Florida Elections Commission to consider mitigating and aggravating circumstances in determining the amount of a fine, if any, to be waived for late-filed reports; providing for deposit of certain fine proceeds into the General Revenue Fund; limiting investigation of alleged late filing violations; providing for electronic filing of reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign finance reports; providing standards and guidelines; providing penalties; providing for adoption of rules; amending s. 106.071, F.S.; establishing reporting requirements for certain individuals making electioneering communications; modifying sponsorship disclaimer requirements for independent expenditures; creating an exemption; deleting a limitation on contributions to fund independent expenditures; amending s. 106.141, F.S.; increasing the amount of surplus funds a candidate for the Florida Senate can turn back to a political party; providing for deposit into the General Revenue Fund of reimbursed election assessments; amending s. 106.143, F.S.; modifying sponsorship disclaimer requirements for political advertisements; amending s. 106.1437, F.S.; creating exemptions to disclaimer requirements for certain public policy advertisements; creating s. 106.1439, F.S.; creating disclaimer requirements for electioneering communications; providing penalties; repealing s. 106.148, F.S., relating to sponsorship disclaimer requirements for certain computer messages; amending s. 106.25, F.S.; restricting the alleged violations the commission may investigate to those specifically contained within a sworn complaint; providing restrictions on subsequent complaints based on the same facts or allegations as a prior complaint; authorizing respondents and complainants and their counsels to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying bases for determining probable cause; amending s. 106.265, F.S.; providing liability of complainants for costs and reasonable attorney's fees under certain circumstances; providing for civil actions to collect such costs and fees; amending s. 106.29, F.S.; providing that the proceeds of funds assessed against political parties for the late filing of reports shall be deposited into the General Revenue Fund; providing for determination of fine for electronically filed campaign finance reports; providing applicability of certain sections of the bill to pending and future cases before the Florida Elections Commission; providing for severability; providing effective dates.

Rep. Harrington moved the adoption of the amendment.

On motion by Rep. Harrington, further consideration of **HB 1793**, with pending amendment, was temporarily postponed under Rule 11.10.

HJR 41—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize legislation that would permit counties to enact ordinances which prohibit an increase in the assessed value of homestead property owned by certain persons who are 65 years of age or older.

WHEREAS, William "Bill" Markahm served as the Broward County Property Appraiser from his election in 1968 until his death in office in 2004, and

WHEREAS, Dr. Olga Maria Garcia Martinez, cofounder of community action agency and "viejos utiles," worked tirelessly to assist the elderly community until her death in 1973, NOW THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 4 of Article VII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.--By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified

percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(f) A county, by ordinance, may, in the manner prescribed by general law, prohibit an increase in the assessed value of homestead property located in that county which is owned by any person who has attained age 65 and whose household income, as defined by general law, does not exceed twenty thousand dollars per year, as adjusted in accordance with general law.

BE IT FURTHER RESOLVED that the title and substance of the amendment proposed herein shall appear on the ballot as follows:

PROHIBITING AN INCREASE IN THE ASSESSED VALUE OF HOMESTEAD PROPERTY FOR SOME SENIOR CITIZENS

Proposes an amendment to Section 4 of Article VII of the State Constitution to provide that a county, by ordinance, may, in the manner provided by general law, prohibit an increase in the assessed value of homestead property located in that county which is owned by a person who has attained age 65 and whose household income, as defined by general law, does not exceed $20,000 per year, as adjusted in accordance with general law.

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

Session Vote Sequence: 989

Rep. Spratt in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Brutus

So the joint resolution passed, as amended, by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

Motion to Reconsider

Rep. Rubio moved that the House reconsider the vote by which **CS for SB 702** failed to pass earlier today, which was agreed to. The vote was:

Session Vote Sequence: 990

Rep. Spratt in the Chair.

Yeas—78

Adams	Brown	Fiorentino	Kottkamp
Allen	Brummer	Galvano	Kravitz
Altman	Byrd	Garcia	Kyle
Anderson	Cantens	Gardiner	Littlefield
Arza	Carroll	Gibson, H.	Llorente
Attkisson	Clarke	Goodlette	Mahon
Baker	Cretul	Green	Mayfield
Barreiro	Culp	Harrell	Mealor
Baxley	Davis, D.	Harrington	Murman
Bean	Davis, M.	Hasner	Murzin
Bense	Dean	Homan	Needelman
Benson	Detert	Johnson	Negron
Berfield	Domino	Jordan	Patterson
Bogdanoff	Evers	Kallinger	Pickens
Bowen	Farkas	Kilmer	Planas

Poppell	Robaina	Simmons	Troutman
Prieguez	Ross	Sorensen	Waters
Quinones	Rubio	Spratt	Zapata
Reagan	Russell	Stargel	
Rivera	Sansom	Sullivan	

Nays—40

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

The question recurred on the passage of CS for SB 702.

On motion by Rep. Farkas, pending roll call, further consideration of **CS for SB 702** was temporarily postponed under Rule 11.10.

HB 769—A bill to be entitled An act relating to career education; revising terminology relating to career, technical, vocational, and workforce education; amending s. 1002.34, F.S.; allowing charter technical career center sponsors to submit full-time enrollment membership data as defined in the charter agreement; deleting requirements relating to the number of days of instruction; creating s. 1003.431, F.S.; providing for a career education certification on a high school diploma; providing academic requirements for students enrolled in comprehensive career education programs; requiring the State Board of Education to define and specify by rule courses and experiences consistent with a comprehensive career education program; authorizing the State Board of Education to adopt by rule a standard format for career education certification; allowing incentive funding to school districts for students receiving the certification; amending s. 1003.491, F.S.; providing certain responsibilities for district school boards and superintendents relating to career education certification; creating s. 1003.492, F.S.; providing for coordination of career education programs with industry; requiring the State Board of Education to adopt rules for implementing an industry certification process; requiring the Department of Education to study student performance in industry-certified career education programs; requiring a study by the Department of Education to determine the need for cost factors or startup funding for industry-certified career education programs; creating s. 1006.025, F.S.; requiring district school boards to submit guidance reports to the Commissioner of Education and providing requirements thereof; amending s. 1012.01, F.S.; revising a personnel classification title; amending s. 1011.80, F.S.; repealing the Florida Workforce Development Education Fund; redesignating adult technical education programs as workforce education programs; revising requirements for funding; requiring reporting and cost analysis; amending ss. 1009.22 and 1011.83, F.S.; deleting references to the Florida Workforce Development Education Fund; requiring the Agency for Workforce Innovation and the Council for Education Policy Research and Improvement to study the need for new and expanded apprenticeship and other workforce education programs; requiring a report of findings and recommendations; requiring the Commissioner of Education to convene a study group to investigate workforce education issues; requiring the study group to submit a report with recommendations for modifications to the workforce education system; amending ss. 20.18, 110.1099, 112.19, 112.191, 112.1915, 238.01, 250.10, 250.482, 288.047, 288.9511, 292.05, 292.10, 295.02, 295.125, 339.0805, 364.508, 376.0705, 380.0651, 402.305, 402.3051, 403.716, 414.0252, 420.0004, 420.524, 420.602, 440.16, 443.171, 445.003, 445.004, 445.009, 445.012, 445.0123, 445.024, 445.049, 446.011, 446.052, 446.22, 475.17, 475.451, 475.617, 475.6175, 475.618, 475.627, 494.0029, 509.302, 553.841, 790.06, 790.115, 810.095, 943.14, 948.015, 948.09, 958.12, 985.03, 985.315, 1000.04, 1000.05, 1001.42, 1001.44, 1001.452, 1001.453, 1001.64, 1002.01, 1002.20, 1002.22, 1002.38, 1002.42, 1003.01, 1003.02, 1003.43, 1003.47, 1003.51, 1003.52, 1004.02, 1004.04, 1004.07, 1004.54, 1004.65, 1004.73, 1004.91, 1004.92, 1004.93, 1004.98, 1005.02, 1005.06, 1005.21, 1006.035, 1006.051, 1006.21, 1006.31, 1007.21, 1007.23, 1007.24, 1007.25, 1007.27, 1007.271, 1008.37, 1008.385, 1008.405, 1008.41, 1008.42, 1008.43, 1008.45, 1009.23, 1009.25, 1009.40, 1009.532, 1009.533, 1009.536, 1009.55, 1009.61, 1009.64, 1009.98, 1010.20, 1010.58, 1011.62, 1011.68, 1012.01, 1012.39, 1012.41, 1012.43, 1013.03, 1013.31, 1013.64, and 1013.75, F.S., to conform; providing an effective date.

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

Session Vote Sequence: 991

Rep. Spratt in the Chair.

Yeas—117

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

Nays—None

Votes after roll call:
Yeas—Sullivan

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

HB 1663—A bill to be entitled An act relating to condominiums; amending s. 718.504, F.S.; requiring developers and unit owners to provide a specific question and answer disclosure document to certain purchasers; providing an effective date.

—was read the third time by title.

Representative Brutus offered the following:

(Amendment Bar Code: 400725)

Amendment 1 (with title amendment)—Between lines 517 and 518 insert:

Section 2. Section 689.261, Florida Statutes, is created to read:

689.261 Sale of residential property; disclosure of ad valorem taxes to prospective purchaser.--

(1) A prospective purchaser of residential property must be presented a disclosure summary at or before execution of the contract for sale. Unless a substantially similar disclosure summary is included in the contract for sale, a separate disclosure summary must be attached to the contract for sale. The disclosure summary, whether separate or included in the contract, must be in a form substantially similar to the following:

PROPERTY TAX DISCLOSURE SUMMARY

BUYER SHOULD NOT RELY ON THE SELLER'S CURRENT PROPERTY TAXES AS THE AMOUNT OF PROPERTY TAXES THAT THE BUYER MAY BE OBLIGATED TO PAY IN THE YEAR SUBSEQUENT TO PURCHASE. A CHANGE OF OWNERSHIP OR PROPERTY IMPROVEMENTS TRIGGERS REASSESSMENTS OF THE PROPERTY THAT COULD RESULT IN HIGHER PROPERTY TAXES. IF YOU HAVE ANY QUESTIONS CONCERNING VALUATION, CONTACT THE COUNTY PROPERTY APPRAISER'S OFFICE FOR INFORMATION.

(2) Unless included in the contract, the disclosure summary must be provided by the seller. If the disclosure summary is not included in the contract for sale, the contract for sale must refer to and incorporate by reference the disclosure summary and include, in prominent language, a statement that the potential purchaser should not execute the contract until he or she has read the disclosure summary required by this section.

Remove the entire title and insert:

A bill to be entitled

An act relating to condominiums and residential properties; amending s. 718.504, F.S.; requiring developers and unit owners to provide a specific question and answer disclosure document to certain purchasers; creating s. 689.261, F.S.; requiring a seller to give notice to the prospective purchaser of residential property concerning ad valorem taxes on the property; specifying the form of notice; providing an effective date.

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

On motion by Rep. Brandenburg, pending roll call, further consideration of **HB 1663** was temporarily postponed under Rule 11.10.

SB 1728—A bill to be entitled An act relating to condominiums and cooperatives; creating s. 718.1085, F.S., and amending s. 719.1055, F.S.; authorizing certain condominiums, condominium associations, cooperatives, and unit owners to opt out of retrofitting requirements with respect to handrails and guardrails; prescribing limits on such authority; providing an effective date.

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

Session Vote Sequence: 992

Rep. Spratt in the Chair.

Yeas—112

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

Nays—4

Justice	Meadows	Seiler	Wiles

Votes after roll call:
Yeas—Negron

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

CS for SB 1678—A bill to be entitled An act relating to public records; creating s. 39.2021, F.S.; authorizing a petition for an order to make public records pertaining to certain investigations by the Department of Children and Family Services; amending s. 119.01, F.S.; establishing state policy with respect to public records; requiring governmental agencies to consider certain factors in designing or acquiring electronic recordkeeping systems; providing certain restrictions with respect to electronic recordkeeping systems and proprietary software; requiring governmental agencies to provide copies of public records stored in electronic recordkeeping systems; authorizing agencies to charge a fee for such copies; specifying circumstances under which the financial, business, and membership records of an organization are public records; amending s. 119.011, F.S.; providing definitions; correcting cross-references; repealing ss. 119.0115, 119.012, and 119.02, F.S., relating to specified exemption for certain videotapes and video signals, records made public by the use of public funds, and penalties for violation of public records requirements by a public officer; amending s. 119.021, F.S.; providing requirements for governmental agencies in maintaining and preserving public records; requiring the Division of Library and Information Services of the Department of State to adopt rules for retaining and disposing of public records; authorizing the division to provide for archiving certain noncurrent records; providing for the destruction of certain records and the continued maintenance of certain records; providing for the disposition of records at the end of an official's term of office; requiring that a custodian of public records demand delivery of records held unlawfully; repealing ss. 119.031, 119.041, 119.05, and 119.06, F.S., relating to the retention, disposal, and disposition of public records and the delivery of records held unlawfully; amending s. 119.07, F.S.; revising provisions governing the inspection and copying of public records; establishing fees for copying; providing requirements for making photographs; authorizing additional means of inspecting or copying public records; providing requirements for making photographs of public records; relocating an exemption from public records requirements for any videotape or video signal that, under an agreement with an agency is produced, made, or received by or in the custody of a federally licensed radio or television station or its agents; repealing s. 119.08, F.S., relating to requirements for making photographs of public records; amending s. 119.084, F.S.; deleting certain provisions governing the maintenance of public records in an electronic recordkeeping system; repealing ss. 119.085 and 119.09, F.S., relating to remote electronic access to public records and the program for records and information management of the Department of State; amending s. 119.10, F.S.; clarifying provisions with respect to penalties for violations of ch. 119, F.S.; amending s. 119.105, F.S.; clarifying provisions under which certain police reports may be exempt from the public records law; amending s. 119.12, F.S.; conforming provisions; amending s. 120.55, F.S.; revising provisions with respect to publication of the Florida Administrative Code to provide that the Department of State is required to compile and publish the code through a continuous revision system; amending s. 257.36, F.S.;

providing procedures with respect to the official custody of records upon the transfer of duties or responsibilities between state agencies or the dissolution of a state agency; amending s. 328.15, F.S.; revising the classification of records of notices and satisfaction of liens on vessels maintained by the Department of Highway Safety and Motor Vehicles; amending s. 372.5717, F.S.; revising the classification of records of hunter safety certification cards maintained by the Fish and Wildlife Conservation Commission; creating s. 415.1071, F.S.; authorizing a petition for an order making public certain investigatory records of the Department of Children and Family Services; amending s. 560.121, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Office of Financial Regulation of the Financial Services Commission under the Money Transmitters' Code; amending s. 560.123, F.S.; decreasing the period of retention for specified reports filed by money transmitters with the Department of Banking and Finance under the Money Transmitters' Code; amending s. 560.129, F.S.; decreasing and qualifying the period of retention for examination reports, investigatory records, applications, application records, and related information compiled by the Office of Financial Regulation of the Financial Services Commission under the Money Transmitters' Code; amending s. 624.311, F.S.; authorizing the Department of Financial Services, the Financial Services Commission, and the Office of Insurance Regulation of the Financial Services Commission to maintain an electronic recordkeeping system for specified records, statements, reports, and documents; eliminating a standard for the reproduction of such records, statements, reports, and documents; amending s. 624.312, F.S.; providing that reproductions from an electronic recordkeeping system of specified documents and records of the Department of Financial Services, the Financial Services Commission, and the Office of Insurance Regulation of the Financial Services Commission shall be treated as originals for the purpose of their admissibility in evidence; amending s. 633.527, F.S.; decreasing the period of retention for specified examination test questions, answer sheets, and grades in the possession of the Division of State Fire Marshal of the Department of Financial Services; amending s. 655.50, F.S.; revising requirements of the Office of Financial Regulation with respect to retention of copies of specified reports and records of exemption submitted or filed by financial institutions under the Florida Control of Money Laundering in Financial Institutions Act; amending s. 945.25, F.S.; requiring the Department of Corrections to obtain and place in its records specified information on every person who may be sentenced to supervision or incarceration under the jurisdiction of the department; eliminating a requirement of the department, in its discretion, to obtain and place in its permanent records specified information on persons placed on probation and on persons who may become subject to pardon and commutation of sentence; amending s. 985.31, F.S.; revising the classification of specified medical files of serious or habitual juvenile offenders; repealing s. 212.095(6)(d), F.S., which requires the Department of Revenue to keep a permanent record of the amounts of certain refunds claimed and paid under ch. 212, F.S., and which requires that such records shall be open to public inspection; repealing s. 238.03(9), F.S., relating to the authority of the Department of Management Services to photograph and reduce to microfilm as a permanent record its ledger sheets showing the salaries and contributions of members of the Teachers' Retirement System of Florida, the records of deceased members of the system, and the authority to destroy the documents from which such films derive; amending ss. 23.22, 27.02, 101.5607, 112.533, 1012.31, 257.34, 257.35, 282.21, 287.0943, 320.05, 322.20, 338.223, 401.27, 409.2577, 455.219, 456.025, 627.311, 627.351, 633.527, 668.50, 794.024, and 921.0022, F.S.; conforming cross-references; reenacting s. 947.13(2)(a), F.S., relating to the duty of the Parole Commission to examine specified records, to incorporate the amendment to s. 945.25, F.S., in a reference thereto; repealing s. 430.015, F.S.; removing a public necessity statement for a public records exemption for identifying information contained in records of elderly persons collected and held by the Department of Elderly Affairs; amending s. 440.132, F.S.; removing a public necessity statement for a public records exemption for investigatory records of the Agency for Health Care Administration made or received pursuant to a workers' compensation managed care arrangement and examination records necessary to complete an investigation; repealing s. 723.0065, F.S.; removing a public necessity statement for a public records exemption for specified financial records of mobile home park owners acquired by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation, and the Bureau of Mobile Homes of the division; repealing s. 768.301, F.S.; removing a public necessity statement for a public records exemption for certain claims files records and minutes of meetings and proceedings relating to risk management programs entered into by the state and its agencies and subdivisions, and a public meetings exemption for proceedings and meetings regarding claims filed; amending s. 943.031, F.S.; removing a public necessity statement for a public records and public meetings exemption for specified portions of meetings of the Florida Violent Crime and Drug Control Council, specified portions of public records generated at closed council meetings, and documents related to active criminal investigations or matters constituting active criminal intelligence; providing an effective date.

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

Session Vote Sequence: 993

Rep. Spratt in the Chair.

Yeas—119

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

Nays—None

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

On motion by Rep. Murman, the House returned to consideration of CS for SB 702.

Reconsideration of CS for SB 702

CS for SB 702—A bill to be entitled An act relating to public records and meetings; creating s. 381.0273, F.S.; providing that information contained in patient safety data or other records maintained by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors which identifies a patient, which identifies the person or entity reporting patient safety data, or which identifies a health care practitioner or health care facility is confidential and exempt from disclosure under public-records requirements; authorizing the release of information under specified circumstances, including release to a health care research entity; specifying circumstances under which the corporation may deny a request for records or data that

identifies a patient; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, or contractors at which such information is discussed are exempt from public-meetings requirements; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

—was taken up; now pending roll call.

The question recurred on the passage of CS for SB 702.

Rep. Wiles suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 994].

THE SPEAKER IN THE CHAIR

Rep. Gardiner suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 995].

The question recurred on the passage of CS for SB 702. The vote was:

Session Vote Sequence: 996

Speaker Byrd in the Chair.

Yeas—80

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

Nays—38

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

Votes after roll call:
Yeas—Ambler

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

REPRESENTATIVE SPRATT IN THE CHAIR

CS for SB 1926—A bill to be entitled An act relating to workers' compensation; creating s. 624.4315, F.S.; requiring workers' compensation insurers to notify the Office of Insurance Regulation of significant underwriting changes; amending s. 627.171, F.S.; providing that the 10-percent limit on the percentage of commercial insurance policies that an insurer may write at a rate in excess of the applicable filed rate excludes workers' compensation policies written for an employer in lieu of coverage from the joint underwriting plan established under s. 627.311(5), F.S.; amending s. 627.211, F.S.; revising the standards used by the Office of Insurance Regulation in approving or disapproving an insurer's deviation from the approved workers' compensation rate filing; requiring the Office of Insurance Regulation to submit an annual report to the Legislature which evaluates competition in the workers' compensation insurance market; providing an effective date.

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

Session Vote Sequence: 997

Rep. Spratt in the Chair.

Yeas—116

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

Nays—None

Votes after roll call:
Yeas—Kosmas, Troutman

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

HB 967—A bill to be entitled An act relating to moving services; amending s. 507.03, F.S.; revising mover registration requirements; providing for proof of bond or certificate of deposit in lieu of proof of insurance coverage; amending s. 507.04, F.S.; revising a requirement to maintain cargo legal liability coverage; providing for bond or certificate of deposit in lieu of insurance coverage for a mover operating a certain number of vehicles; limiting use of such bond or certificate of deposit to claims adjudicated by the Department of Agriculture and Consumer Services; providing that aggregate payout by the department for all claims shall not exceed the amount of the

bond or certificate of deposit; providing for revocation of a mover's license for failure to maintain the required bond or certificate of deposit; providing an effective date.

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

Session Vote Sequence: 998

Rep. Spratt in the Chair.

Yeas—115

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

Nays—None

Votes after roll call:
Yeas—Brown, Dean, Troutman

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

HB 1269—A bill to be entitled An act relating to nursing home firesafety; amending s. 633.022, F.S.; requiring nursing homes to be protected by certain automatic sprinkler systems; providing a schedule; authorizing the Division of State Fire Marshal to grant certain time extensions; authorizing the division to adopt certain rules; providing for administrative sanctions under certain circumstances; requiring adjustments to certain provider Medicaid rates for reimbursement for Medicaid's portion of costs to meet certain requirements; requiring funding for such adjustments to come from existing nursing home appropriations; creating s. 633.024, F.S.; providing legislative findings and intent; creating s. 633.0245, F.S.; authorizing the State Fire Marshal to enter into an investment agreement with public depositories to establish the State Fire Marshal Nursing Home Fire Protection Loan Guarantee Program as a limited loan guarantee program to retrofit nursing homes with fire protection systems; providing investment and agreement limitations; requiring the State Fire Marshal to solicit requests for proposals; providing for application requirements and procedures; providing for review and approval by the State Fire Marshal; providing application requirements and procedures for program loans by public depositories; providing deadlines and limitations; limiting certain claims for loss under certain circumstances; providing a definition; authorizing the State Fire Marshal to adopt rules; providing an effective date.

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

Session Vote Sequence: 999

Rep. Spratt in the Chair.

Yeas—119

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

Nays—None

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

HB 115—A bill to be entitled An act relating to the Florida School Recognition Program; amending s. 1008.36, F.S.; revising provisions relating to the distribution of financial awards; providing an effective date.

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

Session Vote Sequence: 1000

Rep. Spratt in the Chair.

Yeas—87

Adams	Berfield	Davis, M.	Harrell
Allen	Bowen	Dean	Harrington
Altman	Brandenburg	Detert	Homan
Ambler	Brown	Domino	Johnson
Anderson	Brummer	Evers	Jordan
Arza	Brutus	Farkas	Kallinger
Attkisson	Byrd	Fields	Kendrick
Baker	Cantens	Fiorentino	Kilmer
Barreiro	Carroll	Galvano	Kottkamp
Baxley	Clarke	Garcia	Kravitz
Bean	Cretul	Gibson, A.	Kyle
Bendross-Mindingall	Culp	Gibson, H.	Littlefield
Bense	Cusack	Goodlette	Llorente
Benson	Davis, D.	Green	Mahon

Mayfield	Peterman	Roberson	Spratt
Mealor	Planas	Ross	Stansel
Murman	Poppell	Rubio	Stargel
Murzin	Prieguez	Russell	Sullivan
Needelman	Quinones	Sansom	Troutman
Negron	Reagan	Simmons	Waters
Patterson	Rivera	Slosberg	Zapata
Paul	Robaina	Sorensen	

Nays—29

Antone	Hasner	McInvale	Smith
Bucher	Henriquez	Meadows	Sobel
Bullard	Holloway	Pickens	Vana
Gannon	Jennings	Rich	Wiles
Gelber	Joyner	Richardson	Wishner
Gottlieb	Justice	Ritter	
Greenstein	Kosmas	Ryan	
Harper	Machek	Seiler	

Votes after roll call:
Yeas—Ausley
Nays—Bogdanoff

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

Moment of Silence

At the request of Rep. Quinones, the House observed a moment of silence in memory of farmworker Alfredo Bahena of Volusia County, Regional Coordinator for the Farmworkers Association of Florida, who was killed in a traffic accident last Sunday.

Motion

Rep. Cusack moved that the remarks made by Rep. Peterman, Rep. Quinones, and Rep. Cusack in recognition of Alfredo Bahena be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Co-Chairs of the Subcommittee on Rules.

Consideration of **CS for CS for SB 2882** was temporarily postponed under Rule 11.10.

CS for CS for SB 348—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing for the confidentiality of personal identifying information contained in records for United States attorneys, assistant United States attorneys, judges of the United States Courts of Appeal, United States district judges, United States magistrate judges, and their spouses and children; providing for future repeal and legislative review under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

Representatives Detert, Benson, and Brummer offered the following:

(Amendment Bar Code: 153665)

Amendment 2 (with title amendment)—On page 6, line 21,
remove: all of said line

and insert:

Section 3. Paragraph (x) of subsection (3) of section 119.07, Florida Statutes, is amended to read:
119.07 Inspection, examination, and duplication of records; exemptions.--
(3)
(x)1. The social security numbers of all current and former agency employees which numbers are contained in agency employment records are exempt from subsection (1) and ~~exempt from~~ s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "agency" means an agency as defined in s. 119.011.

2. An agency that is the custodian of a social security number specified in subparagraph 1. and that is not the employing agency shall maintain the exempt status of the social security number only if the employee or the employing agency of the employee submits a written request for confidentiality to the custodial agency. However, upon a request by a commercial entity as provided in s. 119.0721 the custodial agency shall release the last four digits of the exempt social security number, except that a social security number provided in a lien filed with the Department of State shall be released in its entirety. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. The Legislature finds that it is a public necessity that social security numbers of agency employees held by an agency be made exempt from public disclosure. The Legislature also finds that it is no longer a necessity to allow commercial entities access to complete social security numbers of agency employees if the employee or the employing agency of that employee has submitted a written request for confidentiality of his or her social security number. Commercial entities have cited a number of reasons for needing access to the complete social security numbers of agency employees when held by government agencies. The prevailing needs are for commercial entity verification of the accuracy of personal information received by such entity and for commercial entity use in matching, verifying, or retrieving information. A commercial entity can continue to verify the accuracy of personal information received using only the last four digits of social security numbers of agency employees. A commercial entity can also continue matching, verifying, or retrieving information utilizing the last four digits of such numbers. Additionally, commercial entities are still provided access to complete social security numbers of agency employees provided in a lien filed with the Department of State. The social security number is not the only source of information a business can utilize for such purposes. Commercial entities can also use an employee's date of birth or maiden name for matching, verifying, or retrieving information regarding an individual. As such, a commercial entity's performance will not be hampered if access to social security numbers is limited to the last four digits of such employee's social security number. Further, social security numbers are of a sensitive personal nature and are often the link to an individual's personal, financial, medical, or familial records. It is the only nationwide, unique numeric form of identification in existence in the United States. Commercial entity access to such numbers in their entirety could lead to misuse of those numbers. Such misuse could lead to increased opportunities of fraud and identity theft. As such, the Legislature finds that the harm from disclosing to commercial entities complete social security numbers of agency employees who have requested confidentiality of such numbers outweighs any public benefit that can be derived from commercial entity access to such numbers, as opposed to access that is restricted to the final four digits of such social security numbers.

Section 5. This act shall take effect October 1, 2004.

On page 1, line 14,
remove: all of said line

and insert:

a statement of public necessity; amending s. 119.07, F.S.; providing an exemption from public records requirements for social security numbers of agency employees upon written request; providing for an exception to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an

Rep. Detert moved the adoption of the amendment.

Representative Detert offered the following:

(Amendment Bar Code: 424501)

Amendment 1 to Amendment 2—Remove line 77 and insert:
Section 5. This act shall take effect July 1, 2004.

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

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted by the required two-thirds vote.

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

CS for SJR 2396—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution, relating to the type of amendment or revision which may be proposed by citizen initiative.

—was read the third time by title.

Reconsideration

On motion by Rep. Pickens, the House reconsidered the vote by which **Substitute Amendment 3** was adopted (shown in the *Journal* on page 705, April 23). The question recurred on the adoption of the amendment.

Representative Pickens offered the following:

(Amendment Bar Code: 080691)

Second Substitute Amendment 3 (with ballot statement amendment)—
On page 1, line 23, through page 2, line 1,
remove: all of said lines

and insert:
directly connected therewith. The amendment or revision must also:
(1) Amend an existing section of this constitution on the same subject and matter, or repeal, in whole or in part, an existing section of this constitution;
(2) Modify a basic or fundamental right of a citizen of this state as established in Article I; or
(3) Change the basic structure of state government as established in Article II, Article III, Article IV, or Article V.
(b) The initiative power ~~It~~ may be invoked by filing with

On page 2, line(s) 16-21,
remove: all of said lines

and insert:
proposed by citizen initiative must amend an existing section of the State Constitution on the same subject and matter, or repeal, in whole or in part, an existing section of the State Constitution; modify a basic or fundamental right of a citizen of this state as established in Article I of the State Constitution; or change the basic structure of state government as established in Article II, Article III, Article IV, or Article V of the State Constitution.

Rep. Pickens moved the adoption of the second substitute amendment.

REPRESENTATIVE GOODLETTE IN THE CHAIR

Rep. Garcia suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 1001].

The question recurred on the adoption of **Second Substitute Amendment 3**, which was adopted by the required two-thirds vote.

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

Motions Relating to Committee References

On motion by Rep. Cantens, by the required two-thirds vote, HB 43 was withdrawn from the Subcommittee on Education Appropriations and the Committee on Appropriations and placed on the Calendar of the House; HB 53, HB 127, HB 189, HB 307, HB 393, HB 527, HB 647, HB 675, HB 727, HB 757, HB 917, HB 1035, HB 1129, HB 1263, HB 1641, HB 1679, HB 1771, HB 1797, HB 1975, HB 249, HB 257, HB 445, and HB 551 were withdrawn from the Committee on Appropriations and placed on the Calendar of the House; HB 441, HB 453, HB 837, and HB 1719 were withdrawn from the Committee on Finance & Tax and placed on the Calendar of the House; HB 891, HB 969, HB 1713, and HB 1721 were withdrawn from the Subcommittee on Public Safety Appropriations and the Committee on Appropriations and placed on the Calendar of the House; HB 225, HB 1119 and HB 1519, were withdrawn from the Subcommittee on Agriculture & Environment Appropriations and the Committee on Appropriations and placed on the Calendar of the House; HB 1427 was withdrawn from the Committee on Finance & Tax, the Subcommittee on Commerce and Local Affairs Appropriations, and the Committee on Appropriations, and placed on the Calendar of the House; HB 1285 was withdrawn from the Committee on Finance & Tax, the Subcommittee on Transportation and Economic Development Appropriations, and the Committee on Appropriations, and placed on the Calendar of the House; HB 1207 was withdrawn from the Subcommittee on Judicial Appropriations and the Committee on Appropriations and placed on the Calendar of the House; and HB 323 was withdrawn from the Committee on Appropriations.

Special Orders

Second Reading

HB 101 was taken up. On motion by Rep. Quinones, the rules were waived and CS for CS for CS for SB 1190 was substituted for HB 101. Under Rule 5.13, the House bill was laid on the table.

CS for CS for CS for SB 1190—A bill to be entitled An act relating to fire prevention and control; creating s. 633.115, F.S.; creating the Fire and Emergency Incident Information Program in the Division of State Fire Marshal of the Department of Financial Services; providing powers and duties of the program; providing for the adoption of rules; creating a Fire and Emergency Incident Information System Technical Advisory Panel in the division; providing for membership and duties; providing for a definition; amending s. 633.171, F.S.; establishing penalties for the unauthorized use of fireworks or pyrotechnic devices in an indoor facility; providing that the act does not apply to the manufacture, distribution, or sale of fireworks; amending s. 633.821, F.S.; providing that the Division of State Fire Marshal may adopt additional national fire standards to ensure safe working conditions for firefighters; directing the division to adopt rules for live fire training and for a training and certification process for live-fire-training instructors; providing for the contents of the training rules; requiring the live-fire-training rules to take effect January 1, 2005; requiring each live-fire-training instructor to be state-certified by January 1, 2006; directing that all live fire training commenced on and after January 1, 2006, be conducted by a certified live-fire-training instructor; providing an exception; amending s. 932.7055, F.S.; providing that proceeds from the sale of forfeited property seized by the Division of the State Fire Marshal in the Department of Financial Services under the Florida Contraband Forfeiture Act be deposited into the Insurance Regulatory Trust Fund and used for specified purposes; providing an effective date.

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

HB 161 was taken up. On motion by Rep. Kravitz, the rules were waived and SB 324 was substituted for HB 161. Under Rule 5.13, the House bill was laid on the table.

SB 324—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.20, F.S.; requiring the department to maintain certain records of convictions for persons holding a foreign driver's license; amending s. 322.27, F.S.; requiring law enforcement agencies to notify the department of any traffic fatality or when a law enforcement agency initiates action to obtain a blood test for impairment in a

case of death or serious bodily injury; providing an effective date.

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

HB 185—A bill to be entitled An act relating to student assessment; amending s. 1003.433, F.S.; authorizing certain students who are not proficient in English to take a translated version of a portion of the grade 10 FCAT; amending s. 1008.22, F.S.; requiring the Department of Education to prepare a translated version of the mathematics portion of the grade 10 FCAT in certain languages identified by school districts; authorizing use of alternate assessments to the grade 10 FCAT for the 2003-2004 school year; permitting the passage of such tests to satisfy the assessment requirement for a standard high school diploma for the 2003-2004 school year graduating class; providing an effective date.

The Committee on Appropriations recommended the following:

HB 185 CS—A bill to be entitled An act relating to student assessment; amending s. 1008.22, F.S.; authorizing the SAT and the ACT as alternate assessments for the grade 10 FCAT for students entering a Florida public school in grade 11 or grade 12 and for students who have exhausted all attempts to pass the grade 10 FCAT by the end of the regular grade 12 school year; deleting obsolete language; providing an effective date.

—was read the second time by title.

Representative Brandenburg offered the following:

(Amendment Bar Code: 151905)

Amendment 1 (with title amendment)—Between lines 39 and 40, insert:
Section 2. Each member of the Legislature must, during his or her first year of service in the Legislature, take the grade 10 FCAT and publish the results. If a legislator does not achieve scores equivalent to the passing scores required for high school students, he or she must retake the grade 10 FCAT each year and publish the results until passing scores are earned. Alternate assessments to the grade 10 FCAT, as provided in section 1 of this act, shall be permitted.

Remove line 13 and insert:
language; requiring members of the Legislature to take the grade 10 FCAT and publish test results; requiring retesting under certain circumstances; allowing alternate assessments; providing an effective date.

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

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

HB 261—A bill to be entitled An act relating to construction contracting; amending s. 489.117, F.S.; specifying conditions under which a person may perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without obtaining a local professional license; providing an effective date.

The Committee on Business Regulation recommended the following:

HB 261 CS—A bill to be entitled An act relating to construction contracting; amending s. 489.117, F.S.; specifying when a person may perform specialty contracting services for the construction, remodeling, repair, or improvement of a swimming pool or spa without obtaining a local professional license; requiring certain local authorities to allow local registration, as specified, as an alternative to other local licenses; authorizing a fee; requiring workers' compensation coverage or exemption therefrom; creating s. 553.8414, F.S.; creating the Swimming Pool and Solar Technical Advisory Committee of the Florida Building Commission; providing for appointment and duties of committee members; providing effective dates.

—was read the second time by title.

Representative Russell offered the following:

(Amendment Bar Code: 404627)

Amendment 1 (with title amendment)—Remove line 55 and insert:
contractor. Nothing in this paragraph shall be construed to supersede or affect the provisions of paragraph (e).

Remove line 14 and insert:
compensation coverage or exemption therefrom; providing applicability to certain other local licensing exemption provisions; creating s.

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

Representative Russell offered the following:

(Amendment Bar Code: 153739)

Amendment 2 (with title amendment)—Remove line(s) 56-76 and insert:
Section 2. This act shall take effect July 1, 2004.

Remove line(s) 14-18 and insert:
compensation coverage or exemption therefrom; providing an effective date.

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

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

HB 287 was taken up. On motion by Rep. Jordan, the rules were waived and SB 276 was substituted for HB 287. Under Rule 5.13, the House bill was laid on the table.

SB 276—A bill to be entitled An act relating to vessel registration requirements; amending s. 328.72, F.S.; exempting vessels owned by Safe Harbor Haven, Inc., from certain vessel registration fees; providing an effective date.

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

HB 477—A bill to be entitled An act relating to the right to a speedy trial; creating time limits within which a person charged with a crime by information or indictment must be brought to trial; permitting state attorneys to file a demand for a speedy trial; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; providing an effective date.

The Committee on Appropriations recommended the following:

HB 477 CS—A bill to be entitled An act relating to the state's entitlement to a speedy trial; authorizing state attorneys to file a demand for a speedy trial under certain circumstances; requiring that the trial judge schedule a calendar call upon the filing of a demand for a speedy trial in order to schedule a trial; providing an effective date.

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

HB 555 was taken up. On motion by Rep. Baker, the rules were waived and SB 656 was substituted for HB 555. Under Rule 5.13, the House bill was laid on the table.

SB 656—A bill to be entitled An act relating to highway designations; designating State Road 19 in Lake County from the northern county boundary to U.S. Highway 441 as the "Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway"; designating the St. Johns River Bridge on I-4 at the Seminole/Volusia County line as the "St. Johns River Veterans Memorial Bridge"; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

HB 661 was taken up. On motion by Rep. Arza, the rules were waived and SB 2810 was substituted for HB 661. Under Rule 5.13, the House bill was laid on the table.

SB 2810—A bill to be entitled An act relating to state university student athletic fees; amending s. 1009.24, F.S.; authorizing a fee increase to defray the costs of changing competitive divisions; providing that the increase may exceed the limit on fee increases; limiting such an increase to not more than $2 per credit hour; requiring approval of such increase; providing that such increase shall not be included in calculating the amount of certain student awards; providing an effective date.

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

HB 901—A bill to be entitled An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the "Middle Grades Reform Act"; providing purpose and intent; defining the term "middle grades"; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student's academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an effective date.

The Committee on Appropriations recommended the following:

HB 901 CS—A bill to be entitled An act relating to public school educational instruction; creating s. 1003.415, F.S.; providing the popular name the "Middle Grades Reform Act"; providing purpose and intent; defining the term "middle grades"; requiring a review and recommendations relating to curricula and courses; requiring implementation of new or revised reading and language arts courses; providing for implementation of a rigorous reading requirement in certain schools; requiring a study of the academic performance of middle grade students and schools with recommendations for an increase in performance; requiring a personalized middle school success plan for certain students; providing authority for State Board of Education rulemaking and enforcement; amending s. 1001.42, F.S.; requiring a school improvement plan to include the rigorous reading requirement if applicable; amending s. 1008.25, F.S.; requiring a personalized middle school success plan to be incorporated in a student's academic improvement plan if applicable; amending s. 1012.34, F.S.; revising assessment criteria for instructional personnel; providing an effective date.

THE SPEAKER IN THE CHAIR

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

HB 1049 was taken up. On motion by Rep. Evers, the rules were waived and CS for CS for SB 2020 was substituted for HB 1049. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2020—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; increasing the annual use fee for the Florida educational license plate; creating the Save Our Seas license plate; creating the Aquaculture license plate; creating a Family First license plate; creating a Sportsmen's National Land Trust license plate; creating the Live the Dream license plate; creating a Florida Food Banks license plate; creating a Discover Florida's Oceans license plate; creating the Family Values license plate; creating the Parents Make A Difference license plate; creating the Support Soccer license plate; creating a Kids Deserve Justice license plate; creating the Animal Friend license plate; providing for the distribution of annual use fees received from the sale of such plates; amending s. 320.08053, F.S.; revising requirements for establishing a specialty license plate; requiring submission of a sample plate; increasing the number of motor vehicle owners who must indicate, according to a scientific sample survey, that they intend to purchase a proposed specialty plate; defining the term "scientific sample survey"; requiring the Department of Highway Safety and Motor Vehicles to adopt rules relating to design specification for speciality license plates; amending s. 320.08056, F.S.; revising design requirements; revising conditions and procedures for the discontinuation of specialty license plates; changing the number of plates that must be purchased to prevent a plate from being discontinued; requiring the department, in cooperation with local tax collectors and the Prison Rehabilitative Industries and Diversified Enterprises, Inc., to study the possibility of using direct-to-customer distribution; requiring an analysis of the impact of certain technologies; requiring the department to report its findings to 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 1059 was taken up.

Recognition of Representative Jerry Paul

The Speaker announced that after attending a hearing of the United States Senate Armed Services Committee, Rep. Paul anticipated full U.S. Senate confirmation as Principal Deputy Administrator of the National Nuclear Security Administration of the U.S. Department of Energy.

On motion by Rep. Wiles, the rules were waived and CS for SB 2918 was substituted for HB 1059. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2918—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending s. 11.45, F.S.; requiring the Auditor General to conduct audits of the accounts and records of the Florida School for the Deaf and the Blind; amending s. 1001.20, F.S.; including the Florida School for the Deaf and Blind in the entities subject to inspection by the Department of Education's Inspector General; amending s. 1002.36, F.S., relating to the Florida School for the Deaf and the Blind; providing that the school is a component of the delivery of public education within Florida's K-20 education system; requiring certain compliance; revising audit requirements; revising provisions specifying authority of the Board of Trustees for the Florida School for the Deaf and the Blind to perform certain actions; revising the power and authority of the board of trustees; revising duties of the board of trustees; amending s. 1011.55, F.S.; revising the procedure for legislative budget requests of the Florida School for the Deaf and the Blind; creating s. 1013.351, F.S.; providing definitions; providing a policy statement concerning the coordination of planning between the board of trustees and local governments on property acquired after a certain date; authorizing the board of trustees to enter into an interlocal agreement with the municipality where the school is located; providing for the makeup of the interlocal agreement; requiring the submission of the interlocal agreement with the Office of Educational Facilities and the state land planning agency; providing for a review of the interlocal agreement by the office and the agency; providing for amendments of the interlocal agreement; authorizing an alternative process to the interlocal agreement concerning expansion of the school's campus; providing for improved coordination between the board of trustees and the affected local governments concerning future acquisitions of real property; providing for the board of trustees to request a determination of consistency with the local government's comprehensive plan and local development regulations for the proposed use of property acquired after a certain date; providing for a local government that regulates land use to make that determination; requiring that disputes concerning the implementation of an executed interlocal agreement be resolved in accordance with ch. 164, F.S.; creating s. 1002.361, F.S.; authorizing the board of trustees to create a direct-support organization; requiring the organization to operate under a contract with the board of trustees; providing for the elements of the contract;

providing for audits of the organization; providing for membership to the board of directors of the organization; requiring the board of trustees to adopt rules; amending s. 413.011, F.S.; providing legislative policy and intent; providing duties of the Division of Blind Services; requiring the division to develop and implement a state plan for vocational rehabilitation services; requiring the division to develop and implement a state plan for independent living services; providing for the division to purchase and distribute specialized equipment without using state centralized purchasing procedures; exempting such equipment from certain record and inventory requirements; creating a children's program; requiring background investigations of division personnel; requiring division personnel and applicants for employment to meet level 2 screening standards as a condition of employment; redesignating the Advisory Council for the Blind as the Rehabilitation Council for the Blind; amending ss. 413.014, 413.041, 413.051, and 413.091, F.S.; modernizing terminology; requiring the division to conduct a periodic survey of state properties; authorizing the division to create a blind services direct-support organization; providing purposes and objectives; providing for members of the board of the direct-support organization; providing that the organization is subject to s. 24, Art. I of the State Constitution, ch. 119, F.S., and s. 286.011, F.S.; requiring expenses of the organization to be paid by private funds; providing guidelines for the use of the funds; repealing ss. 413.061, 413.062, 413.063, 413.064, 413.065, 413.066, 413.067, 413.068, and 413.069, F.S., relating to permits for soliciting funds to benefit the blind; providing effective dates.

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

HB 1143—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

The Committee on Business Regulation recommended the following:

HB 1143 CS—A bill to be entitled An act relating to the state lottery; amending s. 24.115, F.S.; providing for the deposit of a percentage of unclaimed prize money in the Educational Enhancement Trust Fund to provide funding for grades K-12; amending s. 24.121, F.S.; revising provisions relating to the allocation of revenues for public education; amending s. 1010.70, F.S.; conforming provisions; providing an effective date.

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

HB 1153 was taken up. On motion by Rep. Planas, the rules were waived and SB 1596 was substituted for HB 1153. Under Rule 5.13, the House bill was laid on the table.

SB 1596—A bill to be entitled An act relating to disciplinary procedures applicable to a prisoner for filing frivolous or malicious actions; amending s. 944.279, F.S.; providing that if a court finds that a prisoner brought a frivolous or malicious collateral criminal proceeding that is filed after a specified date, the prisoner is subject to disciplinary procedures under the rules of the Department of Corrections; providing an effective date.

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

HB 1185 was taken up. On motion by Rep. Poppell, the rules were waived and CS for CS for SB 2616 was substituted for HB 1185. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2616—A bill to be entitled An act relating to water management district employees; creating s. 373.6055, F.S.; requiring water management districts with structure or facilities identified as critical infrastructure by the Regional Security Task Force to conduct fingerprint-based criminal history checks of current or prospective employees and other persons allowed regular access to restricted access areas pursuant to applicable security plans; authorizing water management districts with structures or facilities that are not identified as critical infrastructure by the Regional Security Task Force to conduct fingerprint-based criminal history checks of current or prospective employees and other persons allowed regular access to restricted access areas pursuant to applicable security plans; requiring additional criminal history checks; requiring that fingerprints of applicants and employees be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for processing; providing for costs of criminal history checks to be paid by water management districts, other employing entities, or by the individuals checked; requiring that a water management district's security plan identify criminal history convictions or criminal history factors that disqualify applicants for employment and restricted area access; authorizing the use of such factors to disqualify certain employees; authorizing water management districts to establish procedures to appeal a denial of employment or access under certain circumstances; authorizing each water management district to grant temporary waivers to meet special or emergency needs of the water management district; providing offenses that disqualify a person from employment or access to a restricted access area; requiring that an individual remain free from subsequent convictions for 7 years before employment or authorized access to a restricted access area; authorizing each water management district to develop security plans; providing an effective date.

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

On motion by Rep. M. Davis, consideration of **HB 1593** was temporarily postponed under Rule 11.10.

HB 1681—A bill to be entitled An act relating to duties of agency inspectors general; amending s. 20.055, F.S.; providing that agency inspectors general rather than state agencies shall have certain powers and perform certain functions and duties relative to specified investigations; providing that agency inspectors general may access specified records, data, and information of a state agency and request information or assistance from a state agency or any federal, state, or local governmental entity; providing that agency inspectors general may compel the production by subpoena of specified information, data, and documentary evidence necessary in the performance of their functions; providing for the enforcement of specified subpoenas; providing that procedures other than subpoenas shall be used by agency inspectors general to obtain documents and information from state agencies; amending s. 112.3189, F.S.; providing requirements with respect to an employee designated by the head of a state agency to receive specified information under the Whistle-blower's Act; providing that an agency inspector general rather than an agency head shall perform specified functions relative to an investigation under the Whistle-blower's Act; amending s. 112.31895, F.S.; revising the time period during which the Florida Commission on Human Relations must review specified information and make a determination with respect to temporary reinstatement of an employee under the Whistle-blower's Act; providing an effective date.

The Committee on Judiciary recommended the following:

HB 1681 CS—A bill to be entitled An act relating to duties of agency inspectors general; amending s. 20.055, F.S.; providing that agency inspectors general rather than state agencies shall have certain powers and perform certain functions and duties relative to specified investigations; providing that agency inspectors general may access specified records, data, and information of a state agency and request information or assistance from a state agency or any federal, state, or local governmental entity; providing that agency inspectors general may compel the production by subpoena of specified information, data, and documentary evidence necessary in the performance of their functions; providing for the enforcement of specified subpoenas; providing that procedures other than subpoenas shall be used by agency inspectors general to obtain documents and information from state agencies; amending s. 112.3189, F.S.; providing requirements with respect to an employee designated by the head of a state agency to receive specified information under the Whistle-blower's Act; providing that an agency

inspector general rather than an agency head shall perform specified functions relative to an investigation under the Whistle-blower's Act; providing an effective date.

—was read the second time by title.

Representative Richardson offered the following:

(Amendment Bar Code: 047917)

Amendment 1 (with title amendment)—Remove lines 35-77 and insert:

(6) In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government. For these purposes, the Chief Inspector General and each state agency shall have the following functions, powers, and duties:

(a) To receive complaints and coordinate all activities of the agency as required by the Whistle-blower's Act pursuant to ss. 112.3187-112.31895.

(b) To receive and consider the complaints which do not meet the criteria for an investigation under the Whistle-blower's Act and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the inspector general deems appropriate.

(c) To report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.

(d) To conduct investigations and other inquiries free of actual or perceived impairment to the independence of the inspector general or the inspector general's office. This shall include freedom from any interference with investigations and timely access to records and other sources of information.

(e) To access any records, data, and other information of a state agency he or she deems necessary to carry out his or her duties pursuant to this section and to request such information or assistance as may be necessary from a state agency or from any federal, state, or local governmental entity.

(f) The Chief Inspector General may compel by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data necessary in the performance of the functions assigned by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate state court of competent jurisdiction. Provided, that procedures other than subpoenas shall be used by the Chief Inspector General to obtain documents and information from state agencies, employees of state agencies, former employees of state agencies who have filed a whistle-blower complaint pursuant to s. 112.31895, and immediate family members of current or former employees of state agencies who have filed a whistle-blower complaint pursuant to s. 112.31895.

(g)~~(e)~~ To submit in a timely fashion final reports on investigations conducted by the inspector general to the agency head, except for whistle-blower's investigations, which shall be conducted and reported pursuant to s. 112.3189.

Remove lines 8-22, and insert:

amending s. 20.055, F.S.; providing that the Chief Inspector General and each state agency shall have certain powers and perform certain functions and duties relative to specified investigations; providing that the Chief Inspector General and each state agency may access specified records, data, and information of a state agency and request information or assistance from a state agency or any federal, state, or local governmental entity; providing that the Chief Inspector General may compel the production by subpoena of specified information, documents, and other data necessary in the performance of assigned functions; providing for the enforcement of specified subpoenas; providing that procedures other than subpoenas shall be used by the Chief Inspector General to obtain documents and information from state agencies, employees of state agencies, former employees of state agencies who have filed a whistle-blower complaint, and immediate family members of current or former employees of state agencies who have filed a whistle-blower complaint; amending s. 112.3189, F.S.; providing

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

Representative Rivera offered the following:

(Amendment Bar Code: 958049)

Amendment 2 (with title amendment)—Remove lines 89-90 and insert:

agency, as defined in s. 216.011, shall, in consultation with the chief inspector general, designate an employee to receive

Remove lines 22-25 and insert:

from state agencies; amending s. 112.3189, F.S.; revising provisions with respect to the designation of an employee to receive specified information under the Whistle-blower's Act; providing that an agency

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

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

HB 1769 was taken up. On motion by Rep. Barreiro, the rules were waived and SB 1620 was substituted for HB 1769. Under Rule 5.13, the House bill was laid on the table.

SB 1620—A bill to be entitled An act relating to the sale and delivery of firearms; amending s. 790.065, F.S.; delaying, until October 1, 2009, the repeal of provisions requiring a criminal history record check by the Department of Law Enforcement prior to the sale or delivery of a firearm to a person other than a licensed importer, manufacturer, dealer, or collector; providing an effective date.

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

Session Vote Sequence: 1002

Speaker Byrd in the Chair.

Yeas—107

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

Nays—None

Votes after roll call:
Yeas—Bean, Bogdanoff, Detert, Homan, Jordan, Kilmer, Russell, Sansom, Sorensen, Stargel, Sullivan

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

HB 1791 was taken up. On motion by Rep. Johnson, the rules were waived and SB 1826 was substituted for HB 1791. Under Rule 5.13, the House bill was laid on the table.

SB 1826—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2004 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was read the second time by title.

Representative Ryan offered the following:

(Amendment Bar Code: 807929)

Amendment 1 (with title amendment)—On page 2, line(s) 8 and 9, remove: all of said lines,

and insert:
Section 2. (1) Notwithstanding the provisions of this act ,any provision of the Internal Revenue Code of 1986, as amended, which took effect on or before January 1, 2004, pursuant to the Job and Growth Tax Relief Reconciliation Act of 2003, shall not be included within the meaning of the term "Internal Revenue Code," as defined in s. 220.03, Florida Statutes.
(2) The Department of Revenue shall adopt rules to implement the provisions of this section.
Section 3. This act shall take effect upon becoming a law and shall operate retroactively to January 1, 2004.

On page 1, lines 5 and 6,
remove: all of said lines,

and insert:
Revenue Code; specifying nonapplication of certain provisions of the Internal Revenue Code under the Florida Income Tax Code for certain purposes; requiring the Department of Revenue to adopt certain rules; providing for retroactive operation; providing an effective date.

Rep. Ryan moved the adoption of the amendment.

Representative Ryan offered the following:

(Amendment Bar Code: 195517)

Amendment 1 to Amendment 1 (with title amendments)—Remove line(s) 8-13, and insert:
Section 2. (1) Notwithstanding the provisions of this act, any provision of the Internal Revenue Code of 1986, as amended, which took effect on or before January 1, 2004, pursuant to the Job and Growth Tax Relief Reconciliation Act of 2003, shall not be included within the meaning of the term "Internal Revenue Code," as defined in s. 220.03(1)(n), Florida Statutes.
(2) The Department of Revenue shall adopt rules to implement the provisions of this section.
Section 3. The sum of $124,800,000, available as a result of nonpapplication of the provisions of the Job and Growth Tax Relief Reconciliation Act of 2003 under the Florida Income Tax Code pursuant to section 2, is appropriated from the General Revenue Fund as follows: $55.8 million to the Agency for Health Care Administration to fund projected growth in the KidCare program for fiscal year 2004-2005; $10 million to provide for eligibility under the KidCare program to legal immigrants and children of state employees; $31 million to avoid an increase in tuition at community colleges; $21 million to avoid increases in in-state tuition at state universities; and $6.5 million to restore the state portion of Medicaid coverage for adult hearing and vision; and $500,000 in additional funding for the FarmShare program.

Remove line(s) 27 and insert:
certain rules; providing an appropriation; providing for allocation of the appropriation; providing for retroactive operation; providing an

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

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

Session Vote Sequence: 1003

Speaker Byrd in the Chair.

Yeas—37

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

Nays—81

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

Votes after roll call:
Yeas—Brandenburg

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

HB 1891—A bill to be entitled An act relating to procurement of real property leases by state agencies; amending s. 255.248, F.S.; revising and providing definitions; limiting scope of certain provisions; amending s. 255.249, F.S.; removing a requirement regarding certain agencies planning to terminate a lease; providing that the Department of Management Services, rather than agencies acting on their own behalf, shall lease space for agencies; providing for the use of a real estate broker by the department; limiting scope of provisions to certain departments; providing for moving of agencies into vacated spaces; providing conditions under which an agency may reject a

proposed move; providing for competitive solicitation of leases; providing bid procedures; providing conditions for space allocation; requiring adoption of a quality standard; amending s. 255.25, F.S.; providing criteria for agencies to monitor market conditions and initiate negotiations; removing a requirement that the Department of Management Services act as a mediator; authorizing the department to negotiate to procure new leases for the colocation of agencies; providing conditions for lease procurement; changing the requirement for competitive bidding for leases of real property for agencies to a requirement for competitive solicitation; requiring a business case analysis for extension of a lease; increasing the bond requirement for protests of a lease solicitation; moving requirements for review by the State Fire Marshal; moving requirements for a floodplain analysis; removing an exception regarding specialized educational facilities; amending s. 255.25001, F.S.; providing competitive bidding as competitive procurement; amending s. 255.2501, F.S.; conforming language; amending s. 255.45, F.S.; requiring the Department of Management Services to review certain construction plans for firesafety and flood plain management compliance; amending s. 255.503, F.S.; providing that the department may engage consultants to advise the department regarding management or disposition of properties in the Florida Facilities Pool; reenacting s. 633.085, F.S., relating to the firesafety in state office buildings, to incorporate the amendment to s. 255.45, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Representative Benson offered the following:

(Amendment Bar Code: 360737)

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

Section 1. Subsections (2), (3), and (4) of section 255.249, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

255.249 Department of Management Services; responsibility; department rules.--

(2)(a) The department shall have the responsibility and authority to procure and manage all leases of privately owned buildings on behalf of any executive agency, except as set forth in s. 255.248. All cost savings resulting from leases negotiated or renegotiated by the department shall be deposited in escrow for tenant improvements to the leased space or deposited in the General Revenue Fund. ~~require any state agency planning to terminate a lease for the purpose of occupying space in a new state-owned office building, the funds for which are appropriated after June 30, 2000, to state why the proposed relocation is in the best interest of the state~~.

(b) Information on the costs and benefits of any lease that has been negotiated or renegotiated by the department shall be provided to the chair and vice chair of the Legislative Budget Commission if the annualized cost of the new or renegotiated lease is in excess of $1 million and if it represents a greater than 10 percent change in the annualized cost of the department's or other executive agency's original lease. The head of the department or an executive agency that provides information under this subparagraph may be requested to make a presentation at a future Legislative Budget Commission meeting.

(c) This subsection does not apply to the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services unless the cabinet officer requests that the department perform the service, or part thereof, for the cabinet officer's agency.

(3) The department may assign one or more agencies to move into space vacated by another executive agency. The executive agency that requested space may reject the department's transfer of the executive agency into the vacated space based on excessive cost, unfavorable lease terms or conditions, negative impact on employee productivity, security concerns, poor location, poor building quality, insufficient parking, excessive moving costs, or difficult access for persons served by the executive agency. In order to reject the transfer, the agency head of the executive agency must state in writing the specific reason or reasons for rejecting the vacated space ~~shall, to the extent feasible, coordinate the vacation of privately owned leased space with the expiration of the lease on that space and, when a lease is terminated before expiration of its base term, will make a reasonable effort to place another state agency in the space vacated. Any state agency may lease the space in any building that was subject to a lease terminated by a state agency for a period of time equal to the remainder of the base term without the requirement of competitive bidding~~.

(4) The department shall promulgate rules ~~pursuant to chapter 120~~ providing:

(a) Methods for accomplishing the duties outlined in subsections ~~subsection~~ (1), (2), and (3).

(b) Procedures requiring the competitive solicitation of, and procedures for, evaluating and accepting responses to competitive solicitations ~~for soliciting and accepting competitive proposals~~ for, leased space ~~of 5,000 square feet or more~~ in privately owned buildings, ~~, for evaluating the proposals received, for exemption from competitive bidding requirements of any~~ However, a lease the purpose of which is to provide ~~the provision of~~ care and living space for persons, or a lease for emergency space needs as provided in s. 255.25(6), is exempt from the competitive solicitation requirement ~~255.25(10), and for the securing of at least three documented quotes for a lease that is not required to be competitively bid~~. The procedures may be simplified for a solicitation of less than 5,000 square feet.

(c) Adoption of a standard method for determining square footage or any other measurement used as the basis for lease payments, ~~or~~ other charges.

(d) Methods of allocating space in both state-owned office buildings and privately owned buildings leased by the state based on use, personnel, and office equipment

(e) Acceptable terms and conditions for inclusion in lease agreements.

(f) Maximum rental rates, by geographic areas or by county, for leasing privately owned space.

(g) A standard method for the assessment of rent to state agencies and other authorized occupants of state-owned ~~office~~ space, notwithstanding the source of funds.

(h) For full disclosure of the names and the extent of interest of the owners holding a 4-percent or more interest in any privately owned property leased to the state or in the entity holding title to the property, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(i) For full disclosure of the names of all public officials, agents, or employees holding any interest in any privately owned property leased to the state or in the entity holding title to the property, and the nature and extent of their interest, for exemption from such disclosure of any beneficial interest which is represented by stock in any corporation registered with the Securities and Exchange Commission or registered pursuant to chapter 517, which stock is for sale to the general public, and for exemption from such disclosure of any leasehold interest in property located outside the territorial boundaries of the United States.

(j) A method for reporting leases for nominal or no consideration.

(k) Adoption of the Building Owners and Managers Association Metropolitan Base Building Classification, or equivalent, as a standard method for rating the quality of privately owned buildings. When practical, A or B class space according to Building Owners and Managers Association standards must be used ~~For a lease of less than 5,000 square feet, a method for certification by the agency head or the agency head's designated representative that all criteria for leasing have been fully complied with and for the filing of a copy of such lease and all supporting documents with the department for its review and approval as to technical sufficiency~~.

(6) On or before January 1, 2005, and annually thereafter, the Department of Management Services shall submit a report to the presiding officers of the Legislature which sets forth the department's enterprise plan for the next 5 years for the use of state-owned and state-leased space and for any acquisition, financing, refinancing, or disposition of state real property and improvements that the department is permitted by law to execute. If the department intends to deviate from the enterprise plan after submission of the annual report, the department must provide notice to the presiding officers of the Legislature at least 30 days prior to the execution of any deviation.

Section 2. Section 255.25, Florida Statutes, is amended to read:

255.25 Leasing ~~Approval required prior to construction or lease~~ of buildings.--

(1)(a) No state agency may lease space in a private building that is to be constructed for state use unless prior approval of the architectural design and

preliminary construction plans is first obtained from the department of Management Services.

(b) During the term of existing leases, each agency shall monitor market conditions and shall initiate negotiations for each lease held in the private sector to effect the best overall lease terms reasonably available to that agency. Amendments to leases may be permitted to modify any lease provisions or any other terms or conditions, except to the extent specifically prohibited by this chapter. The Department of Management Services shall serve as a mediator in lease renegotiations if the agency and the lessor are unable to reach a compromise within 6 months of renegotiation and if either the agency or lessor requests the Department of Management Services' intervention.

(c) When specifically authorized by the Appropriations Act and in accordance with s. 255.2501, if applicable, the department of Management Services may approve a lease-purchase, sale-leaseback, or tax-exempt leveraged lease contract or other financing technique for the acquisition, renovation, or construction of a state fixed capital outlay project when it is in the best interest of the state.

(d) The Department of Management Services in order to seek economies of scale and the opportunity to colocate executive agencies, may competitively negotiate to procure new leases, renegotiate existing leases, or otherwise consolidate existing leases into a large scale lease or leases covering one or more privately owned buildings. The department may promulgate rules establishing procedures to procure and manage large-scale and provide a method for allocating lease costs among executive agencies.

(2)(a) Except as provided in s. 255.2501, no state agency may lease ~~a~~ building or any part thereof unless prior approval of the lease conditions and of the need therefor is first obtained from the department of Management Services. Any approved lease may include an option to purchase or an option to renew the lease, or both, upon such terms and conditions as are established by the department subject to final approval by the head of the Department of Management Services and s. 255.2502.

(b) The Department of Management Services and an executive agency allowed to directly procure a ~~The approval of the Department of Management Services, except for technical sufficiency, need not be obtained for the~~ lease or an extension of a lease must comply ~~of less than 5,000 square feet of space within a privately owned building, provided the agency head or the agency head's designated representative has certified compliance~~ with applicable leasing criteria as may be provided pursuant to this section and s. 255.249~~(4)(k)~~ and shall determine that ~~has determined~~ such lease is ~~to be~~ in the best interest of the state. Such a lease which is for a term extending beyond the end of a fiscal year is subject to the provisions of ss. 216.311, 255.2502, and 255.2503.

(c) The Department of Management Services shall adopt as a rule uniform leasing procedures for use by each state agency other than the Department of Transportation. Each state agency shall ensure that the leasing practices of that agency are in substantial compliance with the uniform leasing rules adopted under this section and ss. 255.249, 255.2502, and 255.2503.

(3)(a) ~~Except as provided in subsection (10), no state agency shall enter into a lease as lessee for the use of 5,000 square feet or more of space in a privately owned building except upon advertisement for and receipt of competitive bids and award to the lowest and best bidder. The Department of Management Services shall have the authority to approve a lease for 5,000 square feet or more of space that covers more than 1 fiscal year, subject to the provisions of ss. 216.311, 255.2501, 255.2502, and 255.2503, if such lease is, in the judgment of the department, in the best interests of the state. This paragraph does not apply to buildings or facilities of any size leased for the purpose of providing care and living space for persons.~~

~~(b)~~ The Department of Management Services, or an executive agency that may procure its own space, may negotiate with the owner of a privately owned building to enter into an extension ~~approve extensions~~ of an existing lease ~~of 5,000 square feet or more~~ of space if such extension is ~~extensions are~~ determined to be in the best interests of the state, ~~, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs that space, it shall be procured by competitive bid in accordance with s. 255.249(4)(b). However, an agency that determines that it is in its best interest to remain in the space it currently occupies may negotiate a replacement lease with the lessor if an~~ When determining the best interests of the state, the department or agency must use an independent comparative market analysis to show ~~demonstrates~~ that the negotiated lease rate for the extension is ~~rates offered are~~ within market rates for comparable ~~the~~ space, that ~~and~~ the cost of the extension ~~new lease~~ does not exceed the cost of a comparable space ~~lease~~ plus documented moving costs, and that the space will adequately serve the public. A present-value analysis and the consumer price index shall be used in the calculation of lease costs. ~~The term of the replacement lease may not exceed the base term of the expiring lease.~~

(b)~~(c)~~ Any person who files an action protesting a decision or intended decision pertaining to a competitive bid for space to be leased by the agency pursuant to s. 120.57(3)(b) shall post with the state agency at the time of filing the formal written protest a bond payable to the agency in an amount equal to 1 percent of the estimated total rental of the basic lease period or $5,000, whichever is greater, which bond shall be conditioned upon the payment of all costs which may be adjudged against him or her in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. If the agency prevails after completion of the administrative hearing process and any appellate court proceedings, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him or her. If the person protesting the award prevails, the bond shall be returned to that person and he or she shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

(c)~~(d)~~ The agency and the lessor, when entering into a lease for 5,000 or more square feet of a privately owned building, shall, before the effective date of the lease, agree upon and separately state the cost of tenant improvements which may qualify for reimbursement if the lease is terminated before the expiration of its base term. The department shall serve as mediator if the agency and the lessor are unable to agree. The amount agreed upon and stated shall, if appropriated, be amortized over the original base term of the lease on a straight-line basis.

(d)~~(e)~~ The unamortized portion of tenant improvements, if appropriated, will be paid in equal monthly installments over the remaining term of the lease. If any portion of the original leased premises is occupied after termination but during the original term by a tenant that does not require material changes to the premises, the repayment of the cost of tenant improvements applicable to the occupied but unchanged portion shall be abated during occupancy. The portion of the repayment to be abated shall be based on the ratio of leased space to unleased space.

(4)(a) The department of Management Services shall not authorize any state agency to enter into a lease agreement for space in a privately owned building when suitable space is available in a state-owned building located in the same geographic region, except upon presentation to the department of sufficient written justification, acceptable to the department, that a separate space is required in order to fulfill the statutory duties of the agency making such request. The term "state-owned building" as used in this subsection means any state-owned facility regardless of use or control.

(b) State agencies shall cooperate with local governmental units by using suitable, existing publicly owned facilities, subject to the provisions of ss. 255.2501, 255.2502, and 255.2503. Agencies may utilize unexpended funds appropriated for lease payments to~~:~~

1. Pay their proportion of operating costs.

2. Renovate applicable spaces.

(5) Before construction or renovation of any state-owned building or state-leased space is commenced, the Department of Management Services shall ascertain, by submission of proposed plans to the Division of State Fire Marshal for review, that the proposed construction or renovation plan complies with the uniform firesafety standards required by the Division of State Fire Marshal. The review of construction or renovation plans for state-leased space shall be completed within 10 calendar days of receipt of the plans by the Division of State Fire Marshal. The review of construction or renovation plans for a state-owned building shall be completed within 30 calendar days of receipt of the plans by the Division of State Fire Marshal. The responsibility for submission and retrieval of the plans called for in this subsection shall not be imposed on the design architect or engineer, but shall be the responsibility of the two agencies. Whenever the Division of State Fire Marshal determines that a construction or renovation plan is not in compliance with such uniform firesafety standards, the Division of State Fire Marshal may issue an order to cease all construction or renovation activities until compliance is obtained, except those activities required to achieve such compliance. The Department of Management Services shall withhold

approval of any proposed lease until the construction or renovation plan complies with the uniform firesafety standards of the Division of State Fire Marshal. The cost of all modifications or renovations made for the purpose of bringing leased property into compliance with the uniform firesafety standards shall be borne by the lessor.

(6) Before construction or substantial improvement of any state-owned building is commenced, the Department of Management Services must ascertain that the proposed construction or substantial improvement complies with the flood plain management criteria for mitigation of flood hazards, as prescribed in the October 1, 1986, rules and regulations of the Federal Emergency Management Agency, and the department shall monitor the project to assure compliance with the criteria. In accordance with chapter 120, the Department of Management Services shall adopt any necessary rules to ensure that all such proposed state construction and substantial improvement of state buildings in designated flood-prone areas complies with the flood plain management criteria. Whenever the department determines that a construction or substantial improvement project is not in compliance with the established flood plain management criteria, the department may issue an order to cease all construction or improvement activities until compliance is obtained, except those activities required to achieve such compliance.

(7) This section does not apply to any lease having a term of less than 120 consecutive days for the purpose of securing the one-time special use of the leased property. This section does not apply to any lease for nominal or no consideration.

(8) No executive agency may ~~shall enter into more than one~~ lease ~~for~~ space in a ~~the same~~ privately owned building if such building was in the Florida Facilities Pool at any time in the 3 years prior to the commencement of the lease ~~facility or complex within any 12 month period except upon the solicitation of competitive bids~~.

(9) Specialized educational facilities, excluding classrooms, shall be exempt from the competitive bid requirements for leasing pursuant to this section if the executive head of any state agency certifies in writing that said facility is available from a single source and that the competitive bid requirements would be detrimental to the state. Such certification shall include documentation of evidence of steps taken to determine sole-source status.

(10) The Department of Management Services may approve emergency acquisition of space without competitive bids if existing state-owned or state-leased space is destroyed or rendered uninhabitable by an act of God, fire, malicious destruction, or structural failure, or by legal action, if the chief administrator of the state agency or the chief administrator's designated representative certifies in writing that no other agency-controlled space is available to meet this emergency need, but in no case shall the lease for such space exceed 11 months. If the lessor elects not to replace or renovate the destroyed or uninhabitable facility, the agency shall procure the needed space by competitive bid in accordance with s. 255.249(4)(b). If the lessor elects to replace or renovate the destroyed or uninhabitable facility and the construction or renovations will not be complete at the end of the 11-month lease, the agency may modify the lease to extend it on a month-to-month basis for an additional 6 months to allow completion of such construction or renovations.

(11) In any leasing of space that is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, in the evaluation, and in the award processes shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

Section 3. Section 270.27, Florida Statutes, is repealed.

Section 4. Section 215.3215, Florida Statutes, is created to read:

215.3215 Charges by agencies or contractors.--Specific statutory authority authorizing the maximum amount of a fee, tax, or other charge shall be required for an agency, as defined in s. 287.012(1), or contractor with such agency to levy or impose upon a person who is not a party to the contract a fee, tax, or other charge which funds the contract or provides payment to the contractor, regardless of whether the levy or imposition is direct or indirect or is mandatory or optional.

Section 5. Subsections (17) and (23) of section 287.057, Florida Statutes, are amended, and a new subsection (25) is added to said section, to read:

287.057 Procurement of commodities or contractual services.--

(17) For a contract in excess of the threshold amount provided in s. 287.017 for CATEGORY FOUR, the agency head shall appoint:

(a) At least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought.

(b) At least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. As of January 1, 2005, when the contract is in excess of $1 million, at least one of the persons conducting negotiations must be a certified negotiator as established by the department. The department shall, by rule, establish the experience, knowledge, and training required to be a certified negotiator.

(23)(a) The department, in consultation with the Chief Financial Officer ~~State Technology Office and the Comptroller~~, shall develop a program for on-line procurement of commodities and contractual services. To enable the state to promote open competition and to leverage its buying power, agencies shall participate in the on-line procurement program, and eligible users and cabinet agencies may participate in the program. ~~Only vendors prequalified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement.~~ The department~~, in consultation with the State Technology Office,~~ may contract for equipment and services necessary to develop and implement on-line procurement.

(b) The department, in consultation with the State Technology Office, shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to administer the program for on-line procurement. The rules shall include, but not be limited to:

1. Determining the requirements and qualification criteria for prequalifying vendors.

2. Establishing the procedures for conducting on-line procurement.

3. Establishing the criteria for eligible commodities and contractual services.

4. Establishing the procedures for providing access to on-line procurement.

5. Determining the criteria warranting any exceptions to participation in the on-line procurement program.

(c) The department may collect fees for the use of the on-line procurement program ~~systems~~. Purchase of commodities and contractual services from vendors that are registered with the on-line procurement program may be considered use of the program. The fees may be imposed on an individual transaction basis or as a fixed percentage of the cost savings generated. At a minimum, the fees must be set in an amount sufficient to cover the projected costs of such services, including administrative and project service costs in accordance with the policies of the department; however, fees imposed on an individual transaction basis may not exceed 1 percent of the transaction amount. ~~For the purposes of compensating the provider, the department may authorize the provider to collect and retain a portion of the fees. The providers may withhold the portion retained from the amount of fees to be remitted to the department. The department may negotiate the retainage as a percentage of such fees charged to users, as a flat amount, or as any other method the department deems feasible.~~ All fees and surcharges collected under this paragraph shall be collected by the department and deposited in the Grants and Donation Trust Fund as provided by law.

(25)(a) Legal authority is required for contractual services procurements with a cost greater than $10 million over the contract term which shift functions or responsibilities from agency staff to the private sector where the agency remains accountable while the private sector entity performs the function or responsibility. At least 60 days prior to the Legislative session, if the agency seeks authority by law to procure such contractual services, or 30 days prior to issuing a solicitation, if the agency has legal authority to procure such contractual services, upon issuance of a solicitation, and upon execution of a contract, the agency shall provide to the President of the Senate and the Speaker of the House of Representatives current cost-benefit analyses, business case analyses, plans for contract management, proposed performance contracting procedures, detailed service comparisons, and information about impacts to approved performance standards regarding the proposed procurement. The contract for such procurement shall include at a minimum a detailed scope of work specifying services and deliverables; specific payment terms, including incentive and penalty provisions; implementation schedules; required performance measures; provisions for the transfer of the function or responsibility if the contractor ceases to perform; and requirements for access to public records consistent with law. The department shall maintain a database containing, for procurements subject to this subsection, the agency name, the name and description of the contractual service procured, and the

names of the prime contractor and any subcontractors; projected and actual completion dates by project phase; a description of performance measures contained in the contract, projected performance, and actual performance; and projected costs and revenues, as applicable, and actual costs and revenues.

(b) This subsection shall not apply to any procurement for which a contract was executed prior to July 1, 1994, for contractual services substantially similar in nature and purpose to those to be procured in the proposed contract.

Section 6. Effective October 1, 2004, there is hereby appropriated from the Grants and Donation Trust Fund in the Department of Management Services $5,000,000 in the Special Categories Contractual Services for the purpose of transferring funds to the on-line procurement program contractor, in accordance with s. 287.057, Florida Statutes.

Section 7. The amendment to section 287.057(23)(c), Florida Statutes, which removes authority for the provider to collect and retain fees and require the department to collect the fees, shall take effect October 1, 2004.

Section 8. Except as otherwise provided herein, this act shall take effect July 1, 2004.

Remove the entire title and insert:
An act relating to the Department of Management Services; amending s. 255.249, F.S.; removing a requirement regarding certain agencies planning to terminate a lease; providing that the Department of Management Services, rather than agencies acting on their own behalf, shall lease space for agencies; limiting scope of provisions to certain departments; providing for moving of agencies into vacated spaces; providing conditions under which an agency may reject a proposed move; providing for competitive solicitation of leases; providing bid procedures; providing conditions for space allocation; requiring adoption of a quality standard; amending s. 255.25, F.S.; providing criteria for agencies to monitor market conditions and initiate negotiations; authorizing the department to negotiate to procure new leases for the colocation of agencies; providing conditions for lease procurement; changing the requirement for competitive bidding for leases of real property for agencies to a requirement for competitive solicitation; requiring a business case analysis for extension of a lease; providing that state agencies may not lease a privately owned building if such building was in the Florida Facilities Pool in the previous 3 years; repealing s. 270.27, F.S., relating to the sale of unused public lands; creating s. 215.3215,F.S.; authorizing agencies or contractors to levy or impose on certain noncontract parties certain fees, taxes, or charges only if authorized by law; amending s. 287.057, F.S.; requiring certified negotiators for certain procurements; revising provisions relating to on-line procurement programs; prohibiting agencies from procuring certain contractual services except as provided by law; requiring agencies to provide information to the Legislature regarding such procurements; requiring certain contract provisions for such procurements; requiring the department to establish a database; providing exceptions; providing an appropriation; providing effective dates.

Rep. Benson moved the adoption of the amendment.

Representative Ausley offered the following:

(Amendment Bar Code: 261855)

Amendment 1 to Amendment 1 (with directory and title amendments)—Between lines 131 and 132, insert:

(7) The department shall coordinate with local governments and with the appropriate economic development organization in the capitol area in regards to the strategic planning for the management of state owned facilities.

Remove line 6, and insert:
255.249, Florida Statutes, are amended, and subsections (6) and (7) are

Remove line 518 and insert:
adoption of a quality standard; requiring the department to coordinate strategic planning regarding state owned facilities with local governments; amending s. 255.25, F.S.;

Rep. Ausley 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.

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

HB 1913—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising authorized purposes of charter schools; providing for appeals under certain circumstances; providing for reversion of capital outlay funds to the Department of Education under certain circumstances; providing for designation as one charter school of schools in a charter school feeder pattern under certain circumstances; revising provisions relating to facility compliance with building construction standards; clarifying Florida Building Code and Florida Fire Prevention Code compliance requirements for charter schools; clarifying jurisdiction for inspections; providing an exemption from assessment of certain fees; providing for use of educational impact fees; requiring an agreement relating to allocation and use of impact fees; requiring a charter school sponsor to provide additional services; prohibiting certain fees or surcharges for certain services; revising provisions relating to contracts for goods and services; requiring a study of transportation issues by the department; amending s. 1002.32, F.S.; correcting the name of a charter lab school; revising provisions relating to the allocation of lab school funds from the Florida Education Finance Program; providing for severability; providing an effective date.

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

HB 1971—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating "paper ballot" as "marksense ballot"; defining the term "early voting"; redefining the term "voting system"; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications and revising who may reproduce such applications; amending s. 99.061, F.S.; revising references relating to obtaining ballot position; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote; amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.015, F.S.; requiring supervisors of elections to include written procedures for early voting in their accuracy and security procedures and to submit any revisions to those security procedures within a specified period before early voting commences; amending s. 101.031, F.S.; revising requirements regarding the furnishing of instructions for electors; amending ss. 101.048 and 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; revising a reference; amending s. 101.131, F.S.; authorizing political parties to have a certain number of at-large poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of constitutional amendments to be provided in poster or booklet form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; amending s. 101.294, F.S.; prohibiting governing bodies from deploying uncertified voting equipment; prohibiting vendors of voting equipment from providing uncertified voting systems or their components or upgrades; requiring vendors of voting equipment to provide certifications that voting systems or their components or upgrades have been certified; amending s. 101.295, F.S.; providing penalties for providing voting systems or their components or upgrades in violation of law; amending s. 101.5606, F.S.; conforming terminology; providing an additional requirement for voting systems; amending s. 101.5608, F.S.; conforming terminology; amending s. 101.5612, F.S.; providing for testing of tabulating equipment prior to commencement of early voting and notice thereof; amending s. 101.5613, F.S.; specifying person responsible for examination of equipment for purposes of early voting; amending s. 101.595, F.S.; revising duties of the supervisor of elections with respect to reporting undervotes and overvotes; amending s. 101.6103, F.S.; allowing the canvassing of mail ballots to begin at 7 a.m. on the fourth day before the election; prohibiting the release of results prior to 7 p.m. on the day of the election; providing penalties; amending s. 101.62, F.S.;

deleting a provision relating to the duty of supervisors of elections with respect to requests for absentee ballots from overseas voters received after the Friday before the election; revising requirements for the mailing of absentee and advance absentee ballots; correcting a reference; amending s. 101.64, F.S.; revising the Voter's Certificate for absent electors to remove the requirement of an attesting witness; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.65, F.S.; revising the instructions to absent electors to remove the requirement of an attesting witness; amending s. 101.657, F.S.; authorizing and providing requirements for early voting; providing for designation of certain facilities as early voting sites; amending s. 101.68, F.S.; removing the requirement of the signature of an attesting witness for an absentee ballot to be considered legal; amending s. 101.6921, F.S.; revising the instructions for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.6923, F.S.; providing that the special absentee ballot instructions for certain first-time voters shall be substantially in a specified form; revising the Voter's Certificate for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.694, F.S.; revising specifications for absentee envelopes printed for overseas voters; amending s. 101.6952, F.S., relating to absentee ballots received from overseas voters, to conform; amending s. 101.697, F.S.; requiring the Department of State to determine the security of electronic transmissions of certain election materials prior to rule adoption; amending s. 102.012, F.S.; providing for a single election board for each precinct; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for test of the tabulating equipment at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable and proper parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for the office of school board member from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as a candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term "eliminated candidate"; amending s. 106.021, F.S.; providing exceptions to a prohibition against making certain contributions or expenditures in connection with a campaign or activities of a political committee; authorizing reimbursement of expenses incurred in connection with a campaign or activities of a political committee; requiring disclosure of the names and addresses of persons reimbursed from a campaign account; providing for retroactive operation; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not in and of itself create a presumption that a violation of ch. 106 or ch. 104, F.S., is a willful violation; amending s. 106.04, F.S.; reducing the fine for late filing of campaign finance reports by committees of continuous existence for the first 3 days; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; revising requirements for filing campaign reports; revising requirements with respect to timely filing of mailed reports; requiring the reporting of the primary purposes of certain expenditures made indirectly through a campaign treasurer for certain goods and services; expanding grounds for appealing or disputing a fine; requiring the Florida Elections Commission to consider mitigating and aggravating circumstances in determining the amount of a fine, if any, to be waived for late-filed reports; providing for deposit of certain fine proceeds into the General Revenue Fund; limiting investigation of alleged late filing violations; providing for electronic filing of reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; providing penalties; amending s. 106.075, F.S.; revising requirements with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from their campaign accounts to obtain endorsements; providing penalties; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to independent expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.141, F.S.; providing for deposit into the General Revenue Fund of reimbursed election assessments; amending s. 106.25, F.S.; requiring sworn complaints to be based upon personal knowledge or independent research of the complainant; restricting the alleged violations the commission may investigate to those specifically contained within a sworn complaint; providing restrictions on subsequent complaints based on the same facts or allegations as a prior complaint; authorizing respondents and complainants and their counsels to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying bases for determining probable cause; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; providing that the proceeds of funds assessed against political parties for the late filing of reports shall be deposited into the General Revenue Fund; providing for determination of fine for electronically filed reports; amending s. 191.005, F.S.; requiring certain candidates for commissioner of an independent special fire control district to conduct their campaigns in accordance with ch. 106, F.S.; providing an exception; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; requiring voting systems to meet certain requirements by a date certain; amending s. 22, ch. 2002-281, Laws of Florida; revising effective dates applicable to provisions in such law; repealing s. 98.181, F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of election boards; repealing s. 106.085, F.S., relating to independent expenditure notice requirements; repealing s. 106.144, F.S., relating to filing of statements by certain groups and organizations intending to make or making political advertisements endorsing or opposing candidates or issues; providing applicability of changes to provisions of ch. 106, F.S., to pending and future cases before the Florida Elections Commission; providing effective dates.

—was read the second time by title.

Further consideration of **HB 1971** was temporarily postponed under Rule 11.10.

Consideration of **HB 1973** was temporarily postponed under Rule 11.10.

Consideration of **HB 1977** was temporarily postponed under Rule 11.10.

Consideration of **HB 1993** was temporarily postponed under Rule 11.10.

Consideration of **HB 2003** was temporarily postponed under Rule 11.10.

Recessed

The House stood in informal recess at 7:02 p.m., to reconvene upon the call of the Chair.

Reconvened

The House was called to order by the Speaker at 7:15 p.m. A quorum was present [Session Vote Sequence: 1004].

Special Orders

Second Reading

HB 1971—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating "paper ballot" as "marksense ballot"; defining the term "early voting"; redefining the term "voting system"; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications and revising who may reproduce such applications; amending s. 99.061, F.S.; revising references relating to obtaining ballot position; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote;

amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.015, F.S.; requiring supervisors of elections to include written procedures for early voting in their accuracy and security procedures and to submit any revisions to those security procedures within a specified period before early voting commences; amending s. 101.031, F.S.; revising requirements regarding the furnishing of instructions for electors; amending ss. 101.048 and 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; revising a reference; amending s. 101.131, F.S.; authorizing political parties to have a certain number of at-large poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of constitutional amendments to be provided in poster or booklet form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; 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amending s. 101.6103, F.S.; allowing the canvassing of mail ballots to begin at 7 a.m. on the fourth day before the election; prohibiting the release of results prior to 7 p.m. on the day of the election; providing penalties; amending s. 101.62, F.S.; deleting a provision relating to the duty of supervisors of elections with respect to requests for absentee ballots from overseas voters received after the Friday before the election; revising requirements for the mailing of absentee and advance absentee ballots; correcting a reference; amending s. 101.64, F.S.; revising the Voter's Certificate for absent electors to remove the requirement of an attesting witness; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.65, F.S.; revising the instructions to absent electors to remove the requirement of an attesting witness; amending s. 101.657, F.S.; authorizing and providing requirements for early voting; providing for designation of certain facilities as early voting sites; amending s. 101.68, F.S.; removing the requirement of the signature of an attesting witness for an absentee ballot to be considered legal; amending s. 101.6921, F.S.; revising the instructions for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.6923, F.S.; providing that the special absentee ballot instructions for certain first-time voters shall be substantially in a specified form; revising the Voter's Certificate for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.694, F.S.; revising specifications for absentee envelopes printed for overseas voters; amending s. 101.6952, F.S., relating to absentee ballots received from overseas voters, to conform; amending s. 101.697, F.S.; requiring the Department of State to determine the security of electronic transmissions of certain election materials prior to rule adoption; amending s. 102.012, F.S.; providing for a single election board for each precinct; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for test of the tabulating equipment at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable and proper parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for the office of school board member from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as a candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term "eliminated candidate"; amending s. 106.021, F.S.; providing exceptions to a prohibition against making certain contributions or expenditures in connection with a campaign or activities of a political committee; authorizing reimbursement of expenses incurred in connection with a campaign or activities of a political committee; requiring disclosure of the names and addresses of persons reimbursed from a campaign account; providing for retroactive operation; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not in and of itself create a presumption that a violation of ch. 106 or ch. 104, F.S., is a willful violation; amending s. 106.04, F.S.; reducing the fine for late filing of campaign finance reports by committees of continuous existence for the first 3 days; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; revising requirements for filing campaign reports; revising requirements with respect to timely filing of mailed reports; requiring the reporting of the primary purposes of certain expenditures made indirectly through a campaign treasurer for certain goods and services; expanding grounds for appealing or disputing a fine; requiring the Florida Elections Commission to consider mitigating and aggravating circumstances in determining the amount of a fine, if any, to be waived for late-filed reports; providing for deposit of certain fine proceeds into the General Revenue Fund; limiting investigation of alleged late filing violations; providing for electronic filing of reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; providing penalties; amending s. 106.075, F.S.; revising requirements with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from their campaign accounts to obtain endorsements; providing penalties; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to independent expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.141, F.S.; providing for deposit into the General Revenue Fund of reimbursed election assessments; amending s. 106.25, F.S.; requiring sworn complaints to be based upon personal knowledge or independent research of the complainant; restricting the alleged violations the commission may investigate to those specifically contained within a sworn complaint; providing restrictions on subsequent complaints based on the same facts or allegations as a prior complaint; authorizing respondents and complainants and their counsels to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying bases for determining probable cause; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; providing that the proceeds of funds assessed against political parties for the late filing of reports shall be deposited into the General Revenue Fund; providing for determination of fine for electronically filed reports; amending s. 191.005, F.S.; requiring certain candidates for commissioner of an independent special fire control district to conduct their campaigns in accordance with ch. 106, F.S.; providing an exception; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; requiring voting systems to meet certain requirements by a date certain; amending s. 22, ch. 2002-281, Laws of Florida; revising effective dates applicable to provisions in such law; repealing s. 98.181, F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of election boards; repealing s. 106.085, F.S., relating to independent expenditure notice requirements; repealing s. 106.144, F.S., relating to filing of statements by certain groups and organizations intending to make or making political advertisements endorsing or opposing candidates or issues; providing applicability of changes to provisions of ch. 106, F.S., to pending and future cases before the Florida Elections Commission; providing effective dates.

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

Representative Gannon offered the following:

(Amendment Bar Code: 275429)

Amendment 1 (with title amendment)—Remove line(s) 747-760 and insert:

Section 19. Effective January 1, 2006, subsections (4) and (13) of section 101.5606, Florida Statutes, are amended, and subsections (16) and (17) are added to said section, to read:

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that:

(4) For systems using marksense ~~paper~~ ballots, it accepts a rejected ballot pursuant to subsection (3) if a voter chooses to cast the ballot, but records no vote for any office that has been overvoted or undervoted.

(13) It is capable of producing a voter-verified paper record ~~providing records~~ from which the operation of the voting system may be audited that meets the following requirements:~~.~~

(a) The voting system shall produce a permanent paper record, which shall be made available for inspection and verification by the voter at the time the vote is cast and which shall be maintained and preserved by the supervisor of elections in the manner in which all other paper ballots are preserved by the supervisor for later use in any manual audit or recount.

(b) The voting system shall provide the voter with an opportunity to correct any error made by the system before the permanent record is preserved for use in any manual audit or recount.

(c) The voter-verified paper record shall be the official record used for any recount conducted with respect to any election in which the system is used.

(d) The voter-verified paper record shall not be produced on thermal paper.

(16) It cannot at any time contain or use undisclosed software or does not contain any wireless communication device.

(17) All electronic voter interface devices are capable of allowing voters to cast both regular and provisional ballots while allowing the elections administrator to preserve the secrecy of ballots.

Remove line(s) 46 and 47 and insert:
conforming terminology; providing additional requirements for voting systems; amending s. 101.5608,

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

Rep. Harrington moved that the rules be waived and two late-filed amendments be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1971** was temporarily postponed under Rule 11.10.

HB 1977 was taken up. On motion by Rep. Murman, the rules were waived and SB 1962 was substituted for HB 1977. Under Rule 5.13, the House bill was laid on the table.

SB 1962—A bill to be entitled An act relating to human trafficking; creating s. 787.05, F.S.; specifying elements of the offense of unlawfully obtaining labor or services; providing criminal penalties; creating s. 787.06, F.S.; providing definitions; specifying elements of the offense of human trafficking; providing criminal penalties; providing applicability; creating s. 796.035, F.S.; providing that it is a felony of the first degree for a parent, legal guardian, or other person having custody or control of a minor to offer to, or to actually, sell or otherwise transfer custody or control of such minor, with knowledge that such sale or transfer will result in force, fraud, or coercion being used to cause the minor to engage in prostitution or otherwise participate in the trade of sex trafficking; providing criminal penalties; creating s. 796.045, F.S.; providing for the offense of sex trafficking; providing that it is a felony of the second degree to knowingly recruit, entice, harbor, transport, provide, or obtain a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution; providing that it is a felony of the first degree if sex trafficking involves a person under the age of 14 or results in death; providing criminal penalties; amending s. 895.02, F.S.; expanding the definition of racketeering activity to include the offenses created herein; reenacting ss. 16.56(1)(a), 27.34(1), 655.50(3)(g), 896.101(2)(g), and 905.34(3), F.S., which relate to the authority of the Office of Statewide Prosecution to investigate and prosecute certain offenses, the contribution of funds by counties and municipalities towards salaries of assistant state attorneys, the Florida Control of Money Laundering in Financial Institutions Act, the Florida Money Laundering Act, and the subject matter jurisdiction of the statewide grand jury, respectively, to incorporate the amendment to s. 895.02, F.S., in references thereto; providing applicability; providing an effective date.

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

HB 2003 was taken up. On motion by Rep. Russell, the rules were waived and CS for SB 2572 was substituted for HB 2003. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2572—A bill to be entitled An act relating to airport zoning; amending s. 333.03, F.S.; providing exceptions from certain airport zoning prohibitions for the placement of educational facilities in certain counties; amending s. 1013.36, F.S., to conform; providing an effective date.

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

HB 1993 was taken up. On motion by Rep. Johnson, the rules were waived and CS for SB 2444 was substituted for HB 1993. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2444—A bill to be entitled An act relating to property tax; amending s. 194.011, F.S.; revising requirements for petitioners and property appraisers with respect to providing evidence lists and documentation for proceedings of the value adjustment board; amending s. 194.032, F.S.; requiring that a petitioner be notified earlier of a scheduled appearance before the value adjustment board; amending s. 195.062, F.S.; authorizing the Department of Revenue to provide additional information in its update of the manual of instructions for property appraisers and other officials; repealing s. 373.516, F.S., relating to the assessment of rights-of-way of railroads and other public service corporations; creating s. 689.261, F.S.; requiring a seller to give notice to the prospective purchaser of homestead property concerning ad valorem taxes on the property; specifying the form of notice; creating s. 193.017, F.S.; providing for assessment of property used for affordable housing and subject to a low-income housing tax credit; amending s. 194.181, F.S.; authorizing a person other than the taxpayer to contest the assessment of any tax; designating the tax collector as the defendant with respect to questions relating to applications for tax deeds; amending s. 197.502, F.S.; providing for the escheatment of lands available for taxes; defining the term "contiguous" for purposes of ch. 197, F.S.; providing that submerged sovereignty lands are not contiguous for purposes of certain notice requirements; requiring that a search of official records for purposes of obtaining a tax deed be made by a direct and inverse search; authorizing the tax collector to contract for higher limits of liability than otherwise provided; amending s. 193.501, F.S.; clarifying a prohibition on the restriction of the normal use and maintenance of land that is subject to conservation restrictions; amending s. 1011.62, F.S.; prescribing the method by which the Department of Revenue is required to calculate the assessment level for purposes of equalizing the required local effort to fund the operation of schools; specifying that the provisions of the act apply to the assessment level for 2004 and after; ratifying any certification made under prior provisions of law; providing an effective date.

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

Bills and Joint Resolutions on Third Reading

HB 1193—A bill to be entitled An act relating to charter travel to terrorist states; creating s. 288.857, F.S.; creating the "Commerce With Terrorist States Act"; providing a popular name; providing legislative intent; providing definitions; providing for the levy of a security assessment on charter transportation for trips originating in this state and arriving in an identified terrorist state; providing for the rate of the assessment; providing requirements and procedures with respect thereto; requiring any university or community college within the State University System or the Florida Community College

System that organizes or directs the organization of a cultural or educational trip utilizing charter transportation to any terrorist state to provide the Department of Education with specified information; specifying exemptions to the act; providing for the adoption of rules; providing for the adoption of emergency rules; providing that emergency rules shall remain in effect for a specified period; providing severability; providing an effective date.

—was read the third time by title.

Representative Rivera offered the following:

(Amendment Bar Code: 652581)

Amendment 2—Remove lines 30-148 and insert:

(2) LEGISLATIVE INTENT.--The Legislature finds that there are increased safety concerns associated with transportation between this state and terrorist states and that travel to terrorist states raises issues related to security and to the prevention of and response to possible terrorist acts. The Legislature further finds that persons or entities who transport persons to terrorist states may directly impact the economic stability and public security of this state. Therefore, it is the intent of the Legislature to offset costs related to transportation to terrorist states that originates in this state. It is not the intent of the Legislature to impact the official business of government employees or the duties of any personnel of the United States Armed Services.

(3) DEFINITIONS.--As used in this section:

(a) "Terrorist state" means any state, country, or nation presently deemed a state sponsor of terrorism by the United States Department of State. For the purposes of this act, the Department of Revenue shall be charged with the duty of documenting those states or nations identified as state sponsors of terrorism by the United States Department of State, shall specify in rule those states or nations deemed state sponsors of terrorism by the United States Department of State, and shall annually update the list of states or nations designated as state sponsors of terrorism according to the most current list of state sponsors of terrorism compiled by the United States Department of State.

(b) "Assessable transaction or incident" means payment by a passenger for travel on a charter vessel.

(c) "Charter aircraft" means any form of aircraft hired for exclusive temporary use by a single traveler or group of travelers.

(d) "Charter transportation" means travel via charter aircraft or charter vessel when such aircraft or vessel is hired for exclusive temporary use by a single traveler or group of travelers.

(e) "Charter vessel" means any form of watercraft hired for exclusive temporary use by a single traveler or group of travelers.

(f) "Directly carries or transports" means to conduct a single continuous charter flight or charter vessel voyage that originates from any location in this state and arrives in a terrorist state identified pursuant to paragraph(a). For purposes of this definition, temporary stops of less than 8 hours shall not disqualify a charter flight or charter vessel voyage from being considered a continuous flight or voyage.

(4) SECURITY ASSESSMENT.--

(a) It is the intent of the Legislature that every person or entity who directly transports persons via charter aircraft or charter vessel from this state to a terrorist state is exercising an assessable privilege.

(b)1. For exercising such privilege, a security assessment is levied on charter aircraft on each takeoff at the rate of $100, irrespective of the charter aircraft size, plus an additional charge of $0.04 per pound of the aircraft's maximum takeoff weight as specified by the aircraft manufacturer. Each such charter company is charged with the responsibility of keeping adequate books and records that will establish chartered flights and destinations.

2. For charter vessels exercising such privilege, a security assessment is levied on each assessable transaction or incident, which assessment is due and payable at the rate of 10 percent on the total consideration received or to be received by any person for performing such service. Such security assessment shall be in addition to the total amount of the consideration for the service, shall be charged by the person receiving such consideration, and shall be payable by such person at the time he or she receives such consideration.

(c) Such person who or entity that directly transports persons via charter aircraft or vessel from this state to a terrorist state shall remit the assessment to the Department of Revenue in a manner prescribed by the department. The proceeds of the security assessment, less administrative costs, shall be transferred by the Department of Revenue into the State Homeland Security Trust Fund. For the purposes of this section, "proceeds of the security assessment" means all funds collected and received by the department hereunder, including interest and penalties on delinquent assessments. The amount deducted for the costs of administration must not exceed 3 percent of the total revenues collected hereunder and may include only those costs reasonably attributable to the assessment.

(d) This security assessment is in addition to other taxes or assessments, whether levied in the form of excise, license, or privilege taxes, and is in addition to all other fees and taxes levied.

(e) The Department of Revenue shall administer, collect, and enforce the security assessment authorized under this section pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under chapter 212, except as provided in this section. The provisions of chapter 212 regarding the authority to audit and make assessments, keeping of books and records, and interest and penalties on delinquent assessments apply. The assessment shall not be included in the computation of estimated taxes pursuant to s. 212.11, nor shall the dealer's credit for collecting taxes or fees in s. 212.12 apply to this assessment.

(5) MANDATORY TRAVEL INFORMATION.--Any university or community college within the State University System or the Florida Community College System that organizes or directs the organization of a cultural or educational trip utilizing charter transportation to any terrorist state shall provide the Department of Education, no later than 30 days after the completion of such trip, the following information:

(a) A report specifying:

1. The number of degree-seeking students and nondegree-seeking students participating in the trip.

2. The number of employees of the university or community college and the number of persons not employed by the university or community college participating in the trip.

(b) A detailed itinerary of the trip being organized, including hotel and restaurant accommodations, planned excursions, and scheduled meetings with governmental authorities or individuals or organizations not affiliated with the government of the host nation.

(c) A complete accounting of all costs associated with the trip and a complete accounting of the use or deposit of all moneys received in payment for the trip.

(d) The certificates of incorporation of any entity or entities contracted to organize or facilitate the trip.

Rep. Rivera moved the adoption of the amendment.

Representative Rivera offered the following:

(Amendment Bar Code: 073445)

Amendment 1 to Amendment 2—Remove lines 6-18, and insert:

(2) LEGISLATIVE INTENT.--The Legislature finds that there are increased safety concerns associated with transportation between this state and terrorist states and that travel to terrorist states raises issues related to security and to the prevention of and response to possible terrorist acts. The Legislature further finds that persons or entities who transport persons to terrorist states may directly impact the economic stability and public security of this state. Therefore, it is the intent of the Legislature to offset costs related to transportation to terrorist states that originates in this state. It is not the intent of the Legislature, through the enactment of this section, to impact the official business of government employees or the duties of any personnel of the United States Armed Services, nor to regulate academic freedom or academic program content.

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

Representative Gelber offered the following:

(Amendment Bar Code: 281589)

Amendment 2 to Amendment 2—Remove lines 101-123

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

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted by the required two-thirds vote.

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

The House moved to the consideration of HB 2005 on Special Orders.

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

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

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

Faye W. Blanton, Secretary

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

CS for SB 1762—A bill to be entitled An act relating to trauma care; amending s. 381.74, F.S.; requiring hospitals and trauma centers to provide data on moderate-to-severe brain or spinal cord injuries to the Department of Health; amending s. 381.745, F.S.; defining "department" for purposes of the "Charlie Mack Overstreet Brain or Spinal Cord Injuries Act"; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 395.40, F.S.; revising legislative findings; revising duties of the Department of Health to implement and plan for a statewide trauma system; amending s. 395.4001, F.S.; revising definitions; amending s. 395.401, F.S.; revising components for local and regional trauma services system plans; correcting references to the term "trauma center"; amending s. 395.4015, F.S.; requiring that the boundaries of the trauma regions administered by the Department of Health be coterminous with the boundaries of the regional domestic security task forces established within the Department of Law Enforcement; providing exceptions for certain interlocal agreements for trauma services in a regional system; eliminating requirements for the Department of Health to develop the minimum components for systems plans in defined trauma regions; amending s. 395.402, F.S.; providing additional legislative intent with respect to trauma service areas; providing a treatment capacity for certain trauma centers; providing that current trauma service areas shall be used until the Department of Health completes an assessment of the trauma system; requiring a report; providing guidelines for such assessment; requiring annual review; amending s. 395.4025, F.S.; revising requirements for the Department of Health's development of a state trauma system plan; deleting obsolete references; correcting references to the term "trauma center"; revising requirements for the department's approval and verification of a facility as a trauma center; granting the department authority to adopt rules for the procedures and process for notification, duration, and explanation of a trauma center's termination of trauma services; revising the requirements for notice that a hospital must give before it terminates or substantially reduces trauma service; exempting from certain time limits on applications to operate as trauma centers certain hospitals in areas having no trauma center; limiting applications until the completion of a specified review; amending s. 395.403, F.S.; correcting references to the term "trauma center"; revising eligibility requirements for state funding of trauma centers; providing that trauma centers may request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program; amending s. 395.404, F.S.; revising reporting requirements to the trauma registry data system maintained by the Department of Health; providing that hospitals and trauma centers subject to reporting trauma registry data to the department are required to comply with other duties concerning the moderate-to-severe brain or spinal cord injury registry maintained by the department; correcting references to the term "trauma center"; amending s. 395.405, F.S.; authorizing the Department of Health to adopt and enforce rules necessary to administer part II of ch. 395, F.S.; establishing a task force on distribution of funds; providing for a trauma center matching grant program; amending s. 318.14, F.S.; providing additional civil penalties for certain traffic infractions; providing for disposition of such penalties; amending s. 318.21, F.S.; providing for disposition of mandatory civil penalties; amending s. 322.0261, F.S.; revising provisions relating to driver-improvement courses; amending s. 322.27, F.S.; prescribing points for violation of a traffic-control signal; amending s. 318.18, F.S.; providing penalty for specified violation of traffic control signal devices and for failure to submit to test for impairment or intoxication; providing for distribution of moneys collected; directing the clerk of court to collect a fee for each civil and criminal violation of ch. 316, F.S.; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates eight or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 316.193, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 794.056, F.S.; providing that funds credited to the Rape Crisis Program Trust Fund shall include both funds collected as an additional court assessment in certain cases and certain funds deposited in the Administrative Trust Fund in the Department of Health; revising a requirement relating to the distribution of moneys from the trust fund pursuant to a rule by the Department of Health; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; allowing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; repealing s. 395.4035, F.S., relating to the Trauma Services Trust Fund; providing for distribution of collections in the Administrative Trust Fund in the Department of Health; providing an appropriation; providing that a governing body of certain counties, municipalities, or special districts may levy a sales surtax for the purpose of funding of trauma services if approved by a majority vote of the electors of the county; requiring a statement regarding a brief description of the purposes of the surtax to be placed on the ballot by the governing body; requiring the ordinance or resolution to set forth a plan for providing trauma services; requiring the Department of Revenue to distribute moneys to the clerk of court or the custodian of the funds; providing duties of the custodian of the funds; providing an effective date.

—was read the first time by title.

Further consideration of CS for SB 1762 was temporarily postponed under Rule 11.10

Special Orders

Second Reading

HB 71 was taken up. On motion by Rep. Antone, the rules were waived and SB 1828 was substituted for HB 71. Under Rule 5.13, the House bill was laid on the table.

SB 1828—A bill to be entitled An act relating to home-invasion robbery; amending s. 812.135, F.S.; providing additional offense classifications and revising the penalties for home-invasion robbery; providing that it is a first degree felony punishable by a term of imprisonment not exceeding life imprisonment to commit a home-invasion robbery in the course of which a firearm or other deadly weapon is carried; providing penalties; reenacting s.

943.325(1), F.S., relating to blood specimen testing for DNA analysis, to incorporate the amendment made to s. 812.135, F.S., by this act in a reference thereto; amending s. 921.0022, F.S., relating to the Criminal Punishment Code offense severity ranking chart, with respect to home-invasion robberies; providing an effective date.

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

HB 85—A bill to be entitled An act relating to law enforcement; creating the Sunshine Security Act; creating the Law Enforcement Agency Consolidation Task Force; providing for the appointment of members; providing for duties; providing for a report addressing the effects of the consolidation of all sworn law enforcement functions in the state; providing for future repeal; providing an effective date.

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

HB 123 was taken up. On motion by Rep. Cretul, the rules were waived and CS for SB 678 was substituted for HB 123. Under Rule 5.13, the House bill was laid on the table.

CS for SB 678—A bill to be entitled An act relating to assault or battery on officials; amending s. 784.081, F.S.; providing enhanced penalties for the offense of assault, battery, aggravated assault, or aggravated battery if the offense is committed upon a sports official; providing an effective date.

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

HB 297—A bill to be entitled An act relating to the indigent care surtax; amending s. 212.055, F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

The Committee on Finance & Tax recommended the following:

HB 297 CS—A bill to be entitled An act relating to the indigent care surtax; amending s. 212.055, F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

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

Consideration of **HB 463** was temporarily postponed under Rule 11.10.

HB 487 was taken up. On motion by Rep. Reagan, the rules were waived and CS for CS for SB 544 was substituted for HB 487. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 544—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; providing procedures for handling improper payment requests; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; revising the form for a public construction bond; requiring the payment provisions of all public construction bonds to be construed as statutory bonds; prohibiting conversion to common law bonds; deleting a requirement that bond forms used by public owners reference certain notice and time limitation provisions; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing for application of specified sections of the act to certain contracts and projects; providing an effective date.

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

HB 719 was taken up. On motion by Rep. Roberson, the rules were waived and SB 1430 was substituted for HB 719. Under Rule 5.13, the House bill was laid on the table.

SB 1430—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 943.13, F.S.; authorizing advanced registered nurse practitioners to conduct required physical exams for such officers; providing an effective date.

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

HB 761—A bill to be entitled An act relating to possession of firearms, electric weapons or devices, or concealed weapons by persons found to have committed certain delinquent acts; amending s. 790.23, F.S.; prohibiting persons found to have committed certain delinquent acts involving firearms, electric weapons or devices, or destructive devices from possessing firearms, electric weapons or devices, or concealed weapons; providing criminal penalties; amending s. 790.06, F.S.; revising cross references specifying circumstances relating to issuance and revocation of license to carry concealed weapon or firearm, to conform; amending s. 790.065, F.S.; revising a cross reference specifying circumstances relating to the sale and delivery of firearms, to conform; amending s. 943.0515, F.S.; expanding the circumstances in which the criminal history records of certain minors must be retained as part of the adult record; reenacting ss. 790.01(5) and 921.0022(3)(e), F.S., relating to the use of an electric weapon or device or remote stun gun or self-defense chemical spray during the commission of any criminal offense and to the offense severity ranking chart, respectively, to incorporate the amendment to s. 790.23, F.S., in references thereto; providing an effective date.

The Committee on Public Safety & Crime Prevention recommended the following:

HB 761 CS—A bill to be entitled An act relating to possession of firearms, electric weapons or devices, or concealed weapons by persons found to have committed certain delinquent acts; amending s. 790.23, F.S.; extending the restriction against possessing firearms, electric weapons or devices, or concealed weapons for certain persons found to have committed delinquent acts involving forcible felony offenses; providing criminal penalties; amending s. 790.06, F.S.; revising cross references specifying circumstances relating to issuance and revocation of license to carry concealed weapon or firearm, to conform; amending s. 790.065, F.S.; revising a cross reference specifying circumstances relating to the sale and delivery of firearms, to conform; amending s. 943.0515, F.S.; expanding the circumstances in which the criminal history records of certain minors must be retained as part of the adult record; reenacting ss. 790.01(5) and 921.0022(3)(e), F.S., relating to the use of an electric weapon or device or remote stun gun or self-defense chemical spray during the commission of any criminal offense and to the offense severity ranking chart, respectively, to incorporate the amendment to s. 790.23, F.S., in references thereto; providing applicability; providing an effective date.

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

HB 955 was taken up. On motion by Rep. Kottkamp, the rules were waived and SB 3012 was substituted for HB 955. Under Rule 5.13, the House bill was laid on the table.

SB 3012—A bill to be entitled An act relating to judgment liens; amending s. 55.141, F.S.; revising provisions relating to satisfaction of judgments and decrees; eliminating authority of judges to act under these provisions when there is no clerk of court; revising requirements of clerk when accepting payment for satisfaction of a judgment and executing and recording a satisfaction of judgment; providing a sample form to be used by a clerk when recording a satisfaction of judgment; revising provisions relating to notification of satisfaction of judgment to a judgment holder; amending s. 55.202, F.S.; revising procedures for acquiring a judgment lien; providing court authorization to file a judgment lien certificate before a judgment becomes final under certain circumstances; providing effect; amending s. 55.204, F.S.; revising provisions relating to continuation of judgment liens; revising provisions requiring the Department of State to maintain certain files and information; amending s. 55.205, F.S.; deleting a provision authorizing certain creditors to bring certain actions against property of a debtor; amending ss. 55.602, 55.603, 55.604, 55.605, and 55.606, F.S.; revising provisions relating to foreign judgments to apply only to out-of-country foreign judgments; amending s. 56.21, F.S.; revising requirements for notices of a levy and execution sale; amending s. 56.27, F.S.; clarifying provisions relating to payment of money received under execution; amending s. 56.29, F.S.; revising requirements regarding supplementary proceedings for unsatisfied judgments; amending s. 222.01, F.S.; revising provisions relating to designation of homestead property by the owner prior to levy to include foreign judgments; amending s. 319.27, F.S.; correcting a cross-reference; amending s. 679.1021, F.S.; revising a definition of "lien creditor"; providing effective dates.

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

HB 1027—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; authorizing the secretary of the department to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 95.361, F.S.; providing that certain filed claims shall not affect rights of certain public utilities; amending s. 110.205, F.S.; conforming provisions relating to career service to changes made by the act; amending s. 337.401, F.S.; exempting public utilities from the application of certain permit-delegation agreements between the department and other governmental entities; providing an effective date.

The Committee on Transportation recommended the following:

HB 1027 CS—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; authorizing the secretary of the Department of Transportation to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 95.361, F.S.; providing that certain filed claims shall not affect rights of certain utilities; amending s. 110.205, F.S.; conforming provisions relating to career service to changes made by the act; amending s. 334.30, F.S.; revising provisions for public-private construction of transportation facilities; providing procedures for requests for proposals and receipt of unsolicited proposals by the department; providing for use of certain funds under described conditions; amending s. 337.401, F.S.; exempting certain electric utilities from the application of certain permit-delegation agreements between the department and other governmental entities; amending s. 348.0004, F.S.; revising purposes and powers of expressway authorities; providing legislative declaration of public need; removing an obsolete provision related to expressway authorities entering into public-private transportation partnerships; providing for expressway authorities to enter into partnerships with private entities; providing procedures for requests for proposals and receipt of unsolicited proposals; authorizing expressway authorities to adopt rules concerning public-private partnerships; specifying public notice requirements; providing criteria for project approval; requiring certain costs be borne by the private entity; authorizing the department to loan funds from the Toll Facilities Revolving Loan Trust Fund under certain conditions; authorizing public-private entities to impose tolls; providing for regulation of the amount and use of the tolls by the expressway authority; specifying project requirements; authorizing the expressway authority to facilitate partnership projects; providing legislative intent concerning existing laws and powers of expressway authorities; providing an effective date.

—was read the second time by title.

Representative Gannon offered the following:

(Amendment Bar Code: 469323)

Amendment 1 (with directory and title amendments)—Between line(s) 260 and 261, insert:

Section 4. Paragraph (a) of subsection (3) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.--

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of this state. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation <u>other than a migrant farm worker carrier as defined in s. 316.003(62)</u>.

3. A farm tractor or implement of husbandry.

4. A truck of a net weight of more than 5,000 pounds <u>not designed primarily for the purpose of carrying passengers</u>.

5. A motorcycle, moped, or bicycle.

Section 5. Section 316.621, Florida Statutes, is created to read:

<u>316.321 Passenger restrictions.--</u>

<u>(1) No motor vehicle originally designed by its manufacturer to carry 15 passengers, including the driver, shall be operated while carrying more passengers than the motor vehicle was designed to carry or more passengers than it was later modified to carry, including the driver. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation by a fine of $2500, in addition to applicable fines and penalties as provided in chapter 318.</u>

<u>(2) This section does not apply if a motor vehicle originally designed by its manufacturer to carry 15 passengers, including the driver, is operated while carrying more passengers than the motor vehicle was originally designed or later modified to carry when the additional passenger or passengers are being transported in response to a declared emergency situation or an immediate emergency involving the additional passenger or passengers.</u>

Remove line(s) 17 and insert:

to career service to changes made by the act; amending s. 316.614, F.S.; revising exceptions to the Florida Safety Belt Law; creating s. 316.321, F.S.; prohibiting the operation of certain motor vehicles while carrying more passengers than the vehicle was designed or modified to carry; providing penalties; providing exceptions; amending s.

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

Representative Brummer offered the following:

(Amendment Bar Code: 162875)

Amendment 2 (with title amendment)—Between lines 534 and 535 insert:

Section 7. Paragraph (n) of subsection (2) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.--

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the following

rights and powers:

(n) With the consent of Orange County and the county within whose jurisdiction the following activities occur, the authority shall have the right to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards outside the jurisdictional boundaries of Orange County, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon, with all necessary and incidental powers to accomplish the foregoing.

Remove line 46 and insert:
authorities; amending s. 348.754, F.S.; requiring the consent of Orange County in order for the Orlando-Orange County Expressway Authority to exercise certain powers; providing an effective date.

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

Representative Hasner offered the following:

(Amendment Bar Code: 959963)

Amendment 3 (with title amendments)—Between lines 534 and 535 insert:

Section 7. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, street light poles, and waste disposal receptacles, and modular news racks within rights-of-way.--

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway,; provided that such benches or transit shelters are for the comfort or convenience of the general public, or are at designated stops on official bus routes; and, provided further, that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed, or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid, of benches and transit shelters together with advertising displayed thereon, within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding, is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches of clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles of less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway,; provided that written authorization has been given to a qualified private supplier of such service by the appropriate municipal or county government. A municipality or county may authorize the installation, without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) Modular news racks, including advertising thereon, may be located within the right-of-way limits of any municipal, county, or state road, except a limited access highway, provided the municipal government within whose incorporated limits such racks are installed or the county government within whose unincorporated limits such racks are installed has passed an ordinance regulating the placement of modular news racks within the right-of-way and has authorized a qualified private supplier of modular news racks to provide such service. The modular news rack or advertising thereon shall not exceed a height of 56 inches or a total advertising space of 56 square feet. No later than 45 days prior to installation of modular news racks, the private supplier shall provide a map of proposed locations and typical installation plans to the department for approval. If the department does not respond within 45 days after receipt of the submitted plans, installation may proceed.

(4)(3) The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, or waste disposal receptacle, or modular news rack which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, are not required do not have to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The department is authorized to adopt promulgate rules relating to the regulation of bench size and advertising display size requirements. However, If a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, then the local government requirement shall be applicable within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted pursuant to this subsection shall be subject to approval of the Federal Highway Administration.

(5)(4) No bench, transit shelter, or waste disposal receptacle, or modular news rack, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, or waste disposal receptacle, or modular news rack services or advertising on such benches, shelters, or receptacles, or news racks may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(6)(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles, and modular news racks as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to adopt establish administrative rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section subsection. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

(7)(6) Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Remove line 46 and insert:
authorities; amending s. 337.408, F.S.; providing for placement of certain modular news racks, including advertising thereon, within the right-of-way limits of any municipal, county, or state road; providing requirements, restrictions, and limitations; authorizing removal under certain circumstances; authorizing the department to adopt rules; providing an effective date.

Rep. Hasner moved the adoption of the amendment.

Further consideration of **Amendment 3** was temporarily postponed under Rule 11.10.

Representative Slosberg offered the following:

(Amendment Bar Code: 526779)

Amendment 4 (with title amendment)—Between lines 534 and 535 insert:

Section 7. Sections 7-9 of this act shall be known by the popular name the "Dori Slosberg Safety Belt Law."

Section 8. Subsections (8) and (9) of section 316.614, Florida Statutes, are 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.~~

(9)(a) A violation of the provisions of this section shall not constitute negligence per se, nor shall such violation be used as prima facie evidence of negligence or be considered in mitigation of damages, but such violation may be considered as evidence of comparative negligence, in any civil action.

(b) As in any other violation of this chapter, a vehicle, the contents of a vehicle, the driver of a vehicle, or a passenger in a vehicle may not be searched solely because of a violation of this chapter.

Section 9. If by December 31, 2007, the State of Florida has not received a minimum of $28 million from the United States Department of Transportation earmarked from funds directly attributable to the changes made to section 316.614, Florida Statutes, by this act, the provisions of this act amending section 316.614, Florida Statutes, shall expire and revert to the text as it existed prior to the effective date of the changes made by this act.

Remove line(s) 46, and insert:
authorities; creating the Dori Slosberg Safety Belt Law; amending s. 316.614, F.S.; deleting requirement for enforcement of the Florida Safety Belt Law as a secondary action; providing that certain searches may not be conducted solely because of certain violations; providing for changes to expire and revert under certain circumstances; providing an effective date.

Rep. Slosberg moved the adoption of the amendment.

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

The question recurred on the adoption of **Amendment 3**, which was withdrawn.

Rep. Russell moved that a late-filed amendment be allowed for consideration.

Point of Order

Rep. Ryan raised a point of order, under Rule 11.6, that a motion to lay an amendment on the table must be adopted by a majority vote.

The Chair [Speaker Byrd] ruled the point well taken.

The question recurred on the motion by Rep. Rubio to lay **Amendment 4** on the table, which was agreed to. The vote was:

Session Vote Sequence: 1005

Speaker Byrd in the Chair.

Yeas—71

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

Nays—34

Antone	Gottlieb	Machek	Roberson
Ausley	Greenstein	Meadows	Ryan
Bendross-Mindingall	Harper	Negron	Seiler
Brandenburg	Henriquez	Peterman	Slosberg
Bucher	Jennings	Prieguez	Sobel
Bullard	Joyner	Quinones	Vana
Cusack	Justice	Rich	Wiles
Gelber	Kallinger	Richardson	
Gibson, A.	Kosmas	Ritter	

Votes after roll call:
Yeas—Ambler, Bogdanoff, Carroll, Cretul, Kendrick, Littlefield, Stargel, Sullivan, Troutman
Nays—Fields, Wishner
Nays to Yeas—Kallinger, Quinones

The question recurred on the motion by Rep. Russell to admit a late-filed amendment, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1027** was temporarily postponed under Rule 11.10.

HB 1109 was taken up. On motion by Rep. McInvale, the rules were waived and CS for CS for SB 1344 was substituted for HB 1109. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 1344—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; redefining the term "hospice"; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

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

HB 1301 was taken up. On motion by Rep. Quinones, the rules were waived and CS for CS for SB 2184 was substituted for HB 1301. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2184—A bill to be entitled An act relating to student achievement; creating s. 1007.35, F.S.; providing a popular name; providing legislative intent; creating the Florida Partnership for Minority and Underrepresented Student Achievement; providing purposes and duties of the partnership; providing duties of the Department of Education and the participating partner; requiring the partnership to submit an annual evaluation report to the department; providing for funding the partnership; authorizing the State Board of Education to adopt rules; providing an effective date.

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

HB 1917 was taken up. On motion by Rep. Kilmer, the rules were waived and CS for SB 364 was substituted for HB 1917. Under Rule 5.13, the House bill was laid on the table.

CS for SB 364—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; amending

requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

—was read the second time by title.

Further consideration of **CS for SB 364** was temporarily postponed under Rule 11.10.

HB 1989—A bill to be entitled An act relating to juvenile justice education; amending s. 1003.51, F.S.; increasing the percentage of Florida Education Finance Program funding generated by students in juvenile justice programs which must be spent on instructional costs; providing that formula-based categorical funds must be spent on juvenile justice students; amending s. 1003.52, F.S.; requiring school districts to provide the GED exit option for juvenile justice programs; requiring the Department of Education, by a specified date, to select a student assessment instrument and protocol for measuring student learning gains and student progression in juvenile justice education programs; requiring the instrument and protocol to be implemented statewide by a specified date; requiring that students in juvenile justice education programs have access to Florida Virtual School courses; requiring the department and the school districts to adopt policies ensuring such access; providing that juvenile justice teachers are eligible for all teacher recruitment and retention programs; providing that juvenile justice education programs are eligible for all federal funds; deleting a reference to second chance schools; revising requirements for the plan for career and technical education; amending s. 1010.20, F.S.; increasing the percentage of the funds generated by juvenile justice programs which the school district must expend on those programs; requiring a workgroup to suggest strategies for meeting the requirements of the No Child Left Behind Act and for rewarding juvenile justice education programs for high performance; requiring the department to report the findings of the workgroup to legislative leaders by a specified date; amending ss. 985.412 and 1001.42, F.S., to conform; providing an effective date.

—was read the second time by title.

Representative Attkisson offered the following:

(Amendment Bar Code: 255949)

Amendment 1 (with title amendment)—Between lines 37 and 38, insert:

Section 1. Subsection (1) of section 985.02, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

985.02 Legislative intent for the juvenile justice system.--

(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a purpose of the Legislature that the children of this state be provided with the following protections:

(a) Protection from abuse, neglect, and exploitation.

(b) A permanent and stable home.

(c) A safe and nurturing environment which will preserve a sense of personal dignity and integrity.

(d) Adequate nutrition, shelter, and clothing.

(e) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(f) Equal opportunity and access to quality and effective education, which will meet the individual needs of each child, and to recreation and other community resources to develop individual abilities.

(g) Access to preventive services.

(h) An independent, trained advocate when intervention is necessary, and a skilled guardian or caretaker in a safe environment when alternative placement is necessary.

(i) Gender-specific programming and gender-specific program models and services that comprehensively address the needs of a targeted gender group.

(8) GENDER-SPECIFIC PROGRAMMING.--

(a) The Legislature finds that the prevention, treatment, and rehabilitation needs of youth served by the juvenile justice system are gender-specific.

(b) Gender-specific programming refers to unique program models and services that comprehensively address the needs of a targeted gender group. Gender-specific services require the adherence to the principle of equity to ensure that the different interests of young women and men are recognized and varying needs are met, with equality as the desired outcome. Gender-specific programming focuses on the differences between young females' and young males' roles and responsibilities, positions in society, access to and use of resources, and social codes governing behavior. Gender-specific programs increase the effectiveness of programs by making interventions more appropriate to the specific needs of young women and men and ensuring that these programs do not unknowingly create, maintain, or reinforce gender roles or relations that may be damaging.

(c) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of programs for young females within the Department of Juvenile Justice. The analysis shall address the nature of young female offenders in this state, the percentage of young females who are incarcerated in the juvenile justice system for status offenses and violations of probation, and whether these young females could be better served in less costly community-based programs. In addition, the review shall analyze whether existing juvenile justice programs are designed to meet the gender-specific needs of young females and an analysis of the true cost of providing gender-specific services to young females.

Section 2. For the purpose of incorporating the amendment to section 985.02, Florida Statutes, in references thereto, subsections (1) and (3) of section 985.3045, Florida Statutes, are reenacted to read:

985.3045 Prevention service program; monitoring; report; uniform performance measures.--

(1) The department's prevention service program shall monitor all state-funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state-funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984, in order to inform the Governor and the Legislature concerning efforts designed to further the policy of the state concerning juvenile justice and delinquency prevention, consistent with ss. 984.02 and 985.02.

(3) The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in ss. 984.02 and 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

(a) All entities that receive or use state moneys to fund juvenile delinquency prevention services through contracts or grants with the department shall design the programs providing such services to further one or more of the strategies specified in paragraphs (2)(a)-(d).

(b) The department shall develop an outcome measure for each program strategy specified in paragraphs (2)(a)-(d) that logically relates to the risk factor addressed by the strategy.

(c) All entities that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Remove line 1 and insert:

An act relating to juvenile justice; amending s. 985.02, F.S.; requiring gender-specific programming within the Department of Juvenile Justice for children in this state; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of gender-specific programs in the Department of Juvenile Justice; providing certain gender-specific information to be included in the analysis; reenacting s. 985.3045(1) and (3), F.S., relating to prevention service programs, for the purpose of incorporating the amendment to s. 985.02, F.S., in references thereto; amending s.

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

Representative Attkisson offered the following:

(Amendment Bar Code: 736043)

Amendment 2 (with title amendment)—Remove lines 55-56 and insert:
spent on appropriate categoricals such as instructional materials and public school technology for those students.

Remove line(s) 6-8 and insert:
instructional costs; amending s. 1003.52, F.S.; requiring school

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

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

HB 81—A bill to be entitled An act relating to public school student progression; amending s. 1008.25, F.S.; requiring the comprehensive program for student progression to include assessment of performance in social studies; amending ss. 1003.51 and 1003.52, F.S.; conforming provisions relating to subject area grade level proficiency of students in Department of Juvenile Justice education programs; providing an effective date.

The Committee on Education K-20 recommended the following:

HB 81 CS—A bill to be entitled An act relating to educational instruction; requiring a study by the Department of Education relating to social studies instruction in public schools and social science instruction in community colleges and state universities; requiring submission of findings and recommendations to 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 153—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; revising language that prohibits the dumping of litter in or on private property under certain circumstances; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

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

HB 1297 was taken up. On motion by Rep. Ritter, the rules were waived and CS for SB 2196 was substituted for HB 1297. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2196—A bill to be entitled An act relating to insurance payments from escrow accounts; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; amending s. 627.4133, F.S.; requiring property insurers to reinstate a canceled policy as required by s. 501.137, F.S.; providing an effective date.

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

HB 1531—A bill to be entitled An act relating to arcade amusement centers; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; restricting the use of points or coupons received by players in arcade amusement centers; clarifying a reference; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; providing an effective date.

The Committee on Business Regulation recommended the following:

HB 1531 CS—A bill to be entitled An act relating to arcade amusement centers; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; restricting the use of points or coupons received by players in arcade amusement centers; clarifying a reference; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; prohibiting gambling devices at arcade amusement centers; providing an effective date.

—was read the second time by title.

Representative Greenstein offered the following:

(Amendment Bar Code: 798201)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:
Section 1. Section 849.161, Florida Statutes, is amended to read:
849.161 Amusement games or machines; when chapter inapplicable.--
(1)(a)1. Nothing contained in this chapter shall be taken or construed as applicable to an arcade amusement center having amusement games or machines not proscribed by ss. 849.15 and 849.16 which operate by means of the insertion of a coin or electronic token and which, solely by application of skill, may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise only, excluding cash, ~~and~~ alcoholic beverages, tobacco products, or coupons redeemable for cash, alcoholic beverages, or tobacco products, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. All points or coupons received by a player may be exchanged for the specific product only at the same business location where the game or machine operated by the player is located. No points or coupons received by a player may be exchanged for any gift certificate, mail order certificate, or similar conveyance that is redeemable at another business location or deliverable from a location other than where the arcade amusement center is located.
2. Nothing contained in this chapter shall be taken or construed as applicable to any retail dealer who operates as a truck stop, as defined in chapter 336 and which operates a minimum of 6 functional diesel fuel pumps, having amusement games or machines which operate by means of the insertion of a coin, electronic token, or other currency and which by application of skill may entitle the person playing or operating the game or machine to receive points or coupons which may be exchanged for merchandise limited to noncash prizes, toys, novelties, and Florida Lottery products, excluding alcoholic beverages, provided the cost value of the merchandise or prize awarded in exchange for such points or coupons does not exceed 75 cents on any game played. This subparagraph applies only to games and machines which are operated for the entertainment of the general public and tourists as bona fide amusement games or machines. This subsection shall not apply, however, to any game or device defined as a gambling device in chapter 24 of Title 15 U.S.C. under s. 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178. This subsection shall not be construed to authorize video poker games or any other game or machine that may be construed as a gambling device under Florida law.
3. This chapter does not apply to any children's amusement center having amusement games that operate by means of the insertion of a coin or other currency or other token and that may entitle the person operating the game or machine to receive points or coupons that may be exchanged for noncash prizes, toys, or novelties for children under the age of 14 years. As used in this subparagraph, the term "children's amusement center" means a place of business, the general concept or theme of which is the amusement or entertainment of children under the age of 14 years and that operates coin-operated amusement games and machines in which the majority of such

games or machines are for the use or operation by children under the age of 14 years. The term does not include any business that allows the use of video poker games or any other game or device classified as a gambling device in chapter 24 of Title 15 U.S.C under s. 1171 unless excluded from these requirements under subsection (2) or (3) of s. 1178. Points or coupons received by a player may be exchanged only at the same business or franchise thereof. Points or coupons received by a player may not be exchanged for any credit card, gift certificate, or similar conveyance, or for cash, alcoholic beverages, tobacco products, or coupons redeemable for cash, alcoholic beverages, or tobacco products.

(b) Nothing in this subsection shall be taken or construed as applicable to a coin-operated or electronic token operated game or device designed and manufactured only for bona fide amusement purposes and not proscribed by ss. 849.15 and 849.16, which game or device may, solely by application of skill, entitle the player to replay the game or device at no additional cost, if the game or device: can accumulate and react to no more than 15 free replays; can be discharged of accumulated free replays only by reactivating the game or device for one additional play for such accumulated free replay; can make no permanent record, directly or indirectly, of free replays; and is not classified by the United States as a gambling device in chapter 24 of Title 15 U.S.C. under s. 1171, which requires identification of each device by permanently affixing seriatim numbering and name, trade name, and date of manufacture under s. 1173, and registration with the United States Attorney General, unless excluded from applicability of the chapter under s. 1178. This subsection shall not be construed to authorize video poker games, or any other game or machine that may be construed as a gambling device under Florida law.

(c) Nothing in this subsection with respect to arcade amusement centers shall be taken or construed to abrogate or limit the power of a local government to establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category and any local government may exercise such power as provided by law.

(2) In addition and supplemental to any other authority under law, the legislative and governing body of a county or municipality shall have the power and authority to limit the number of hours of operation of arcade amusement centers and may also limit the number of machines allowed in such centers.

(3)~~(2)~~ The term "arcade amusement center" as used in this section means a place of business having at least 50 coin-operated amusement games or machines on premises which are operated for the entertainment of the general public and tourists as a bona fide amusement facility.

(4) A game or machine that may be construed as a gambling device under state law, including video poker games or a game or device that resembles a gambling device as defined in chapter 24 of Title 15 U.S.C. under s. 1171, is prohibited at arcade amusement centers.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to arcade amusement centers; amending s. 849.161, F.S.; revising provisions exempting certain amusement centers from the application of gambling regulations; providing for games or machines operated by electronic token; restricting the use of points or coupons received by players in arcade amusement centers; clarifying a reference; providing that specified gambling provisions do not apply to children's amusement centers; defining "children's amusement center"; providing for construction relating to video poker, electronic token operated games or devices, and powers of local governments; providing that, with respect to arcade amusement centers, local governments may establish or amend the zoning map designation of a parcel or parcels of land or change the actual list of permitted, conditional, or prohibited uses within a zoning category; authorizing local governments to limit the hours of operation of arcade amusement centers and limit the number of machines in such centers; prohibiting gambling devices at arcade amusement centers; providing an effective date.

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

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

Motions Relating to Committee References

Rep. Barreiro moved that the rules be waived and SB 1830 be withdrawn from the Committee on Procedures, which was not agreed to by the required two-thirds vote.

Special Orders

Second Reading

HB 1983 was taken up. On motion by Rep. Berfield, CS for CS for CS for CS for SB 2488 was substituted for HB 1983. Under Rule 5.13, the House bill was laid on the table.

CS for CS for CS for SB 2488—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers to make a rate filing or certification for policies covered under the act; providing effective dates.

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

HB 1825—A bill to be entitled An act relating to banking; amending s. 494.0025, F.S.; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent; amending ss. 516.07 and 520.995, F.S.; providing that the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances without written consent is grounds for denial of a license or for disciplinary action; amending s. 626.9541, F.S.; providing that deceptive use of a name is an unfair method of competition and an unfair or deceptive act or practice; amending ss. 655.005 and 655.0322, F.S.; including international branches within the definitions of certain financial institutions; amending s. 655.0385, F.S.; clarifying an appointment notification requirement; requiring a nonrefundable fee to accompany certain notifications; amending s. 655.045, F.S.; exempting certain financial institutions from certain audit requirements; amending s. 655.059, F.S.; providing for inspection and examination of a financial institution's records and books pursuant to subpoena; requiring reimbursement of reasonable costs and fees for compliance; providing for setting reimbursement amount when certain charges are contested; amending s. 655.921, F.S.; providing an additional limitation on out-of-state financial institution qualifications for certain exempt transactions; removing language relating to authorization to maintain an office in the state; amending s. 655.922, F.S.; including financial institutions authorized to do business in this state pursuant to the financial institutions codes of another state within an authorization to engage in certain business in this state; expanding a list of names or titles limited to use by financial institutions; prohibiting the use of the name or logo of a financial institution or its affiliates or subsidiaries under certain circumstances; requiring the Financial Services Commission to adopt certain implementing rules; amending s. 655.94, F.S.; removing a limitation on notary publics authorized to open a safety deposit box under certain circumstances; specifying use of certified mail for sending certain certificate copies; amending s. 658.16, F.S.; providing criteria for certain banks or trust companies to be considered incorporated under the financial institutions codes; providing definitions; amending s. 658.23, F.S.; deleting a bylaws filing requirement; amending s. 658.26, F.S.; authorizing certain financial institutions to establish or relocate an office under certain circumstances; providing for waiver of certain application, fee, and publication requirements; providing application requirements to relocate a branch; requiring an application filing fee; providing for compliance investigations by the office; prohibiting moving a main office outside the state under certain circumstances; deleting certain office relocation provisions; amending s. 658.33, F.S.; expanding the list of persons required to meet certain qualification criteria to be an officer of a bank or trust company; providing an additional criterion for granting a waiver of qualification requirements;

amending s. 658.37, F.S.; prohibiting imminently insolvent banks from paying dividends; amending s. 658.48, F.S.; prohibiting imminently insolvent banks from making new loans or discounts; providing exceptions; amending s. 658.67, F.S.; providing an additional time criterion for determining the value of certain property acquired as security; amending s. 658.73, F.S.; limiting individuals or entities required to pay a fee for a "certificate of good standing"; amending s. 663.16, F.S.; revising certain definitions; amending s. 663.304, F.S.; deleting a requirement to include evidence of a reservation of a proposed corporate name with certain applications; amending s. 665.034, F.S.; revising a minimum percentage requirement for designating control of an association; amending s. 674.406, F.S.; revising certain required time periods for purposes of protecting against unauthorized signatures or alterations; amending ss. 655.948, 658.60, 663.02, and 663.318, F.S.; deleting provisions relating to a repealed section; repealing s. 658.68, F.S., relating to liquidity requirements for a state bank; providing an effective date.

—was read the second time by title.

Representative Detert offered the following:

(Amendment Bar Code: 709555)

Amendment 1—Remove line(s) 89-138, and insert:

(10) To use the name or logo of a financial institution as defined in s. 655.005(1) or its affiliates or subsidiaries when marketing or soliciting existing or prospective customers if such marketing materials are used without the express written consent of the financial institution and in a manner that would lead a reasonable person to believe that the material or solicitation originated from, was endorsed by, or is in any way related to or the responsibility of the financial institution or its affiliates or subsidiaries.

Section 2. Paragraph (o) is added to subsection (1) of section 516.07, Florida Statutes, to read:

516.07 Grounds for denial of license or for disciplinary action.--

(1) The following acts are violations of this chapter and constitute grounds for denial of an application for a license to make consumer finance loans and grounds for any of the disciplinary actions specified in subsection (2):

(o) Using the name or logo of a financial institution as defined in s. 655.005(1) or its affiliates or subsidiaries when marketing or soliciting existing or prospective customers if such marketing materials are used without the express written consent of the financial institution and in a manner that would lead a reasonable person to believe that the material or solicitation originated from, was endorsed by, or is in any way related to or the responsibility of the financial institution or its affiliates or subsidiaries.

Section 3. Paragraph (j) is added to subsection (1) of section 520.995, Florida Statutes, to read:

520.995 Grounds for disciplinary action.--

(1) The following acts are violations of this chapter and constitute grounds for the disciplinary actions specified in subsection (2):

(j) Using the name or logo of a financial institution as defined in s. 655.005(1) or its affiliates or subsidiaries when marketing or soliciting existing or prospective customers if such marketing materials are used without the express written consent of the financial institution and in a manner that would lead a reasonable person to believe that the material or solicitation originated from, was endorsed by, or is in any way related to or the responsibility of the financial institution or its affiliates or subsidiaries.

Section 4. Paragraph (bb) is added to subsection (1) of section 626.9541, Florida Statutes, to read:

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

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

(bb) Deceptive use of name.--Using the name or logo of a financial institution as defined in s. 655.005(1) or its affiliates or subsidiaries when

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

Representative Detert offered the following:

(Amendment Bar Code: 782937)

Amendment 2—Remove line(s) 290-293, and insert:

(a) Transact business under any name or title that contains the words "bank," "banco," "banque," "banc," "banker," "banking," "trust company," "savings and loan

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

Representative Detert offered the following:

(Amendment Bar Code: 929841)

Amendment 3—Remove line 307 and insert:
"banque," "banc," "banker," "banking," "trust company," "savings

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

Representative Detert offered the following:

(Amendment Bar Code: 198995)

Amendment 4—Remove line 360 and insert:
paid for 3 months, the lessor may send a notice by certified ~~registered~~

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

Representative Detert offered the following:

(Amendment Bar Code: 184941)

Amendment 5—Remove line(s) 562-564 and insert:

(h)~~(c)~~ A branch office may be closed with 30 days' prior written notice to the office. The notice shall include any information the commission prescribes by rule.

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

Representative Detert offered the following:

(Amendment Bar Code: 140323)

Amendment 6—Remove line 739 and insert:
customer or the bank, a customer who does not within 180 days ~~1~~

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

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

HB 1027— A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; authorizing the secretary of the Department of Transportation to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 95.361, F.S.; providing that certain filed claims shall not affect rights of certain utilities; amending s. 110.205, F.S.; conforming provisions relating to career service to changes made by the act; amending s. 334.30, F.S.; revising provisions for public-private construction of transportation facilities; providing procedures for requests for proposals and receipt of unsolicited proposals by the department; providing for use of certain funds under described conditions; amending s. 337.401, F.S.; exempting certain electric utilities from the application of certain permit-delegation agreements between the department and other governmental entities; amending s. 348.0004, F.S.; revising purposes and powers of expressway authorities; providing legislative declaration of public need; removing an obsolete provision related to expressway authorities entering into public-private transportation partnerships; providing for expressway authorities to enter into partnerships with private entities; providing procedures for requests for proposals and receipt of unsolicited proposals; authorizing expressway authorities to adopt rules concerning public-private partnerships; specifying public notice requirements; providing criteria for project approval; requiring certain costs be borne by the private entity; authorizing the department to loan funds from the Toll Facilities Revolving Loan Trust Fund under certain conditions; authorizing public-private entities to impose tolls; providing for regulation of the amount and use of the tolls by the expressway authority;

specifying project requirements; authorizing the expressway authority to facilitate partnership projects; providing legislative intent concerning existing laws and powers of expressway authorities; providing an effective date.

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

Representative Russell offered the following:

(Amendment Bar Code: 972203)

Amendment 5 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (1), subsection (3), and paragraph (b) of subsection (4) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.--There is created a Department of Transportation which shall be a decentralized agency.

(1)

(d) The secretary may ~~shall~~ appoint up to three ~~two~~ assistant secretaries who shall be directly responsible to the secretary and who shall perform such duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts and central office units that implement transportation programs. Major transportation policy initiatives or revisions shall be submitted to the commission for review.

~~(b) The secretary shall appoint an Assistant Secretary for Transportation Development and Operations and an Assistant Secretary for Transportation Support.~~

(b)~~(c)~~ The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph ~~following offices are established and shall be headed by a manager~~, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to ~~positions shall be classified at a level equal to a division director~~:

1. ~~The Office of~~ Administration;
2. ~~The Office of~~ Planning ~~and Environmental Management~~;
3. Public transportation;
4.~~3.~~ ~~The Office of~~ Design;
5.~~4.~~ ~~The Office of~~ Highway operations;
6.~~5.~~ ~~The Office of~~ Right-of-way;
7.~~6.~~ ~~The Office of~~ Toll operations;
8.~~7.~~ ~~The Office of~~ Information systems;
9.~~8.~~ ~~The Office of~~ Motor carrier compliance;
10.~~9.~~ ~~The Office of~~ Management and budget;
11.~~10.~~ ~~The Office of~~ Comptroller;
12.~~11.~~ ~~The Office of~~ Construction;
13.~~12.~~ ~~The Office of~~ Maintenance; and
14.~~13.~~ ~~The Office of~~ Materials.

(c)~~(d)~~ Other offices may be established in accordance with s. 20.04(7). The heads of such offices are exempt from part II of chapter 110. ~~No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.~~

(d)~~(e)~~ The secretary shall appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.

(e)~~(f)~~ The secretary shall appoint a general counsel who shall be directly responsible to the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

~~(g) The secretary shall appoint a state transportation development administrator. This position shall be classified at a level equal to a deputy assistant secretary.~~

~~(h) The secretary shall appoint a state transportation operations administrator. This position shall be classified at a level equal to a deputy assistant secretary.~~

~~(i) The secretary shall appoint a state public transportation and modal administrator. This position shall be classified at a level equal to a deputy assistant secretary.~~

(4)

(b) Each district secretary may appoint up to three ~~a~~ district directors ~~director for transportation development, a district director for transportation operations, and a district director for transportation support~~ or, until July 1, 2005, each district secretary may appoint up to four ~~a~~ district directors ~~director for planning and programming, a district director for production, a district director for operations, and a district director for administration~~. These positions are exempt from part II of chapter 110.

Section 2. Paragraphs (j) and (m) of subsection (2) of section 110.205, Florida Statutes, are amended to read:

110.205 Career service; exemptions.--

(2) EXEMPT POSITIONS.--The exempt positions that are not covered by this part include the following:

(j) The appointed secretaries, assistant secretaries, deputy secretaries, and deputy assistant secretaries of all departments; the executive directors, assistant executive directors, deputy executive directors, and deputy assistant executive directors of all departments; the directors of all divisions and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to, program directors, assistant program directors, district administrators, deputy district administrators, the Director of Central Operations Services of the Department of Children and Family Services, the State Transportation Development Administrator, State Public Transportation and Modal Administrator, district secretaries, district directors of transportation development, transportation operations, transportation support, and the managers of the offices specified in s. 20.23(3)(b) ~~s. 20.23(3)(c)~~, of the Department of Transportation. Unless otherwise fixed by law, the department shall set the salary and benefits of these positions in accordance with the rules of the Senior Management Service; and the county health department directors and county health department administrators of the Department of Health.

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which positions include, but are not limited to:

1. Positions in the Department of Health and the Department of Children and Family Services that are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in the Department of Corrections that are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in the Department of Transportation that are assigned primary duties of serving as regional toll managers and managers of offices as defined in s. 20.23(3)(b) ~~s. 20.23(3)(c)~~ and (4)(d), and captains and majors of the Office of Motor Carrier Compliance.

4. Positions in the Department of Environmental Protection that are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in the Department of Health that are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 3. Subsections (13) and (15), of section 177.031, Florida Statutes, are amended to read:

177.031 Definitions.--As used in this part:

(13) "P.C.P." means permanent control point and shall be considered a reference monument.

(a) "P.C.P.s" set in impervious surfaces must:

1. Be composed of a metal marker with a point of reference.

2. Have a metal cap or disk bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

(b) "P.C.P.s" set in pervious surfaces must:

1. Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches In certain materials, encasement in concrete is optional for stability of the rod. When used, ~~encased in concrete.~~ the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

2. Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.C.P."

(c) "P.C.P.s" must be detectable with conventional instruments for locating ferrous or magnetic objects.

(15) "P.R.M." means a permanent reference monument which must:

(a) Consist of a metal rod having a minimum length of 18 inches and a minimum cross-section area of material of 0.2 square inches In certain materials, encasement in concrete is optional for stability of the rod. When used, ~~encased in concrete.~~ the concrete shall have a minimum cross-section area of 12.25 square inches and be a minimum of 24 inches long.

(b) Be identified with a durable marker or cap with the point of reference marked thereon bearing either the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity, which number shall be preceded by LS or LB as applicable and the letters "P.R.M."

(c) Be detectable with conventional instruments for locating ferrous or magnetic objects.

If the location of the "P.R.M." falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

Section 4. Section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.--It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. 339.63.

(1) DESIGNATION.--

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.--

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding,

any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.--

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.--The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3. An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3. Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6. Promote efficient system management and operation; and

7. Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant

by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing

the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3.~~2.~~ The results of the transportation management systems; and

4.~~3.~~ The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection(6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.--

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.--

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local,

state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.--Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

Section 5. Subsection (12) is added to section 338.251, Florida Statutes, to read:

338.251 Toll Facilities Revolving Trust Fund.--The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties and the turnpike enterprise.

(12) Notwithstanding subsection (4), by agreement with the department, the Emerald Coast Bridge Authority may revise the repayment schedule of any previous advances, which shall not be considered a failure to repay if the effort to undertake a revenue-producing road project is being conducted in good faith and all other requirements of law are met.

Section 6. Section 334.30, Florida Statutes, is amended to read:

334.30 Public-private ~~Private~~ transportation facilities.--The Legislature hereby finds and declares that there is a public need for rapid construction of safe and efficient transportation facilities for the purpose of travel within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the department's work program ~~by a separate bill for each facility~~, enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before ~~seeking legislative~~ approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System ~~there is an overriding state interest~~; and

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or cancellation of the agreement by the department.

The department shall ensure that all reasonable costs to the state ~~and substantially affected local governments and utilities~~, related to ~~the private~~ transportation facilities that are not part of the State Highway System ~~facility~~, are borne by the private entity. The department shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(2) Agreements entered into pursuant to this section may authorize the private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall ~~may~~ be regulated by the department to avoid unreasonable costs to users of the facility.

(3) Each private transportation facility constructed pursuant to this section shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; department rules, policies, procedures, and standards for transportation facilities; and any other conditions which the department determines to be in the public's best interest.

(4) The department may exercise any power possessed by it, including eminent domain, with respect to the development and construction of state transportation projects to facilitate the development and construction of transportation projects pursuant to this section. The department may provide services to the private entity. Agreements for maintenance, law enforcement, and other services entered into pursuant to this section shall provide for full reimbursement for services rendered for projects not on the State Highway System.

(5) Except as herein provided, the provisions of this section are not intended to amend existing laws by granting additional powers to, or further restricting, local governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

(6) The department may request proposals from private entities for public-private transportation projects or, if the department receives an unsolicited proposal, the department shall publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for 2 weeks stating that the department has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected area. After the public notification period has expired, the department shall rank the proposals in order of preference. In ranking the proposals the department may consider factors, including, but not limited to, professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the project. If the department is not satisfied with the results of the negotiations, the department may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the department may go to the second-ranked and lower-ranked firms, in order, using this same procedure. If only one proposal is received, the department may negotiate in good faith and, if the department is not satisfied with the results of the negotiations, the department may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this subsection, the department may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(7) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to private entities that construct projects on the State Highway System containing toll facilities that are approved under this section. To be eligible, a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade, or must provide credit support such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid. The state's liability for the funding of a facility is limited to the amount approved for that specific facility in the department's 5-year work program adopted pursuant to s. 339.135.

(8)~~(6)~~ A fixed-guideway transportation system authorized by the department to be wholly or partially within the department's right-of-way pursuant to a lease granted under s. 337.251 may operate at any safe speed.

Section 7. Subsection (6) of section 338.001, Florida Statutes, is amended to read:

338.001 Florida Intrastate Highway System Plan.--

(6) For the purposes of developing the proposed plan, beginning in fiscal year 2003-2004 ~~1993-1994~~ and for each fiscal year thereafter, the minimum amount allocated shall be based on the fiscal year 2003-2004 ~~1992-1993~~

allocation of $450 ~~$151.3~~ million adjusted annually by the change in the Consumer Price Index for the prior fiscal year compared to the Consumer Price Index for fiscal year 2003-2004 ~~1991-1992~~. No amounts from the funds dedicated to the Florida Intrastate Highway System shall be allocated to turnpike projects ~~after the 1993-1994 fiscal year~~.

Section 8. Section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.--

(1) The department shall expend ~~by rule provide for the expenditure of the~~ moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget.

~~(2) These rules must restrict~~ The use of such moneys shall be restricted to the following purposes:

(a) To pay administrative expenses of the department, including administrative expenses incurred by the several state transportation districts, but excluding administrative expenses of commuter rail authorities that do not operate rail service.

(b) To pay the cost of construction of the State Highway System.

(c) To pay the cost of maintaining the State Highway System.

(d) To pay the cost of public transportation projects in accordance with chapter 341 and ss. 332.003-332.007.

(e) To reimburse counties or municipalities for expenditures made on projects in the State Highway System as authorized by s. 339.12(4) upon legislative approval.

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

(g) To lend or pay a portion of the operating, maintenance, and capital costs of a revenue-producing transportation project that is located on the State Highway System or that is demonstrated to relieve traffic congestion on the State Highway System.

(h) To match any federal-aid funds allocated for any other transportation purpose, including funds allocated to projects not located in the State Highway System.

(i) To pay the cost of county road projects selected in accordance with the Small County Road Assistance Program created in s. 339.2816.

(j) To pay the cost of county or municipal road projects selected in accordance with the County Incentive Grant Program created in s. 339.2817 and the Small County Outreach Program created in s. 339.2818.

(k) To provide loans and credit enhancements for use in constructing and improving highway transportation facilities selected in accordance with the state-funded infrastructure bank created in s. 339.55.

(l) To pay the cost of projects on the Florida Strategic Intermodal System created in s. 339.61 ~~fund the Transportation Outreach Program created in s. 339.137~~.

(m) To pay other lawful expenditures of the department.

(2)~~(3)~~ Unless specifically provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, no moneys in the State Transportation Trust Fund may be used to fund the operational or capital outlay cost for any correctional facility of the Department of Corrections. The department shall, however, enter into contractual arrangements with the Department of Corrections for those specific maintenance functions that can be performed effectively by prison inmates under the supervision of Department of Corrections personnel with technical assistance being provided by the department. The cost of such contracts must not exceed the cost that would be incurred by the department if these functions were to be performed by its personnel or by contract with another entity unless, notwithstanding cost, the department can clearly demonstrate that for reasons of expediency or efficiency it is in the best interests of the department to contract with the Department of Corrections.

(3)~~(4)~~ The department may authorize the investment of the earnings accrued and collected upon the investment of the minimum balance of funds required to be maintained in the State Transportation Trust Fund pursuant to s. 339.135(6)(b). Such investment shall be limited as provided in s. 288.9607(7).

(4)~~(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 9. Paragraph (a) of subsection (4) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.--

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

(a)1. To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a tentative work program, allocate funds for new construction to the districts, except for the turnpike enterprise, based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, bridge fender system construction or repair, public transit projects except public transit block grants as provided in s. 341.052, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. The department may not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (7). Funds for public transit block grants shall be allocated to the districts pursuant to s. 341.052. Funds for the intercity bus program provided for under s. 5311(f) of the federal nonurbanized area formula program shall be administered and allocated directly to eligible bus carriers as defined in s. 341.031(12) at the state level rather than the district. In order to provide state funding to support the intercity bus program provided for under provisions of the federal 5311(f) program, the department shall allocate an amount equal to the federal share of the 5311(f) program from amounts calculated pursuant to s. 206.46(3).

2. Notwithstanding the provisions of subparagraph 1., the department shall allocate at least 50 percent of any new discretionary highway capacity funds to the Florida Strategic Intermodal ~~Intrastate Highway~~ System created ~~established~~ pursuant to s. 339.61 ~~s. 338.001~~. Any remaining new discretionary highway capacity funds shall be allocated to the districts for new construction as provided in subparagraph 1. For the purposes of this subparagraph, the term "new discretionary highway capacity funds" means any funds available to the department above the prior year funding level for capacity improvements, which the department has the discretion to allocate to highway projects.

Section 10. Section 339.137, Florida Statutes, is repealed.

Section 11. Section 339.1371, Florida Statutes, is amended to read:

339.1371 Mobility 2000; ~~Transportation Outreach Program;~~ funding.--

(1) Beginning in fiscal year 2000-2001 the Department of Transportation shall allocate sufficient funds to implement the Mobility 2000 (Building Roads for the 21st Century) initiative. The department shall develop a plan to expend these revenues and amend the current tentative work program for the time period 2000-2001 through 2004-2005 prior to adoption to include Mobility 2000 projects. In addition, prior to work program adoption, the department shall submit a budget amendment pursuant to s. 339.135(7), requesting budget authority needed to implement the Mobility 2000 initiative. Funds will be used for corridors that link Florida's economic regions to seaports, international airports, and markets to provide connections through major gateways, improved mobility in major urbanized areas, and access routes for emergency evacuation to coastal communities based on analysis of current and projected traffic conditions.

(2) Notwithstanding any other provision of law, in fiscal year 2001-2002 and each year thereafter, the increase in revenue to the State Transportation Trust Fund derived from ss. 1, 2, 3, 7, 9, and 10, ch. 2000-257, Laws of Florida, shall be first used by the Department of Transportation to fund the Mobility 2000 initiative and any remaining funds shall be used to fund the Florida Strategic Intermodal System ~~Transportation Outreach Program~~ created pursuant to s. 339.61 ~~s. 339.137~~. Notwithstanding any other law to the contrary, the requirements of ss. 206.46(3) and 206.606(2) shall not apply to the Mobility 2000 initiative.

Section 12. Subsection (1) of section 339.61, Florida Statutes, is amended to read:

339.61 Florida Strategic Intermodal System; legislative findings, declaration, and intent.--

(1) There is hereby created the Florida Strategic Intermodal System. For purposes of funding projects under the system, the department shall allocate from the State Transportation Trust Fund in its program and resource plan a minimum of $60 million each year, beginning in the 2004-2005 fiscal year. This allocation of funds is in addition to any funding provided to this system

by any other provision of law.

Section 13. Subsection (1) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.--

(1) The department and local governmental entities, referred to in ss. 337.401-337.404 as the "authority," that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining along, across, or on any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures hereinafter referred to as the "utility." The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

Section 14. Section 95.361, Florida Statutes, is amended to read:

95.361 Roads presumed to be dedicated.--

(1) When a road, constructed by a county, a municipality, or the Department of Transportation, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or the Department of Transportation, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether or not the road has been formally established as a public highway. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

(a) The county, if it is a county road;

(b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of a conveyance, dedication, or appropriation to the public use.

(2) In those instances where a road has been constructed by a nongovernmental entity, or where the road was not constructed by the entity currently maintaining or repairing it, or where it cannot be determined who constructed the road, and when such road has been regularly maintained or repaired for the immediate past 7 years by a county, a municipality, or the Department of Transportation, whether jointly or severally, such road shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period, whether or not the road has been formally established as a public highway. This subsection shall not apply to an electric utility, as defined in s. 366.02(2) The dedication shall vest all rights, title, easement, and appurtenances in and to the road in:

(a) The county, if it is a county road;

(b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the State Highway System or State Park Road System,

whether or not there is a record of conveyance, dedication, or appropriation to the public use.

(3) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or subsection (2) or by any other means of acquisition, duly certified by:

(a) The secretary of the Department of Transportation, or the secretary's designee, if the road is a road in the State Highway System or State Park Road System;

(b) The chair and clerk of the board of county commissioners of the county, if the road is a county road; or

(c) The mayor and clerk of the municipality, if the road is a municipal road or street,

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(4) Any person, firm, corporation, or entity having or claiming any interest in and to any of the property affected by subsection (2) shall have and is hereby allowed a period of 1 year after the effective date of this subsection, or a period of 7 years after the initial date of regular maintenance or repair of the road, whichever period is greater, to file a claim in equity or with a court of law against the particular governing authority assuming jurisdiction over such property to cause a cessation of the maintenance and occupation of the property. Such timely filed and adjudicated claim shall prevent the dedication of the road to the public pursuant to subsection (2).

(5) This section does not apply to any facility of an electric utility which is located on property otherwise subject to this section.

Section 15. Subsections (2) and (6) of section 341.8203, Florida Statutes, are amended to read:

341.8203 Definitions.--As used in this act, unless the context clearly indicates otherwise, the term:

(2) "Authority" means the Florida High-Speed Rail Authority and its agents. However, for purposes of s. 341.840, the term does not include any agent of the authority except as provided in that section.

(6) "High-speed rail system" means any high-speed fixed guideway system for transporting people or goods, which system is capable of operating at speeds in excess of 120 miles per hour, including, but not limited to, a monorail system, dual track rail system, suspended rail system, magnetic levitation system, pneumatic repulsion system, or other system approved by the authority. The term includes a corridor and structures essential to the operation of the line, including the land, structures, improvements, rights-of-way, easements, rail lines, rail beds, guideway structures, ~~stations, platforms,~~ switches, yards, parking facilities, power relays, switching houses, and rail stations~~, associated development,~~ and also includes ~~any other~~ facilities or equipment used exclusively ~~or useful~~ for the purposes of ~~high-speed rail system~~ design, construction, operation, maintenance, or the financing of the high-speed rail system.

Section 16. Section 341.840, Florida Statutes, is amended to read:

341.840 Tax exemption.--

(1) The exercise of the powers granted by this act will be in all respects for the benefit of the people of this state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions.~~, and as~~ The design, construction ~~building~~, operation, maintenance, and financing of a high-speed rail system by the authority, ~~or~~ its agent, or the owner or lessee thereof, as herein authorized, constitutes the performance of an essential public function.

(2)(a) For the purposes of this section, the term "authority" does not include agents of the authority other than contractors who qualify as such pursuant to subsection (7).

(b) For the purposes of this section, any item or property that is within the definition of "associated development" in s. 341.8203(1) shall not be considered to be part of the high-speed rail system as defined in s. 341.8203(6).

(3)(a) Purchases or leases of tangible personal property or real property by the authority, excluding agents of the authority, are exempt from taxes imposed by chapter 212 as provided in s. 212.08(6). Purchases or leases of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the authority, by agents of the authority or the owner of the high-speed rail system are exempt from sales or use taxes imposed by chapter 212. Leases, rentals, or licenses to use real property granted to agents of the authority or the owner of the high-speed rail system are exempt from taxes imposed by s. 212.031 if the real property becomes part of such system. The exemptions granted in this subsection do not apply to sales, leases, or licenses by the authority, agents of the authority, or the owner of the high-speed rail system.

(b) The exemption granted in paragraph (a) to purchases or leases of tangible personal property by agents of the authority or by the owner of the high-speed rail system applies only to property that becomes a component part of such system. It does not apply to items, including, but not limited to, cranes, bulldozers, forklifts, other machinery and equipment, tools and supplies, or other items of tangible personal property used in the construction, operation, or maintenance of the high-speed rail system when such items are not incorporated into the high-speed rail system as a component part thereof.

(4) Any bonds or other~~, neither the authority, its agent, nor the owner of such system shall be required to pay any taxes or assessments upon or in respect to the system or any property acquired or used by the authority, its agent, or such owner under the provisions of this act or upon the income~~

~~therefrom, any~~ security, and all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of or are given to secure the repayment of bonds or other security, issued by the authority, or on behalf of the authority ~~therefor~~, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state, the counties, and the municipalities and other political subdivisions in the state. This subsection, however, does not exempt from taxation or assessment the leasehold interest of a lessee in any project or any other property or interest owned by the lessee. The exemption granted by this subsection is not applicable to any tax imposed by chapter 220 on interest income or profits on the sale of debt obligations owned by corporations.

(5) When property of the authority is leased to another person or entity, the property shall be exempt from ad valorem taxation only if the use by the lessee qualifies the property for exemption under s. 196.199.

(6) A leasehold interest held by the authority is not subject to intangible tax. However, if a leasehold interest held by the authority is subleased to a nongovernmental lessee, such subleasehold interest shall be deemed to be an interest described in s. 199.023(1)(d), and is subject to the intangible tax.

(7)(a) In order to be considered an agent of the authority for purposes of the exemption from sales and use tax granted by subsection (3) for tangible personal property incorporated into the high-speed rail system, a contractor of the authority that purchases or fabricates such tangible personal property must be certified by the authority as provided in this subsection.

(b)1. A contractor must apply for a renewal of the exemption not later than December 1 of each calendar year.

2. A contractor must apply to the authority on the application form adopted by the authority, which shall develop the form in consultation with the Department of Revenue.

3. The authority shall review each submitted application and determine whether it is complete. The authority shall notify the applicant of any deficiencies in the application within 30 days. Upon receipt of a completed application, the authority shall evaluate the application for exemption under this subsection and issue a certification that the contractor is qualified to act as an agent of the authority for purposes of this section or a denial of such certification within 30 days. The authority shall provide the Department of Revenue with a copy of each certification issued upon approval of an application. Upon receipt of a certification from the authority, the Department of Revenue shall issue an exemption permit to the contractor.

(c)1. The contractor may extend a copy of its exemption permit to its vendors in lieu of paying sales tax on purchases of tangible personal property qualifying for exemption under this section. Possession of a copy of the exemption permit relieves the seller of the responsibility of collecting tax on the sale, and the Department of Revenue shall look solely to the contractor for recovery of tax upon a determination that the contractor was not entitled to the exemption.

2. The contractor may extend a copy of its exemption permit to real property subcontractors supplying and installing tangible personal property that is exempt under subsection (3). Any such subcontractor is authorized to extend a copy of the permit to the subcontractor's vendors in order to purchase qualifying tangible personal property tax-exempt. If the subcontractor uses the exemption permit to purchase tangible personal property that is determined not to qualify for exemption under subsection (3), the Department of Revenue may assess and collect any tax, penalties, and interest that are due from either the contractor holding the exemption permit or the subcontractor that extended the exemption permit to the seller.

(d) Any contractor authorized to act as an agent of the authority under this section shall maintain the necessary books and records to document the exempt status of purchases and fabrication costs made or incurred under the permit. In addition, an authorized contractor extending its exemption permit to its subcontractors shall maintain a copy of the subcontractor's books, records, and invoices indicating all purchases made by the subcontractor under the authorized contractor's permit. If, in an audit conducted by the Department of Revenue, it is determined that tangible personal property purchased or fabricated claiming exemption under this section does not meet the criteria for exemption, the amount of taxes not paid at the time of purchase or fabrication shall be immediately due and payable to the Department of Revenue, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by chapter 212.

(e) If a contractor fails to apply for a high-speed rail system exemption permit, or if a contractor initially determined by the authority to not qualify for exemption is subsequently determined to be eligible, the contractor shall receive the benefit of the exemption in this subsection through a refund of previously paid taxes for transactions that otherwise would have been exempt. A refund may not be made for such taxes without the issuance of a certification by the authority that the contractor was authorized to make purchases tax-exempt and a determination by the Department of Revenue that the purchases qualified for the exemption.

(f) The authority may adopt rules governing the application process for exemption of a contractor as an authorized agent of the authority.

(g) The Department of Revenue may adopt rules governing the issuance and form of high-speed rail system exemption permits, the audit of contractors and subcontractors using such permits, the recapture of taxes on nonqualified purchases, and the manner and form of refund applications.

Section 17. Section 343.71, Florida Statutes, is amended to read:

343.71 Short title.--This part may be cited as the "Tampa Bay Commuter Transit ~~Rail~~ Authority Act."

Section 18. Subsection (1) of section 343.72, Florida Statutes, is amended to read:

343.72 Definitions.--As used in this part, unless the context clearly indicates otherwise, the term:

(1) "Authority" means the Tampa Bay Commuter Transit ~~Rail~~ Authority.

Section 19. Section 343.73, Florida Statutes, is amended to read:

343.73 Tampa Bay Commuter Transit ~~Rail~~ Authority.--

(1) There is created and established a body politic and corporate, an agency of the state, to be known as the Tampa Bay Commuter Transit ~~Rail~~ Authority, hereinafter referred to as the authority.

(2) The board shall consist of the following members:

(a) The metropolitan planning organizations of Hernando, Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk Counties shall each elect a member as its representative on the board. The member must be an elected official and a member of the respective metropolitan planning organization when elected and for the full extent of his or her term on the board.

(b) The county commissions of those counties shall each appoint a citizen member to the board who is not a county commissioner but who is a resident and a qualified elector of that county. Insofar as is practicable, the citizen member shall represent the business and civic interests of the community.

(c) The Secretary of Transportation shall appoint as a member of the board the district secretary, or his or her designee, for each district within the seven ~~five~~ counties served by the authority.

(d) The local transit authority in each of the seven ~~five~~ counties shall elect one member who shall serve as an ex officio nonvoting member of the board.

(e) The Governor shall appoint one member to the board who is a resident and a qualified elector in the area served by the authority.

(3) The terms of the county commissioners on the governing board of the authority shall be 2 years. All other members on the governing board of the authority shall serve staggered 4-year terms. Each member shall hold office until his or her successor has been appointed.

(4) A vacancy during a term shall be filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the balance of the unexpired term.

(5) The members of the authority shall not be entitled to compensation, but shall be reimbursed for travel expenses actually incurred in their duties as provided by law.

(6) Members of the authority shall be required to comply with the applicable financial disclosure requirements of ss. 112.3145, 112.3148, and 112.3149.

Section 20. Subsection (1) of section 343.74, Florida Statutes, is amended to read:

343.74 Powers and duties.--

(1)(a) The authority created by s. 343.73 has the right to own, operate, maintain, and manage a commuter rail system and commuter ferry system in Hernando, Hillsborough, Pasco, Pinellas, Manatee, Sarasota, and Polk Counties.

(b) It is the express intention of this part that the authority be authorized to plan, develop, own, purchase, lease, or otherwise acquire, demolish, construct, improve, relocate, equip, repair, maintain, operate, and manage a commuter rail system, commuter rail facilities, or commuter ferry system; to establish and determine such policies as may be necessary for the best interest of the operation and promotion of a commuter rail system and commuter ferry system; and to adopt such rules as may be necessary to govern the operation

of a commuter rail system, commuter rail facilities, and commuter ferry system.

Section 21. Subsection (1) of section 3 of chapter 57-1658, Laws of Florida, as created by chapter 88-474, Laws of Florida, is amended to read:

Section 3. Greater Orlando Aviation Authority.

(1) There is hereby created a board or commission to be known as the "Greater Orlando Aviation Authority," and by that name the authority may sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal. The authority is hereby constituted an agency of the city, and exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential municipal function of the city. The authority shall consist of seven members who shall be elected or appointed as follows: one member shall be the mayor of the City of ~~an incumbent member of the~~ Orlando ~~City Council, who may be the mayor-commissioner or any other commissioner elected by a majority vote of such council~~; one member shall be the chairman ~~an incumbent member~~ of the Board of County Commissioners of Orange County, Florida, ~~who may be the chairman or any other commissioner elected by a majority vote of such commission~~; and five members shall be appointed by the Governor, subject to confirmation by the Senate. Three members appointed by the Governor shall be residents and electors of Orange County, Florida; one member appointed by the Governor shall be a resident and elector of Osceola County, Florida, ~~effective April 1992~~; and, one member appointed by the Governor shall be a resident and elector of Orange County, Florida, or Seminole County, Florida. All seven members shall be entitled to an equal voice and vote on all matters relating to the authority and its business. Two of the five appointed members initially appointed by the Governor shall be appointed for a term of 2 years and three members shall be appointed for a term of four years, the term of each member so appointed to be designated by the Governor at the time of the appointment. All subsequent appointments shall be for a term of 4 years. The member of the city council and the member of the county commission shall be elected for a term of two years each; provided, however, that any such commissioner's term shall end at such time as he may cease to be a city or county commissioner, at which time a successor or successors shall be elected for any unexpired term. The terms of all members shall end at the expiration of their terms or as otherwise herein specified.

Section 22. Section 337.408, Florida Statutes, is amended to read:

337.408 Regulation of benches, transit shelters, street light poles, ~~and~~ waste disposal receptacles, and modular news racks within rights-of-way.--

(1) Benches or transit shelters, including advertising displayed on benches or transit shelters, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway,~~;~~ provided that such benches or transit shelters are for the comfort or convenience of the general public~~,~~ or are at designated stops on official bus routes~~;~~ and~~,~~ provided ~~further,~~ that written authorization has been given to a qualified private supplier of such service by the municipal government within whose incorporated limits such benches or transit shelters are installed~~,~~ or by the county government within whose unincorporated limits such benches or transit shelters are installed. A municipality or county may authorize the installation, without public bid, of benches and transit shelters together with advertising displayed thereon~~,~~ within the right-of-way limits of such roads. Any contract for the installation of benches or transit shelters or advertising on benches or transit shelters which was entered into before April 8, 1992, without public bidding~~,~~ is ratified and affirmed. Such benches or transit shelters may not interfere with right-of-way preservation and maintenance. Any bench or transit shelter located on a sidewalk within the right-of-way limits of any road on the State Highway System or the county road system shall be located so as to leave at least 36 inches of clearance for pedestrians and persons in wheelchairs. Such clearance shall be measured in a direction perpendicular to the centerline of the road.

(2) Waste disposal receptacles of less than 110 gallons in capacity, including advertising displayed on such waste disposal receptacles, may be installed within the right-of-way limits of any municipal, county, or state road, except a limited access highway,~~;~~ provided that written authorization has been given to a qualified private supplier of such service by the appropriate municipal or county government. A municipality or county may authorize the installation, without public bid, of waste disposal receptacles together with advertising displayed thereon within the right-of-way limits of such roads. Such waste disposal receptacles may not interfere with right-of-way preservation and maintenance.

(3) Modular news racks, including advertising thereon, may be located within the right-of-way limits of any municipal, county, or state road, except a limited access highway, provided the municipal government within whose incorporated limits such racks are installed or the county government within whose unincorporated limits such racks are installed has passed an ordinance regulating the placement of modular news racks within the right-of-way and has authorized a qualified private supplier of modular news racks to provide such service. The modular news rack or advertising thereon shall not exceed a height of 56 inches or a total advertising space of 56 square feet. No later than 45 days prior to installation of modular news racks, the private supplier shall provide a map of proposed locations and typical installation plans to the department for approval. If the department does not respond within 45 days after receipt of the submitted plans, installation may proceed.

(4)~~(3)~~ The department has the authority to direct the immediate relocation or removal of any bench, transit shelter, ~~or~~ waste disposal receptacle , or modular news rack which endangers life or property, except that transit bus benches which have been placed in service prior to April 1, 1992, are not required ~~do not have~~ to comply with bench size and advertising display size requirements which have been established by the department prior to March 1, 1992. Any transit bus bench that was in service prior to April 1, 1992, may be replaced with a bus bench of the same size or smaller, if the bench is damaged or destroyed or otherwise becomes unusable. The department is authorized to adopt ~~promulgate~~ rules relating to the regulation of bench size and advertising display size requirements. ~~However,~~ If a municipality or county within which a bench is to be located has adopted an ordinance or other applicable regulation that establishes bench size or advertising display sign requirements different from requirements specified in department rule, ~~then~~ the local government requirement shall be applicable within the respective municipality or county. Placement of any bench or advertising display on the National Highway System under a local ordinance or regulation adopted pursuant to this subsection shall be subject to approval of the Federal Highway Administration.

(5)~~(4)~~ No bench, transit shelter, ~~or~~ waste disposal receptacle, or modular news rack, or advertising thereon, shall be erected or so placed on the right-of-way of any road which conflicts with the requirements of federal law, regulations, or safety standards, thereby causing the state or any political subdivision the loss of federal funds. Competition among persons seeking to provide bench, transit shelter, ~~or~~ waste disposal receptacle, or modular news rack services or advertising on such benches, shelters, ~~or~~ receptacles, or news racks may be regulated, restricted, or denied by the appropriate local government entity consistent with the provisions of this section.

(6)~~(5)~~ Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, ~~and~~ waste disposal receptacles, and modular news racks as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size, setback, spacing distance, duration of display, safety, traffic control, and permitting requirements established by administrative rule of the Department of Transportation. Public service messages and advertisements shall be subject to bilateral agreements, where applicable, to be negotiated with the owner of the street light poles, which shall consider, among other things, power source rates, design, safety, operational and maintenance concerns, and other matters of public importance. For the purposes of this section, the term "street light poles" does not include electric transmission or distribution poles. The department shall have authority to adopt ~~establish administrative~~ rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section ~~subsection~~. No advertising on light poles shall be permitted on the Interstate Highway System. No permanent structures carrying advertisements attached to light poles shall be permitted on the National Highway System.

(7)~~(6)~~ Wherever the provisions of this section are inconsistent with other provisions of this chapter or with the provisions of chapter 125, chapter 335, chapter 336, or chapter 479, the provisions of this section shall prevail.

Section 23. Paragraph (n) of subsection (2) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.--

(2) The authority is hereby granted, and shall have and may exercise all powers necessary, appurtenant, convenient or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the following

rights and powers:

(n) With the consent of Orange County and the county within whose jurisdiction the following activities occur, the authority shall have the right to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards outside the jurisdictional boundaries of Orange County, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon, with all necessary and incidental powers to accomplish the foregoing.

Section 24. Paragraph (m) of subsection (2) of section 348.0004, Florida Statutes, is repealed.

Section 25. Subsection (9) is added to section 348.0004, Florida Statutes, to read:

348.0004 Purposes and powers.--

(9) The Legislature declares that there is a public need for rapid construction of safe and efficient transportation facilities for travel within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(a) Notwithstanding any other provision of the Florida Expressway Authority Act, any expressway authority may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of expressway authority transportation facilities or new transportation facilities within the jurisdiction of the expressway authority. An expressway authority is authorized to adopt rules to implement this subsection and shall, by rule, establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. An expressway authority may engage private consultants to assist in the evaluation. Before approval, an expressway authority must determine that a proposed project:

1. Is in the public's best interest.

2. Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.

3. Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or the cancellation of the agreement by the expressway authority.

(b) An expressway authority shall ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. An expressway authority shall also ensure that all reasonable costs to the state and substantially affected local governments and utilities related to the private transportation facility are borne by the private entity for transportation facilities that are owned by private entities. For projects on the State Highway System, the department may use state resources to participate in funding and financing the project as provided for under the department's enabling legislation.

(c) The expressway authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation in the county in which it is located at least once a week for 2 weeks, stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the expressway authority shall rank the proposals in order of preference. In ranking the proposals, the expressway authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the expressway authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the expressway authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the expressway authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. Notwithstanding this paragraph, the expressway authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

(d) The department may lend funds from the Toll Facilities Revolving Trust Fund, as outlined in s. 338.251, to public-private partnerships. To be eligible a private entity must comply with s. 338.251 and must provide an indication from a nationally recognized rating agency that the senior bonds for the project will be investment grade or must provide credit support, such as a letter of credit or other means acceptable to the department, to ensure that the loans will be fully repaid.

(e) Agreements entered into pursuant to this subsection may authorize the public-private entity to impose tolls or fares for the use of the facility. However, the amount and use of toll or fare revenues shall be regulated by the expressway authority to avoid unreasonable costs to users of the facility.

(f) Each public-private transportation facility constructed pursuant to this subsection shall comply with all requirements of federal, state, and local laws; state, regional, and local comprehensive plans; the expressway authority's rules, policies, procedures, and standards for transportation facilities; and any other conditions that the expressway authority determines to be in the public's best interest.

(g) An expressway authority may exercise any power possessed by it, including eminent domain, to facilitate the development and construction of transportation projects pursuant to this subsection. An expressway authority may pay all or part of the cost of operating and maintaining the facility or may provide services to the private entity for which it receives full or partial reimbursement for services rendered.

(h) Except as herein provided, this subsection is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities.

Section 26. Subsection (2) of section 2 of chapter 88-418, Laws of Florida, as amended by section 99 of chapter 2002-20, Laws of Florida, is amended to read:

Section 2. Crandon Boulevard is hereby designated as a state historic highway. No public funds shall be expended for:

(2) The alteration of the physical dimensions or location of Crandon Boulevard, the median strip thereof, or the land adjacent thereto, except for:

(a) The routine or emergency utilities maintenance activities necessitated to maintain the road as a utility corridor serving the village of Key Biscayne; ~~or~~

(b) The modification or improvements made to provide for vehicular ingress and egress of governmental public safety vehicles; or~~.~~

(c) Alterations, modifications, or improvements made for the purpose of enhancing life safety vehicular use or pedestrian use of Crandon Boulevard, or both, so long as such alterations, modifications, or improvements are heard in a public hearing and subsequently approved by the Village Council of the Village of Key Biscayne.

Section 27. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to transportation; amending s. 20.23, F.S.; authorizing the secretary of the department to appoint an additional assistant secretary and deputy assistant secretaries or directors; revising the organization of the department to specify areas of program responsibility; authorizing the secretary to reorganize offices within the department in consultation with the Executive Office of the Governor; amending s. 110.205, F.S., relating to career service; conforming provisions to changes made by the act; amending 177.031, F.S.; providing that encasement in concrete is optional for survey markers made of certain materials; amending s. 339.175, F.S.; revising planning procedures of metropolitan planning organizations; requiring development of plans and programs that identify transportation facilities that should function as an integrated metropolitan planning system; requiring that the approved list of project priorities include projects on the Strategic Intermodal System; amending s. 338.251, F.S.; authorizing the Emerald Coast Bridge Authority to revise the repayment schedule of any previous advances for funds from the Toll Facilities Revolving Trust Fund within the department; providing that such repayment schedule is not a failure to repay under certain conditions; amending s. 334.30, F.S.; revising provisions for public-private construction of transportation facilities; providing procedures for requests for proposals and receipt of unsolicited proposals by the department; providing for use of certain funds under described conditions; amending s. 338.001, F.S., relating to the Florida Intrastate Highway System Plan; establishing a minimum annual allocation; amending s. 339.08, F.S.; revising provisions for use of moneys in the State Transportation Trust Fund; providing for use of such funds for projects on the Strategic Intermodal

System; amending s. 339.135, F.S.; revising provisions for use of new discretionary highway capacity funds; providing for allocation of such funds to the Strategic Intermodal System; repealing s. 339.137, F.S., relating to the Transportation Outreach Program; amending s. 339.1371, F.S.; removing provisions to fund the Transportation Outreach Program; adding provisions to fund the Florida Strategic Intermodal System; amending s. 339.61, F.S., relating to the Florida Strategic Intermodal System; establishing a minimum annual allocation; amending s. 337.401, F.S.; providing that a permit-delegation agreement between the Department of Transportation and a governmental entity does not apply to facilities of electric utilities; amending s. 95.361, F.S.; providing that provisions governing the circumstances under which a road is deemed to be dedicated to the public do not apply to a electric utility facility located on property otherwise subject to those provisions; amending s. 341.8203, F.S.; redefining the terms "authority" and "high-speed rail system"; amending s. 341.840, F.S.; revising the tax exemption of the authority and its agents and contractors; providing for annual redetermination of eligibility for exemption; providing for recapture of taxes when an exemption is used inappropriately; providing for rules; amending ss. 343.71, 343.72, 343.73, and 343.74, F.S., relating to the Tampa Bay Commuter Rail Authority Act; redesignating the authority as the "Tampa Bay Commuter Transit Authority"; adding representatives of Manatee and Sarasota Counties to the board of authority; including Manatee and Sarasota Counties within the jurisdiction of the authority; amending s. 3 of chapter 88-474, Laws of Florida, as amended, relating to the Greater Orlando Aviation Authority; providing the mayor of Orlando, and chair of the Orange County Commission shall be members of the authority; amending s. 337.408, F.S.; providing for placement of certain modular news racks, including advertising thereon, within the right-of-way limits of any municipal, county, or state road; providing requirements, restrictions, and limitations; authorizing removal under certain circumstances; authorizing the department to adopt rules; amending s. 348.754, F.S.; requiring the consent of Orange County in order for the authority to exercise certain powers; repealing s. 348.0004(2)(m), F.S., relating to an obsolete provision authorizing expressway authorities to enter into public-private transportation partnerships; amending s. 348.0004, F.S.; creating a new process for expressway authorities to enter into public-private partnerships with private entities; directing the expressway authorities to adopt rules related to the public-private partnerships; specifying public notice requirements; specifying that public-private entities may impose tolls on the new facilities, but the expressway authority may regulate the amount and use of such tolls; providing that the Department of Transportation may loan funds from the Toll Facilities Revolving Loan Trust Fund for eligible projects; specifying project requirements; authorizing an expressway authority to exercise certain powers to facilitate the partnership projects; providing that intent of the act is not to amend or impact other existing laws; amending s. 2 of chapter 88-418, Laws of Florida, as amended, relating to Crandon Boulevard; allowing expenditure of public funds for certain modifications to enhance life safety vehicular or pedestrian use under certain circumstances; providing an effective date.

Rep. Russell moved the adoption of the amendment.

REPRESENTATIVE MURMAN IN THE CHAIR

The question recurred on the adoption of **Amendment 5**, which was adopted.

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

CS for CS for SB 1344—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities in the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; amending s. 400.601, F.S.; redefining the term "hospice"; creating s. 400.6055, F.S.; requiring construction standards for hospice facilities to comply with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

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

Representative Farkas offered the following:

(Amendment Bar Code: 373825)

Amendment 1 (with title amendment)—On page 4, line(s) 1-9,
remove: all of said lines

On page 1, lines 9-11,
remove: all of said lines

and insert: Building Code;

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

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

CS for CS for CS for CS for SB 2488—A bill to be entitled An act relating to the Florida Hurricane Catastrophe Fund; amending s. 215.555, F.S.; redefining and defining terms; providing for the State Board of Administration to specify interest due on delinquent remittances; revising conditions of, amounts of, and procedures relating to reimbursement contracts; revising maximum rates of, procedures relating to, and types of insurance subject to emergency assessments; revising provisions relating to reinsurance; deleting expired provisions; requiring insurers to make a rate filing or certification for policies covered under the act; providing effective dates.

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

Representative Berfield offered the following:

(Amendment Bar Code: 369115)

Amendment 1—On page 15, line 12, through page 16, line 28,
remove: all of said lines,

and insert:

Section 2. Effective June 1, 2004, paragraph (e) of subsection (2), paragraph (c) of subsection (4), and subsection (6) of section 215.555, Florida Statutes, as amended by this act, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.--

(2) DEFINITIONS.--As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2004 ~~1995~~, the retention multiple shall be equal to $4.5 ~~$3~~ billion divided by the total estimated reimbursement premium for the contract year; for subsequent years, the retention multiple shall be equal to $4.5 ~~$3~~ billion, adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003 ~~1998~~, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for purposes of the calculation under this subparagraph shall be estimated using the assumption that all insurers have selected the 90-percent coverage level.

2. The retention multiple as determined under subparagraph 1. shall be adjusted to reflect the coverage level elected by the insurer. For insurers electing the 90-percent coverage level, the adjusted retention multiple is 100 percent of the amount determined under subparagraph 1. For insurers electing the 75-percent coverage level, the retention multiple is 120 percent of the amount determined under subparagraph 1. For insurers electing the 45-percent coverage level, the adjusted retention multiple is 200 percent of the amount determined under subparagraph 1.

3. An insurer shall determine its provisional retention by multiplying its provisional reimbursement premium by the applicable adjusted retention multiple and shall determine its actual retention by multiplying its actual

reimbursement premium by the applicable adjusted retention multiple.

(4) REIMBURSEMENT CONTRACTS.--

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of $15 ~~$11~~ billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may

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

Representative Berfield offered the following:

(Amendment Bar Code: 911335)

Amendment 2—On page 23, between lines 17 and 18, insert:

10. The exemption of medical malpractice insurance premiums from emergency assessments under this paragraph is repealed May 31, 2007, and medical malpractice insurance premiums shall be subject to emergency assessments attributable to loss events occurring in the contract years commencing on June 1, 2007.

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

Representative Berfield offered the following:

(Amendment Bar Code: 577877)

Amendment 3 (with title amendment)—On page 31, line(s) 19 and 20, remove: all of said lines,

and insert:

Section 4. Transitional provisions.--

(1) This section applies only to the Florida Hurricane Catastrophe Fund's 2004-2005 contract year, and the option provided in this section is available only if the selection is made no later than June 1, 2004. The definitions in s. 215.555, Florida Statutes, apply to the terms used in this section.

(2) Subject to the provisions of subsection (1), a participating insurer writing covered policies shall have the option, as specified in rules adopted by the board, of selecting an alternative contract provision that will operate in lieu of the provision in s. 215.555(4)(c), Florida Statutes, as amended by this act. Under the alternative contract provision, the obligation of the board to such insurer shall not exceed the insurer's share of actual claims-paying capacity of the fund, subject to the limitation that for purposes of this section the "claims-paying capacity of the fund" as to insurers selecting the alternative contract provision is limited to an aggregate limit of $11 billion. This option is not available to any entity created under s. 627.351, Florida Statutes.

(3) Nothing in this section shall be construed to provide for additional claims paying capacity beyond the claims paying capacity specified in s. 215.555(4)(c), Florida Statutes, as amended by this act. The capacity of the fund is limited up to the actual claims paying capacity provided in s. 215.555(4)(c), Florida Statutes, and is not additive as a result of participating insurers ability to select this option.

(4) Each insurer's projected payout shall be equal to the insurer's share of the estimated premium which would have been paid assuming all insurers selected this option, multiplied by the claims-paying capacity limit as set forth in this section subject to true-up provisions as set forth in the reimbursement contract.

(5) As to each insurer choosing the alternative contract provision option, the board shall calculate the retention multiple for such insurer in an amount equal to $4.866 billion divided by the total estimated reimbursement premium for the contract year, in lieu of the calculation provided for in s. 215.555(2)(e)1., Florida Statutes. Total reimbursement premium for the purposes of this calculation shall be estimated using the assumption that all insurers have selected the option provided herein and have selected the 90-percent coverage level. The existence of this option shall not affect the estimation of total reimbursement premiums as provided for in s. 215.555(2)(e)1., Florida Statutes.

(6) For those insurers that do not select this alternative contract provision, each insurer's projected payout shall be equal to the insurer's share of the estimated premium which would have been paid assuming no insurers selected this option, multiplied by the claims-paying capacity limit as set forth in s. 215.555(4)(c)1., Florida Statutes, as amended by this act, subject to true-up provisions as set forth in the reimbursement contract.

(7) As to each insurer not choosing the alternative contract provision option, the board shall calculate the retention multiple for such insurer in accordance with s. 215.555(2)(e)1., Florida Statutes, as amended by this act, divided by the total estimated reimbursement premium for the contract year. Total reimbursement premium for the purposes of this calculation shall be estimated using the assumption that no insurers have selected the option provided herein and have selected the 90-percent coverage level. This calculation shall not affect the estimation of total reimbursement premiums as provided for in s. 215.555(2)(e)1., Florida Statutes, as amended under this act.

Section 5. Except as otherwise provided herein, this act shall take effect upon becoming a law.

On page 1, line(s) 15, insert after the semicolon:
providing transitional provisions; providing application; providing criteria, requirements, and limitations;

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

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

HB 1793— A bill to be entitled An act relating to campaign financing; amending s. 106.011, F.S.; revising and providing definitions; amending s. 106.03, F.S.; revising registration requirements of political committees; requiring the statement of organization to be sworn to under oath and penalty of perjury; providing for personal liability; revising content requirements of the statement of organization; requiring amendment of the statement of organization under certain circumstances; amending s. 106.04, F.S.; requiring membership dues of committees of continuous existence to be reported in the same manner as regular contributions, with specified exemptions; requiring reporting of expenditures; prohibiting transfers from committees of continuous existence to certain political committees for certain purposes; providing penalties; creating s. 106.045, F.S.; providing registration and reporting requirements for partisan affinity groups; providing a definition; providing penalties for late or incomplete reports; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing a definition; providing standards and guidelines; requiring the Division of Elections to adopt rules to administer the electronic filing system and its reports; amending s. 106.08, F.S.; providing applicability of contribution limits to related entities; providing limits on contributions to committees of continuous existence; providing penalties; creating s. 106.1439, F.S.; requiring reporting of contributions and expenditures for electioneering advertisements; providing definitions; providing filing requirements; providing for personal liability; requiring disclosure statements in such advertisements and providing requirements thereof; prohibiting certain contributions; providing penalties; reenacting ss. 106.075(2) and 106.19(1)(a), F.S., and s. 30(5), ch. 2003-415, Laws of Florida, relating to limitations on contributions to pay loans, acceptance of contributions in excess of the prescribed limits, and applicability of contribution limits to the 2004 elections, respectively, to incorporate the amendment to s. 106.08, F.S., in references thereto; providing severability; providing effective dates.

—was taken up, having been read the third time earlier today; now pending on motion by Rep. Harrington to adopt Amendment 8.

The question recurred on the adoption of **Amendment 8**.

Representatives Harrington and Carroll offered the following:

(Amendment Bar Code: 239765)

Amendment 1 to Amendment 8—Remove line 119 and insert:
8 hours per weekday during the applicable periods. Early voting shall also be provided for 8 hours in the aggregate for each weekend during the applicable periods.

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

The question recurred on the adoption of **Amendment 8**, as amended, which was adopted by the required two-thirds vote.

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

HB 1971—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; redesignating "paper ballot" as "marksense ballot"; defining the term "early voting"; redefining the term "voting system"; amending s. 97.052, F.S.; providing an additional purpose for statewide voter registration applications and revising who may reproduce such applications; amending s. 99.061, F.S.; revising references relating to obtaining ballot position; amending s. 99.095, F.S.; revising procedures for qualification by petition; amending s. 99.0955, F.S.; revising method of qualification by candidates with no party affiliation; amending s. 99.096, F.S.; revising method of qualification by minor party candidates; amending s. 100.011, F.S.; providing that electors in line to vote at the closing of the polls must be allowed to vote; amending s. 100.111, F.S.; revising procedures to be followed in the event of a vacancy in nomination; amending s. 101.015, F.S.; requiring supervisors of elections to include written procedures for early voting in their accuracy and security procedures and to submit any revisions to those security procedures within a specified period before early voting commences; amending s. 101.031, F.S.; revising requirements regarding the furnishing of instructions for electors; amending ss. 101.048 and 101.049, F.S.; providing for voting of provisional ballots by persons with disabilities; revising a reference; amending s. 101.131, F.S.; authorizing political parties to have a certain number of at-large poll watchers; revising provisions for designation of poll watchers; amending s. 101.151, F.S.; revising specifications for ballots; amending s. 101.171, F.S.; providing for copies of constitutional amendments to be provided in poster or booklet form; amending s. 101.253, F.S.; prescribing duties of the supervisor of elections with respect to ballots in cases of vacancy in nomination; amending s. 101.294, F.S.; prohibiting governing bodies from deploying uncertified voting equipment; prohibiting vendors of voting equipment from providing uncertified voting systems or their components or upgrades; requiring vendors of voting equipment to provide certifications that voting systems or their components or upgrades have been certified; amending s. 101.295, F.S.; providing penalties for providing voting systems or their components or upgrades in violation of law; amending s. 101.5606, F.S.; conforming terminology; providing an additional requirement for voting systems; amending s. 101.5608, F.S.; conforming terminology; amending s. 101.5612, F.S.; providing for testing of tabulating equipment prior to commencement of early voting and notice thereof; amending s. 101.5613, F.S.; specifying person responsible for examination of equipment for purposes of early voting; amending s. 101.595, F.S.; revising duties of the supervisor of elections with respect to reporting undervotes and overvotes; amending s. 101.6103, F.S.; allowing the canvassing of mail ballots to begin at 7 a.m. on the fourth day before the election; prohibiting the release of results prior to 7 p.m. on the day of the election; providing penalties; amending s. 101.62, F.S.; deleting a provision relating to the duty of supervisors of elections with respect to requests for absentee ballots from overseas voters received after the Friday before the election; revising requirements for the mailing of absentee and advance absentee ballots; correcting a reference; amending s. 101.64, F.S.; revising the Voter's Certificate for absent electors to remove the requirement of an attesting witness; requiring absentee voters voting pursuant to the Uniformed and Overseas Citizens Absentee Voting Act to use a standard oath as prescribed by federal law; amending s. 101.65, F.S.; revising the instructions to absent electors to remove the requirement of an attesting witness; amending s. 101.657, F.S.; authorizing and providing requirements for early voting; providing for designation of certain facilities as early voting sites; amending s. 101.68, F.S.; removing the requirement of the signature of an attesting witness for an absentee ballot to be considered legal; amending s. 101.6921, F.S.; revising the instructions for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.6923, F.S.; providing that the special absentee ballot instructions for certain first-time voters shall be substantially in a specified form; revising the Voter's Certificate for special absentee ballots for certain first-time voters to remove the requirement of an attesting witness; amending s. 101.694, F.S.; revising specifications for absentee envelopes printed for overseas voters; amending s. 101.6952, F.S., relating to absentee ballots received from overseas voters, to conform; amending s. 101.697, F.S.; requiring the Department of State to determine the security of electronic transmissions of certain election materials prior to rule adoption; amending s. 102.012, F.S.; providing for a single election board for each precinct; amending s. 102.071, F.S.; deleting the requirement that the certificate of results be prepared in triplicate; amending s. 102.111, F.S.; allowing the Elections Canvassing Commission to delegate the authority to order recounts to the chief election officer; amending s. 102.141, F.S.; deleting the requirement that the canvass be filed with the county court judge; clarifying responsibility for ordering recounts; deleting the requirement for test of the tabulating equipment at the completion of the recount; extending the deadline for reporting results of the machine recount; amending s. 102.168, F.S.; revising provisions with respect to the time for contesting an election; declaring the county canvassing board and the Elections Canvassing Commission indispensable and proper parties in contested elections; amending s. 105.031, F.S.; exempting write-in candidates for the office of school board member from payment of the qualifying fee; amending s. 105.035, F.S.; revising procedures for qualifying as a candidate for judicial or school board office by petition; amending s. 106.011, F.S.; defining the term "eliminated candidate"; amending s. 106.021, F.S.; providing exceptions to a prohibition against making certain contributions or expenditures in connection with a campaign or activities of a political committee; authorizing reimbursement of expenses incurred in connection with a campaign or activities of a political committee; requiring disclosure of the names and addresses of persons reimbursed from a campaign account; providing for retroactive operation; amending s. 106.023, F.S.; providing that the execution and filing of the statement of candidate does not in and of itself create a presumption that a violation of ch. 106 or ch. 104, F.S., is a willful violation; amending s. 106.04, F.S.; reducing the fine for late filing of campaign finance reports by committees of continuous existence for the first 3 days; providing for deposit of fine proceeds into the General Revenue Fund; amending s. 106.07, F.S.; revising requirements for filing campaign reports; revising requirements with respect to timely filing of mailed reports; requiring the reporting of the primary purposes of certain expenditures made indirectly through a campaign treasurer for certain goods and services; expanding grounds for appealing or disputing a fine; requiring the Florida Elections Commission to consider mitigating and aggravating circumstances in determining the amount of a fine, if any, to be waived for late-filed reports; providing for deposit of certain fine proceeds into the General Revenue Fund; limiting investigation of alleged late filing violations; providing for electronic filing of reports; allowing electronic receipts to be used as proof of filing; creating s. 106.0705, F.S.; providing for electronic filing of campaign treasurer's reports; providing standards and guidelines; providing penalties; amending s. 106.075, F.S.; revising requirements with respect to reporting loans; amending s. 106.08, F.S.; prohibiting candidates from expending funds from their campaign accounts to obtain endorsements; providing penalties; amending s. 106.087, F.S.; exempting committees of continuous existence from certain prohibitions with respect to independent expenditures; amending s. 106.09, F.S.; prohibiting acceptance of certain contributions made by money order; providing penalties; amending s. 106.11, F.S.; revising provisions relating to reporting use of debit cards; amending s. 106.141, F.S.; providing for deposit into the General Revenue Fund of reimbursed election assessments; amending s. 106.25, F.S.; requiring sworn complaints to be based upon personal knowledge or independent research of the complainant; restricting the alleged violations the commission may investigate to those specifically contained within a sworn complaint; providing restrictions on subsequent complaints based on the same facts or allegations as a prior complaint; authorizing respondents and complainants and their counsels to attend hearings at which probable cause is determined; requiring prior notice; permitting a brief oral statement; specifying bases for determining probable cause; amending s. 106.29, F.S.; revising provisions relating to reports by political parties; providing that the proceeds of funds assessed against political parties for the late filing of reports shall be deposited into the General Revenue Fund; providing for determination of fine for electronically filed reports; amending s. 191.005, F.S.; requiring certain candidates for commissioner of an independent special fire control district to conduct their campaigns in accordance with ch. 106, F.S.; providing an exception; amending s. 287.057, F.S.; exempting certain voter education activities from competitive-solicitation requirements; requiring voting systems to meet

certain requirements by a date certain; amending s. 22, ch. 2002-281, Laws of Florida; revising effective dates applicable to provisions in such law; repealing s. 98.181, F.S., relating to the supervisor of elections making up indexes or records; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; repealing s. 102.061, F.S., relating to duties of election boards; repealing s. 106.085, F.S., relating to independent expenditure notice requirements; repealing s. 106.144, F.S., relating to filing of statements by certain groups and organizations intending to make or making political advertisements endorsing or opposing candidates or issues; providing applicability of changes to provisions of ch. 106, F.S., to pending and future cases before the Florida Elections Commission; providing effective dates.

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

Representative Harrington offered the following:

(Amendment Bar Code: 093125)

Amendment 2 (with title amendment)—Remove lines 2351-2352 and insert:
commission. The

Remove lines 159-161 and insert:
election assessments; amending s. 106.25, F.S.; restricting the

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

Representative Harrington offered the following:

(Amendment Bar Code: 006809)

Amendment 3 (with directory and title amendments)—Between line(s) 2403 and 2404, insert:
Section 56. Subsection (5) is added to section 106.265, Florida Statutes, to read:
106.265 Civil penalties.--
(5) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

Remove line(s) 169 and insert:
specifying bases for determining probable cause; amending s. 106.265, F.S.; providing liability of complainants for costs and reasonable attorney's fees under certain circumstances; providing for civil actions to collect such costs and fees; amending

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

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

HB 1973—A bill to be entitled An act relating to public records exemptions; creating s. 106.0706, F.S.; creating an exemption from public records requirements for all user identifications and passwords held by the Department of State pursuant to s. 106.0705, F.S.; creating an exemption from public records requirements for records, reports, and files stored in the electronic filing system pursuant to s. 106.0705, F.S.; providing for future review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

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

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 821, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

HB 821—A bill to be entitled An act relating to early childhood education; creating pt. V of ch. 1002, F.S., entitled "Voluntary Prekindergarten Education Program"; providing definitions; creating the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education to implement s. 1(b) and (c), Art. IX of the State Constitution; providing student eligibility and enrollment requirements; providing scholarship options and for issuance of scholarships; providing eligibility requirements for prekindergarten schools to participate in the VPK Program; providing educational requirements for prekindergarten directors of prekindergarten schools; providing requirements for a prekindergarten school teacher preparation and continuing education course; requiring adoption of VPK Program student performance standards; providing curriculum requirements and accountability standards; requiring adoption of a statewide kindergarten screening, and implementation of a screening instrument, to assess kindergarten readiness; providing funding, payment, and attendance requirements for prekindergarten schools; providing for administration of the VPK Program; providing department powers and duties; providing for an evaluation and adoption of curriculum standards for child development associate credentials; providing for interinstitutional articulation agreements; creating the Early Learning Advisory Council within the Agency for Workforce Innovation to provide advice on early childhood education policy and administration of the VPK Program and early learning programs; providing council requirements; providing State Board of Education rulemaking authority; amending and renumbering s. 402.3017, F.S.; authorizing the department to contract for administration of scholarship initiatives for early childhood education personnel and for a program to encourage parental involvement; amending s. 411.01, F.S.; conforming provisions to the transfer of the powers and duties of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and the abolishment of the partnership; redesignating school readiness programs as early learning programs and school readiness coalitions as early learning councils; providing duties of the Agency for Workforce Innovation with respect to administration of early learning programs at the statewide level, adoption of standards and outcome measures for early learning programs, and approval, coordination, and evaluation of early learning councils; providing for the organization of early learning councils and membership thereof; providing for administration and implementation of early learning programs by early learning councils; specifying requirements for, and elements of, early learning programs; requiring Agency for Workforce Innovation approval of early learning program plans submitted by early learning councils; specifying minimum standards and provisions for each early learning plan; providing requirements relating to the procurement of commodities or services, payment schedules, fiscal agents, and evaluation of early learning programs and reporting thereof; providing eligibility requirements for participation in early learning programs; requiring early learning programs to provide parental choice; requiring early learning programs to meet performance standards and outcome measures adopted by the Agency for Workforce Innovation; providing for allocation of funds to early learning councils by the Agency for Workforce Innovation and specifying use of such funds; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the early learning system; amending s. 20.50, F.S.; creating the Office of Early Childhood Education within the Agency for Workforce Innovation to administer the early

learning system; amending s. 125.901, F.S.; conforming provisions; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Childhood Education Programs Estimating Conference; requiring estimates and forecasts for early learning programs and the VPK Program; amending s. 402.3016, F.S.; conforming provisions; amending and renumbering s. 402.27, F.S.; requiring the Agency for Workforce Innovation to administer a statewide resource and referral network to provide information for, and assistance in, the operation of early learning councils and the VPK Program; including a system of local resource and referral within the network and specifying services to be provided; amending s. 402.3018, F.S.; requiring the Agency for Workforce Innovation to provide for a statewide toll-free Warm-Line; amending s. 409.178, F.S.; redesignating the Child Care Executive Partnership as the Business Partnership for Early Learning to be administered by the Agency for Workforce Innovation and providing for establishment of the Business Partnership for Early Learning Program; amending s. 402.25, F.S.; conforming provisions; amending s. 402.281, F.S.; redesignating the Gold Seal Quality Care program as the Gold Seal Quality program; specifying requirements for a Gold Seal Quality designation; amending ss. 402.3051, 402.315, and 212.08, F.S.; conforming provisions; amending s. 402.305, F.S.; revising requirements for an introductory course in child care for child care personnel; revising minimum staff credential requirements for child care personnel and providing rulemaking authority for equivalent credentials; amending ss. 383.14, 402.45, 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, and 1006.03, F.S.; conforming provisions; requiring the Department of Education to submit to the Legislature recommendations for professional development programs for the VPK Program; repealing ss. 402.30501, 411.012, and 1008.21, F.S., relating to modification of the introductory child care course for community college credit, the voluntary universal prekindergarten education program, and the school readiness uniform screening, respectively; abolishing the Florida Partnership for School Readiness and providing for transfer of powers, duties, functions, rules, records, personnel, property, and funds to the Agency for Workforce Innovation; providing for the transfer of the TEACH Early Childhood Project and the HIPPY program from the Agency for Workforce Innovation to the Department of Education; prohibiting certain transfers without specific legislative authority; providing that the VPK Program is a choice option for parents and providers and not part of the system of public education; providing effective dates.

(Amendment Bar Code: 470076)

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

and insert:

Section 1. Part V of chapter 1002, Florida Statutes, consisting of sections 1002.51, 1002.53, 1002.55, 1002.57, 1002.59, 1002.61, 1002.63, 1002.65, 1002.67, 1002.69, 1002.71, 1002.73, and 1002.75, Florida Statutes, is created to read:

PART V

VOLUNTARY PREKINDERGARTEN EDUCATION PROGRAM

1002.51 Definitions.--As used in this part, the term:

(1) "Advisory council" means the Florida Child Development Advisory Council created under s. 1002.73.

(2) "Child development provider" means a provider eligible to deliver the prekindergarten program under s. 1002.55.

(3) "Department" means the Department of Education.

(4) "Kindergarten eligibility" means the eligibility of a child for admission to kindergarten in a public school under s. 1003.21(1)(a)2.

(5) "Prekindergarten director" means an onsite person ultimately responsible for the overall operation of a child development provider or, alternatively, of the provider's prekindergarten program, regardless of whether the person is the owner of the provider.

(6) "Regional child development board" or "board" means a regional child development board created under s. 411.01.

1002.53 Voluntary Prekindergarten Education Program; eligibility and enrollment.--

(1) There is created the Voluntary Prekindergarten Education Program within the Department of Education. The program shall take effect in each county at the beginning of the 2005-2006 school year and shall be organized, designed, and delivered in accordance with s. 1(b) and (c), Art. IX of the State Constitution.

(2) Each child who is a resident of the state who will have attained the age of 4 years on or before September 1 of the school year is eligible for the Voluntary Prekindergarten Education Program during that school year. The child remains eligible until the child attains kindergarten eligibility or is admitted to kindergarten, whichever occurs first.

(3) The parent of each child eligible under subsection (2) may enroll the child in one of the following programs:

(a) A prekindergarten program delivered by a child development provider under s. 1002.55;

(b) A summer prekindergarten program delivered by a public school under s. 1002.61; or

(c) A school-year prekindergarten program delivered by a public school under s. 1002.63.

However, a child may not be enrolled in more than one of these programs.

(4)(a) Each parent enrolling a child in the Voluntary Prekindergarten Education Program must complete and submit an application to the regional child development board through the single point of entry established under s. 411.01.

(b) The application must be submitted on forms prescribed by the department and must be accompanied by a certified copy of the child's birth certificate. The forms must include a certification, in substantially the form provided in s. 1002.69(5)(b)2., that the parent chooses the child development provider or public school in accordance with this section and directs that payments for the program be made to the provider or school. The department may authorize alternative methods for submitting proof of the child's age in lieu of a certified copy of the child's birth certificate.

(c) Each regional child development board shall coordinate with each of the school districts within the board's county or multicounty region in the development of procedures for the enrollment of children in prekindergarten programs delivered by public schools.

(5) The regional child development board shall provide each parent enrolling a child in the Voluntary Prekindergarten Education Program with a profile of every child development provider and public school delivering the program within the board's county or multicounty region. The profiles shall be provided to parents in a format prescribed by the department. The profiles must include, at a minimum, the following information about each provider and school:

(a) The provider's or school's services, curriculum, teacher credentials, and teacher-to-student ratio; and

(b) The provider's or school's kindergarten readiness rate calculated in accordance with s. 1002.65(3)(c) and s. 1002.67, based upon the most recent available results of the statewide kindergarten screening.

(6)(a) A parent may enroll his or her child with any child development provider that is eligible to deliver the Voluntary Prekindergarten Education Program under this part; however, the child development provider may determine whether to admit any child. A regional child development board or the department may not limit the number of students admitted by any child development provider for enrollment in the program; however, a child development provider may not exceed its licensed capacity in accordance with ss. 402.301-402.319 as a result of admissions in the prekindergarten program.

(b) A parent may enroll his or her child with any public school within the school district which is eligible to deliver the Voluntary Prekindergarten Education Program under this part, subject to available space. Each school district may limit the number of students admitted by any public school for enrollment in the program; however, the school district must provide for the admission of every eligible child within the district whose parent enrolls the child in the summer prekindergarten program under s. 1002.61.

(c) A child development provider or public school may not discriminate against a parent or child, including the refusal to admit a child for enrollment in the Voluntary Prekindergarten Education Program, because of the parent's or child's race, color, or national origin.

1002.55 Prekindergarten program delivered by child development providers.--

(1) Each regional child development board shall administer the Voluntary Prekindergarten Education Program at the county or regional level for students enrolled under s. 1002.53(3)(a) in a prekindergarten program

delivered by a child development provider.

(2) To be eligible to deliver the prekindergarten program, a child development provider must meet each of the following requirements:

(a) The child development provider must be one of the following types of providers:

1. A nonpublic school exempt from licensure under s. 402.3025(2) which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation under s. 402.281;

2. A child care facility licensed under s. 402.305, family day care home licensed under s. 402.313, or large family child care home licensed under s. 402.3131, which facility or home holds a current Gold Seal Quality Care designation under s. 402.281 or meets or exceeds the Gold Seal Quality Care program standards, as verified by the regional child development board, but does not hold the designation; or

3. A faith-based child care provider exempt from licensure under s. 402.316 which is accredited by an accrediting association in the National Council for Private School Accreditation, the Commission on International and Trans-Regional Accreditation, or the Florida Association of Academic Nonpublic Schools or which holds a current Gold Seal Quality Care designation under s. 402.281.

(b) The child development provider must have, for each prekindergarten class, at least one teacher or child care personnel who meets each of the following requirements:

1. The teacher or child care personnel must hold, at a minimum, one of the following credentials:

a. A Child Development Associate credential issued by the National Credentialing Program of the Council for Professional Regulation; or

b. A credential approved by the Department of Children and Family Services as being equivalent to or greater than the credential described in sub-subparagraph a.

The Department of Children and Family Services may adopt rules under s. 120.536(1) and s. 120.54 which provide criteria and procedures for the approval of equivalent credentials under sub-subparagraph b.

2. The teacher or child care personnel must successfully complete an emergent literacy training course approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.59. This subparagraph does not apply to a teacher or child care personnel who successfully completes approved training in early literacy and language development under s. 402.305(2)(d)4., s. 402.313(6), or s. 402.3131(5) before the establishment of the emergent literacy training course under s. 1002.59 or January 1, 2005, whichever occurs later.

(c) The child development provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the department as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(f) before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2005, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

(d) The child development provider must register with the regional child development board on forms prescribed by the department.

(e) The child development provider must deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(3) A teacher or child care personnel, in lieu of the minimum credentials and courses required under paragraph (2)(b), may hold one of the following educational credentials:

(a) A bachelor's or higher degree in early childhood education, prekindergarten or primary education, preschool education, or family and consumer science;

(b) A bachelor's or higher degree in elementary education, if the teacher or child care personnel has been certified to teach children any age from birth through 6th grade, regardless of whether the teaching certificate is current;

(c) An associate's or higher degree in child development;

(d) An associate's or higher degree in an unrelated field, at least 6 credit hours in early childhood education or child development, and at least 480 hours experience in teaching or providing child care services for children any age from birth through 8 years of age; or

(e) An educational credential approved by the department as being equivalent to or greater than an educational credential described in this subsection. The department may adopt criteria and procedures for the approval of equivalent educational credentials under this paragraph.

1002.57 Prekindergarten director credential.--

(1) By July 1, 2005, the department, with the advice of the advisory council, shall adopt minimum standards for a credential for prekindergarten directors of child development providers delivering the Voluntary Prekindergarten Education Program. The credential must encompass requirements for education and onsite experience.

(2) The educational requirements must include training in the following:

(a) Professionally accepted standards for prekindergarten programs, child development, and strategies and techniques to address the age-appropriate progress of prekindergarten students in attaining the performance standards adopted by the department under s. 1002.65;

(b) Strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program; and

(c) Program administration and operations, including management, organizational leadership, and financial and legal issues.

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Family Services for the child care facility director credential under s. 402.305(2)(f), and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(f) for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

1002.59 Emergent literacy training course.--By January 1, 2005, the department, with the advice of the advisory council, shall adopt minimum standards for a training course in emergent literacy for teachers and child care personnel of the Voluntary Prekindergarten Education Program. The course shall comprise 5 clock hours and shall provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in the development of emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. The course shall also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. The course must meet or exceed the requirements of the Department of Children and Family Services for approved training in early literacy and language development under ss. 402.305(2)(d)4., 402.313(6), and 402.3131(5), and successful completion of the training course satisfies these requirements for approved training.

1002.61 Summer prekindergarten program delivered by public schools; demonstration program.--

(1) Each school district shall administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a public school.

(2) Each district school board shall determine which public schools in the school district are eligible to deliver the summer prekindergarten program. The school district shall use educational facilities available in the public schools during the summer term for the summer prekindergarten program.

(3) Each public school delivering the summer prekindergarten program must have at least one certified teacher for every 10 students in the Voluntary Prekindergarten Education Program. As used in this subsection, the term "certified teacher" means a teacher holding a valid Florida teaching certificate under s. 1012.56 who has the qualifications required by the district school board to instruct students in the summer prekindergarten program. In selecting instructional staff for the summer prekindergarten program, each school district shall give priority to teachers who have experience or coursework in early childhood education.

(4) Each public school delivering the summer prekindergarten program must also:

(a) Register with the regional child development board on forms prescribed by the department; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

(5)(a) There is created a summer prekindergarten demonstration program that shall be implemented during summer 2004 in the Baker, Duval, Hillsborough, Martin, Miami-Dade, Osceola, Palm Beach, Pasco, Santa Rosa, and Wakulla school districts. The demonstration program shall implement the summer prekindergarten program delivered by public schools within the demonstration districts.

(b) The Office of Program Policy Analysis and Government Accountability shall develop a research design for the demonstration program which ensures that students in the demonstration program are demographically representative of students statewide and that the sample size is sufficient to generate statistically valid conclusions. The sample must be selected to ensure that the results obtained from the demonstration program are applicable statewide with statistical confidence.

(c) Each demonstration district and demonstration school shall implement the demonstration program in accordance with the research design developed under paragraph (b) and, to the maximum extent practicable, in accordance with this part.

(d) Each demonstration district shall submit to the Office of Program Policy Analysis and Government Accountability the results of the statewide kindergarten screening administered under s. 1002.67 for students who completed the summer prekindergarten demonstration program.

(e) By January 15, 2005, the Office of Program Policy Analysis and Government Accountability shall conduct an evaluation of the demonstration program in consultation with the Legislature. Each demonstration district shall submit data about the demonstration program as requested by the Office of Program Policy Analysis and Government Accountability for purposes of the evaluation.

(f) This subsection expires July 1, 2005.

1002.63 School-year prekindergarten program delivered by public schools.--

(1) Each school district eligible under subsection (3) may administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(c) in a school-year prekindergarten program delivered by a public school.

(2) The district school board of each school district eligible under subsection (3) shall determine which public schools in the district are eligible to deliver the prekindergarten program during the school year.

(3) To be eligible to deliver the prekindergarten program during the school year, each school district must meet both of the following requirements:

(a) The district school board must certify to the State Board of Education:

1. That the school district has reduced the average class size in each classroom in accordance with s. 1003.03 and the schedule in s. 1(a), Art. IX of the State Constitution; and

2. That the school district has sufficient satisfactory educational facilities and capital outlay funds to continue reducing the average class size in each classroom in an elementary school for each year in accordance with the class-size reduction schedule and to achieve full compliance with the maximum class sizes in s. 1(a), Art. IX of the State Constitution by the beginning of the 2010-2011 school year.

(b) The Commissioner of Education must certify to the State Board of Education that the department has reviewed the school district's educational facilities, capital outlay funds, and projected student enrollment and concurs with the district school board's certification under paragraph (a).

(4) Each public school delivering the school-year prekindergarten program must:

(a) Register with the regional child development board on forms prescribed by the department; and

(b) Deliver the Voluntary Prekindergarten Education Program in accordance with this part.

1002.65 Performance standards; curriculum and accountability.--

(1) By January 1, 2005, the department, with the advice of the advisory council, shall develop and adopt performance standards for students in the Voluntary Prekindergarten Education Program. The performance standards must address the age-appropriate progress of students in the development of:

(a) The capabilities, capacities, and skills required under s. 1(b), Art. IX of the State Constitution; and

(b) Emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(2)(a) Each child development provider and public school may select or design the curriculum that the provider or school uses to implement the Voluntary Prekindergarten Education Program, except as otherwise required for a provider or school that is placed on probation under paragraph (3)(c).

(b) Each child development provider's and public school's curriculum must be developmentally appropriate and must:

1. Be based upon reading research;

2. Enhance the age-appropriate progress of students in attaining the performance standards adopted by the department under subsection (1); and

3. Prepare students to be assessed as ready for kindergarten based upon the statewide kindergarten screening administered under s. 1002.67.

(c) The department shall review and approve curricula for use by child development providers and public schools that are placed on probation under paragraph (3)(c). The department shall maintain a list of the curricula approved under this paragraph. Each approved curriculum must meet the requirements of paragraph (b).

(3)(a) Each regional child development board and school district shall verify compliance with this part of the child development providers or public schools, as applicable, delivering the Voluntary Prekindergarten Education Program within the district.

(b) A regional child development board or the department may remove a child development provider, and a school district or the department may remove a public school, from eligibility to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program, if the provider or school fails or refuses to comply with this part.

(c) Beginning with the kindergarten readiness rates for students completing the Voluntary Prekindergarten Education Program during the 2005-2006 school year who are administered the statewide kindergarten screening during the 2006-2007 school year:

1. Of the students who are administered the statewide kindergarten screening under s. 1002.67, if less than 85 percent of the students from a child development provider's or public school's prekindergarten program are assessed as ready for kindergarten based upon the results of the statewide kindergarten screening, the regional child development board or school district, as applicable, shall require the provider or school to submit an improvement plan for approval by the regional child development board or school district, as applicable, and to implement the plan.

2. If a child development provider or public school fails to meet the 85-percent kindergarten readiness rate for 2 consecutive years, the regional child development board or school district, as applicable, shall place the provider or school on probation and must require the provider or school to take certain corrective actions, including the use of a curriculum approved by the department under paragraph (2)(c).

3. A child development provider or public school that is placed on probation must continue the corrective actions required under subparagraph 2., including the use of a curriculum approved by the department, until the provider or school meets the 85-percent kindergarten readiness rate, based upon the results of the statewide kindergarten screening.

1002.67 Statewide kindergarten screening.--

(1) The department, with the advice of the advisory council, shall adopt a statewide kindergarten screening that assesses the readiness of each student for kindergarten based upon the performance standards adopted by the department under s. 1002.65(1) for the Voluntary Prekindergarten Education Program. The department shall require that each school district administer the statewide kindergarten screening to every kindergarten student in the school district within 30 school days after the student's entry into kindergarten.

(2) The statewide kindergarten screening shall provide objective data on each student's progress in attaining the performance standards adopted by the department under s. 1002.65(1).

(3) The statewide kindergarten screening shall incorporate mechanisms for recognizing potential variations in kindergarten readiness rates for students with disabilities.

(4) Each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program must submit the child for the statewide kindergarten screening, regardless of whether the child is admitted to kindergarten in a public school or nonpublic school. Each school district shall designate public schools to administer the statewide kindergarten screening for children admitted to kindergarten in a nonpublic school.

(5) The department shall adopt procedures for the calculation of each child development provider's and public school's kindergarten readiness rate. The kindergarten readiness rates must be based exclusively upon the results of the

statewide kindergarten screening and must not consider students who are not administered the statewide kindergarten screening.

(6)(a) During the 2004-2005 through 2006-2007 school years, the department shall continue the statewide administration of the Early Screening Inventory-Kindergarten developmental screening instrument as the statewide kindergarten screening. The department may administer additional instruments but only if the instruments are administered statewide. For purposes of s. 1002.65(3)(c), the Early Screening Inventory-Kindergarten developmental screening instrument shall be used to calculate kindergarten readiness rates.

(b) By January 15, 2006, the department, with the advice of the advisory council, shall recommend to the Legislature valid and reliable screening instruments for the statewide kindergarten screening. The Legislature shall review the recommendations of the department at the 2006 Regular Session and shall adopt screening instruments for the statewide kindergarten screening.

(c) Beginning with the 2006-2007 school year, the department shall administer the screening instruments adopted by the Legislature under paragraph (b). During the 2006-2007 school year, the department shall continue administration of the Early Screening Inventory-Kindergarten developmental screening instrument for purposes of obtaining baseline data that compares the kindergarten readiness rates of the instruments.

(d) The Legislature shall review, at the 2007 Regular Session, the baseline data obtained under paragraph (c) and the 85-percent kindergarten readiness rate in s. 1002.65(3)(c). The screening instruments adopted by the Legislature under paragraph (b) shall be used to calculate the kindergarten readiness rates for students completing the Voluntary Prekindergarten Education Program during the 2006-2007 school year who are administered the statewide kindergarten screening during the 2007-2008 school year and for subsequent school years.

1002.69 Funding; financial and attendance reporting.--

(1) There is created a categorical fund for the Voluntary Prekindergarten Education Program. Categorical funds appropriated for the program shall be in addition to funds appropriated based upon full-time equivalent student membership in the Florida Education Finance Program.

(2) A full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated as follows:

(a) For a student in a prekindergarten program delivered by a child development provider: 540 hours.

(b) For a student in a summer prekindergarten program delivered by a public school: 300 hours.

(c) For a student in a school-year prekindergarten program delivered by a public school: 540 hours.

A student may not be reported for funding purposes as more than one full-time equivalent student.

(3)(a) The base student allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be provided in the General Appropriations Act and shall be equal, regardless of whether the student is enrolled in a prekindergarten program delivered by a child development provider, a summer prekindergarten program delivered by a public school, or a school-year prekindergarten program delivered by a public school.

(b) Each county's allocation per full-time equivalent student in the Voluntary Prekindergarten Education Program shall be calculated annually by multiplying the base student allocation provided in the General Appropriations Act by the county's district cost differential provided in s. 1011.62(2). Each child development provider and public school shall be paid in accordance with the county's allocation per full-time equivalent student.

(4)(a) Each regional child development board shall maintain through the single point of entry established under s. 411.01 a current database of the students enrolled in the Voluntary Prekindergarten Education Program for each county within the board's region.

(b) The department shall adopt procedures for the payment of child development providers and public schools delivering the Voluntary Prekindergarten Education Program. The procedures shall provide for the advance payment of providers and schools based upon student enrollment in the program, the certification of student attendance, and the reconciliation of advance payments based upon the certified student attendance. The procedures shall provide for the monthly distribution of funds by the department to the regional child development boards for payment by the boards to child development providers and public schools.

(5)(a) Each parent enrolling his or her child in the Voluntary Prekindergarten Education Program must agree to comply with the attendance policy of the child development provider or district school board, as applicable. Upon enrollment of the child, the child development provider or public school, as applicable, must provide the child's parent with a copy of the provider's or school district's attendance policy, as applicable.

(b)1. Each child development provider's and district school board's attendance policy must require the parent of each student in the Voluntary Prekindergarten Education Program to verify, each month, the student's attendance on the prior month's certified student attendance.

2. The parent must submit the verification of the student's attendance to the child development provider or public school on forms prescribed by the department. The forms must include, in addition to the verification of the student's attendance, a certification, in substantially the following form, that the parent continues to choose the child development provider or public school in accordance with s. 1002.53 and directs that payments for the program be made to the provider or school:

VERIFICATION OF STUDENT'S ATTENDANCE
AND CERTIFICATION OF PARENTAL CHOICE

I, . . . (Name of Parent) . . . , swear (or affirm) that my child, . . . (Name of Student) . . . , attended the Voluntary Prekindergarten Education Program on the days listed above and certify that I continue to choose . . . (Name of Provider or School) . . . to deliver the program for my child and direct that program funds be paid to the provider or school for my child.

. . . (Signature of Parent) . . .
. . . (Date) . . .

3. The child development provider or public school must submit each original signed form to the regional child development board. The regional child development board shall keep the original signed forms or reproductions of the forms, such as digital images or microfilm, in accordance with chapter 119. The department shall adopt procedures for the review of the original signed forms against the certified student attendance. The review procedures shall provide for the use of selective inspection techniques, including, but not limited to, random sampling. Each regional child development board must comply with the review procedures.

(c) A child development provider or school district, as applicable, may dismiss a student who does not comply with the provider's or district's attendance policy. A student dismissed under this paragraph is not removed from the Voluntary Prekindergarten Education Program and may continue in the program through reenrollment with another child development provider or public school. Notwithstanding s. 1002.53(6)(b), a school district is not required to provide for the admission of a student dismissed under this paragraph.

(6) A regional child development board may not withhold for administrative costs any portion of the funds distributed to the board for payment to child development providers and public schools. The department shall annually allocate administrative funds to each regional child development board from funds provided in the General Appropriations Act for that purpose. The administrative funds must only be used for administration of the Voluntary Prekindergarten Education Program. The department shall allocate the administrative funds based upon each regional child development board's student enrollment in the program. The amount of each regional child development board's administrative funds may not exceed 3 percent of the funds paid by the board to child development providers and public schools.

(7) Except as otherwise expressly authorized by law, a child development provider or public school may not:

(a) Impose or collect a fee or charge for services provided for a child enrolled in the Voluntary Prekindergarten Education Program during a period reported for funding purposes; or

(b) Require a child to enroll for, or require the payment of any fee or charge for, supplemental services as a condition of admitting a child for enrollment in the Voluntary Prekindergarten Education Program.

(8) State funds provided for the Voluntary Prekindergarten Education Program may not be used for the transportation of students to and from the

program. A parent is responsible for the transportation of his or her child to and from the Voluntary Prekindergarten Education Program, regardless of whether the program is delivered by a child development provider or a public school.

1002.71 Department of Education; powers and duties.--

(1) The Department of Education, with the advice of the advisory council, shall administer the Voluntary Prekindergarten Education Program at the statewide level.

(2) The department shall adopt procedures for:

(a) Enrolling children in and determining the eligibility of children for the Voluntary Prekindergarten Education Program under s. 1002.53.

(b) Providing parents with profiles of child development providers and public schools under s. 1002.53.

(c) Registering and determining the eligibility of child development providers to deliver the program under s. 1002.55.

(d) Verifying Gold Seal Quality Care program standards under s. 1002.55.

(e) Approving prekindergarten director credentials under s. 1002.55 and s. 1002.57.

(f) Approving emergent literacy training courses under s. 1002.55 and s. 1002.59.

(g) Certifying the eligibility of school districts to deliver the school-year prekindergarten program under s. 1002.63.

(h) Verifying the compliance of child development providers and public schools, and removing providers or schools from eligibility to deliver the program for noncompliance, under s. 1002.65.

(i) Approving improvement plans of child development providers and public schools under s. 1002.65.

(j) Placing child development providers and public schools on probation and requiring corrective actions under s. 1002.65.

(k) Administering the statewide kindergarten screening and calculating kindergarten readiness rates under s. 1002.67.

(l) Distributing funds to regional child development boards under s. 1002.69.

(m) Paying child development providers and public schools under s. 1002.69.

(n) Documenting and certifying student enrollment and student attendance under s. 1002.69.

(o) Reconciling advance payments in accordance under s. 1002.69.

(p) Reenrolling students dismissed by a child development provider or public school for noncompliance with the provider's or school district's attendance policy under s. 1002.69.

(q) Allocating administrative funds among regional child development boards under s. 1002.69.

(3) Notwithstanding s. 402.265 and s. 411.01(10), the Department of Education, the Agency for Workforce Innovation, the Department of Children and Family Services, and the regional child development boards may enter into interagency agreements that provide for the integration of, and shall provide interagency access among these agencies to, databases containing records, data, or other information relating to the following:

(a) Voluntary Prekindergarten Education Program;

(b) School readiness programs; or

(c) Licensure or registration, inspection, and disciplinary actions of child care facilities, family day care homes, and large family child care homes.

These databases may comprise individual records of students, child development providers, and public schools in the Voluntary Prekindergarten Education Program and individual records of students and providers in school readiness programs. The agencies must protect the confidentiality of school readiness records in accordance with s. 411.011. These databases may also include the statewide child care resource and referral network established under s. 402.27 and each regional child development board's single point of entry established under s. 411.01.

(4) Except as otherwise provided by law, the department does not have authority to:

(a) Impose requirements on a child development provider that does not deliver the Voluntary Prekindergarten Education Program or receive state funds under this part.

(b) Impose requirements on a regional child development board which are not necessary for the administration of the Voluntary Prekindergarten Education Program under this part.

(c) Administer powers and duties assigned to the Agency for Workforce Innovation or a regional child development board under s. 411.01.

1002.73 Florida Child Development Advisory Council.--

(1) There is created the Florida Child Development Advisory Council within the Department of Education. The purpose of the advisory council is to advise the Department of Education and the Agency for Workforce Innovation on the child development policy of this state, including advice relating to administration of the Voluntary Prekindergarten Education Program under this part and the school readiness programs under s. 411.01.

(2) The advisory council shall be composed of the following members:

(a) Eleven members appointed by the Governor, as follows:

1. The chair of the advisory council and one other member, who must both meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6.

2. A representative of nonpublic schools accredited by accrediting associations in either the National Council for Private School Accreditation or the Commission on International and Trans-Regional Accreditation.

3. A representative of nonpublic schools accredited by accrediting associations in the Florida Association of Academic Nonpublic Schools.

4. A representative of licensed child care facilities.

5. A representative of licensed or registered family day care homes.

6. A representative of licensed large family child care homes.

7. A representative of faith-based child care providers.

8. A representative of programs for prekindergarten children with disabilities under the federal Individuals with Disabilities Education Act.

9. A public school classroom teacher.

10. A district superintendent of schools.

The members appointed under this paragraph must be geographically and demographically representative of the state. The members shall be appointed to terms of 3 years each, except that, to establish staggered terms, one-half of the members shall be appointed to initial terms of 2 years each. Appointed members may serve a maximum of two consecutive terms.

(b) The director of the Florida Head Start-State Collaboration Office.

(c) A chair of a regional child development board who shall be selected by the chairs of the regional child development boards.

(d) An executive director of a regional child development board who shall be selected by the executive directors of the regional child development boards.

(e) The chair of the Child Care Executive Partnership.

(f) The chair or executive director of Workforce Florida, Inc., or his or her designee.

(g) The director of the Division of Community Colleges of the Department of Education.

(h) The Secretary of Health or his or her designee.

(i) The director of the Child Care Services Program Office of the Department of Children and Family Services.

(j) The Deputy Director for Child Development of the Agency for Workforce Innovation.

(k) The Commissioner of Education or his or her designee.

(l) Two members appointed by and who serve at the pleasure of the President of the Senate and two members appointed by and who serve at the pleasure of the Speaker of the House of Representatives, who must each meet the same qualifications as private-sector business members appointed to a regional child development board under s. 411.01(5)(a)6.

(3) The advisory council shall meet at least quarterly but may meet as often as necessary to carry out its duties and responsibilities.

(4)(a) Each member of the advisory council shall serve without compensation but is entitled to per diem and travel expenses for attendance of council meetings as provided in s. 112.061.

(b) Each member of the advisory council is subject to the ethics provisions in part III of chapter 112.

(c) For purposes of tort liability, each member of the advisory council shall be governed by s. 768.28.

(5) The department shall provide staff and administrative support for the advisory council.

1002.75 Rulemaking authority.--The State Board of Education shall adopt rules under s. 120.536(1) and s. 120.54 to administer the provisions of this part conferring duties upon the department. The state board shall adopt initial rules for the Voluntary Prekindergarten Education Program by January 1,

2005.

Section 2. Effective July 1, 2004, section 411.01, Florida Statutes, is amended to read:

411.01 ~~Florida Partnership for~~ School readiness programs; regional child development boards ~~school readiness coalitions~~.--

(1) SHORT TITLE.--This section may be cited as the "School Readiness Act."

(2) LEGISLATIVE INTENT.--

(a) The Legislature recognizes that school readiness programs increase children's chances of achieving future educational success and becoming productive members of society. It is the intent of the Legislature that the ~~such~~ programs be developmentally appropriate, research-based, involve parents as their child's first teacher, serve as preventive measures for children at risk of future school failure, enhance the educational readiness of eligible children, and support family education. Each school readiness program shall provide the elements necessary to prepare at-risk children for school, including health screening and referral and an appropriate educational program.

(b) It is the intent of the Legislature that school readiness programs be operated on a full-day, year-round basis to the maximum extent possible to enable parents to work and become financially self-sufficient.

(c) It is the intent of the Legislature that school readiness programs not exist as isolated programs, but build upon existing services and work in cooperation with other programs for young children, and that school readiness programs be coordinated ~~and funding integrated~~ to achieve full effectiveness.

(d) It is the intent of the Legislature that the administrative staff at the state level for school readiness programs be kept to the minimum necessary to administer ~~carry out~~ the duties of the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~, as the school readiness programs are to be regionally ~~locally~~ designed, operated, and managed, with the Agency for Workforce Innovation ~~Florida Partnership for School Readiness adopting a system for measuring school readiness;~~ developing school readiness program performance standards and~~,~~ outcome measures ~~measurements, and data design and review;~~ and approving and reviewing regional child development boards and ~~local~~ school readiness ~~coalitions and~~ plans.

(e) It is the intent of the Legislature that appropriations for combined school readiness programs shall not be less than the programs would receive in any fiscal year on an uncombined basis.

(f) It is the intent of the Legislature that the school readiness program coordinate and operate in conjunction with the district school systems. However, it is also the intent of the Legislature that the school readiness program not be construed as part of the system of free public schools but rather as a separate program for children under the age of kindergarten eligibility, funded separately from the system of free public schools, utilizing a mandatory sliding fee scale, and providing an integrated and seamless system of school readiness services for the state's birth-to-kindergarten population.

(g) It is the intent of the Legislature that the federal child care income tax credit be preserved for school readiness programs.

(h) It is the intent of the Legislature that school readiness services shall be an integrated and seamless system of services with a developmentally appropriate education component for the state's eligible birth-to-kindergarten population described in subsection (6) and shall not be construed as part of the seamless K-20 education system ~~except for the administration of the uniform screening system upon entry into kindergarten~~.

(3) PARENTAL PARTICIPATION IN SCHOOL READINESS PROGRAMS ~~PROGRAM~~.--

~~(a) The school readiness program shall be phased in on a coalition by coalition basis. Each coalition's school readiness program shall have available to it funding from all the coalition's early education and child care programs that are funded with state, federal, lottery, or local funds, including but not limited to Florida First Start programs, Even Start literacy programs, prekindergarten early intervention programs, Head Start programs, programs offered by public and private providers of child care, migrant prekindergarten programs, Title I programs, subsidized child care programs, and teen parent programs, together with any additional funds appropriated or obtained for purposes of this section. These programs and their funding streams shall be components of the coalition's integrated school readiness program, with the goal of preparing children for success in school.~~

~~(b) Nothing contained in~~ This section does not ~~act is intended to~~:

(a)~~1.~~ Relieve parents and guardians of their own obligations to prepare ~~ready~~ their children for school; or

(b)~~2.~~ Create any obligation to provide publicly funded school readiness programs or services beyond those authorized by the Legislature.

(4) AGENCY FOR WORKFORCE INNOVATION ~~FLORIDA PARTNERSHIP FOR SCHOOL READINESS~~.--

(a) The Agency for Workforce Innovation shall ~~Florida Partnership for School Readiness was created to fulfill three major purposes: to~~ administer school readiness programs at the statewide level and shall ~~program services that help parents prepare eligible children for school; to~~ coordinate the regional child development boards in providing ~~provision of~~ school readiness services on a full-day, full-year, full-choice basis to the extent possible in order to enable parents to work and be financially self-sufficient~~; and to establish a uniform screening instrument to be implemented by the Department of Education and administered by the school districts upon entry into kindergarten to assess the readiness for school of all children. Readiness for kindergarten is the outcome measure of the success of each school readiness program that receives state or federal funds. The partnership is assigned to the Agency for Workforce Innovation for administrative purposes.~~

(b) The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall:

1. Coordinate the birth-to-kindergarten services for children who are eligible under ~~pursuant to~~ subsection (6) and the programmatic, administrative, and fiscal standards under ~~pursuant to~~ this section for all public providers of school readiness programs.

2. Continue to provide unified leadership for school readiness through regional child development boards ~~local school readiness coalitions~~.

3. Focus on improving the educational quality of all publicly funded school readiness programs.

~~(c)1. The Florida Partnership for School Readiness shall include the Lieutenant Governor, the Commissioner of Education, the Secretary of Children and Family Services, and the Secretary of Health, or their designees, and the chair of the Child Care Executive Partnership Board, and the chairperson of the Board of Directors of Workforce Florida, Inc. When the Lieutenant Governor or an agency head appoints a designee, the designee must be an individual who attends consistently, and, in the event that the Lieutenant Governor or agency head and his or her designee both attend a meeting, only one of them may vote.~~

~~2. The partnership shall also include 14 members of the public who shall be business, community, and civic leaders in the state who are not elected to public office. These members and their families must not have a direct contract with any local coalition to provide school readiness services. The members must be geographically and demographically representative of the state. Each member shall be appointed by the Governor from a list of nominees submitted by the President of the Senate and the Speaker of the House of Representatives. By July 1, 2001, four members shall be appointed as follows: two members shall be from the child care industry, one representing the private for profit sector appointed by the Governor from a list of two nominees submitted by the President of the Senate and one representing faith based providers appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives; and two members shall be from the business community, one appointed by the Governor from a list of two nominees submitted by the President of the Senate and one appointed by the Governor from a list of two nominees submitted by the Speaker of the House of Representatives. Members shall be appointed to 4-year terms of office. The members of the partnership shall elect a chairperson annually from the nongovernmental members of the partnership. Any vacancy on the partnership shall be filled in the same manner as the original appointment.~~

~~(d) The partnership shall meet at least quarterly but may meet as often as it deems necessary to carry out its duties and responsibilities. Members of the partnership shall participate without proxy at the quarterly meetings. The partnership may take official action by a majority vote of the members present at any meeting at which a quorum is present.~~

~~(e) Members of the partnership are subject to the ethics provisions in part III of chapter 112, and no member may derive any financial benefit from the funds administered by the Florida Partnership for School Readiness.~~

~~(f) Members of the partnership shall serve without compensation but are entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061, and reimbursement for other reasonable, necessary, and actual expenses.~~

~~(g) For the purposes of tort liability, the members of the partnership and its employees shall be governed by s. 768.28.~~

~~(h) The partnership shall appoint an executive director who shall serve at the pleasure of the Governor. The executive director shall perform the duties assigned to him or her by the partnership. The executive director shall be responsible for hiring, subject to the approval of the partnership, all employees and staff members, who shall serve under his or her direction and control.~~

(c)~~(i)~~ For purposes of administration of the federal Child Care and Development Fund, 45 C.F.R. parts 98 and 99, the Agency for Workforce Innovation ~~partnership~~ may be designated by the Governor as the lead agency, and if so designated shall comply with the lead agency responsibilities under ~~pursuant to~~ federal law.

(d)~~(j)~~ The Agency for Workforce Innovation ~~Florida Partnership for School Readiness is the principal organization responsible for the enhancement of school readiness for the state's children, and~~ shall:

1. Be responsible for the prudent use of all public and private funds in accordance with all legal and contractual requirements.

2. Provide final approval and periodic review of regional child development boards ~~coalitions~~ and school readiness plans.

3. Provide leadership for the enhancement of school readiness in this state by aggressively establishing a unified approach to the state's efforts toward enhancement of school readiness. In support of this effort, the Agency for Workforce Innovation ~~partnership~~ may develop and implement specific strategies that address the state's school readiness programs.

4. Safeguard the effective use of federal, state, local, and private resources to achieve the highest possible level of school readiness for the ~~state's~~ children in this state.

5. Provide technical assistance to regional child development boards ~~coalitions~~.

6. Assess gaps in service.

7. Provide technical assistance to counties that form a regional child development board serving a multicounty region ~~coalition~~.

~~8.a. Adopt a system for measuring school readiness that provides objective data regarding the expectations for school readiness, and establish a method for collecting the data and guidelines for using the data. The measurement, the data collection, and the use of the data must serve the statewide school readiness goal. The criteria for determining which data to collect should be the usefulness of the data to state policymakers and local program administrators in administering programs and allocating state funds, and must include the tracking of school readiness system information back to individual school readiness programs to assist in determining program effectiveness.~~

~~b. Adopt a system for evaluating the performance of students through the third grade to compare the performance of those who participated in school readiness programs with the performance of students who did not participate in school readiness programs in order to identify strategies for continued successful student performance.~~

8.~~9.~~ Develop and adopt, with the advice of the Florida Child Development Advisory Council created under s. 1002.73 and the Department of Education, performance standards and outcome measures for school readiness programs. The performance standards must address the age-appropriate progress of children in the development of the school readiness skills required under paragraph (j). The Agency for Workforce Innovation shall integrate the performance standards for school readiness programs into the performance standards adopted by the Department of Education for the Voluntary Prekindergarten Education Program under s. 1002.65.

(e)~~(k)~~ The Agency for Workforce Innovation ~~partnership~~ may adopt rules under s. 120.536(1) and s. 120.54 ~~necessary~~ to administer the provisions of law conferring duties upon the agency, including, but not limited ~~this section which relate~~ to, rules governing the preparation ~~preparing~~ and implementation of ~~implementing~~ the ~~system for~~ school readiness system, the collection of ~~collecting~~ data, the approval of regional child development boards and ~~approving local~~ school readiness ~~coalitions and~~ plans, the provision of ~~providing~~ a method whereby a regional child development board may ~~coalition can~~ serve two or more counties, the award of ~~awarding~~ incentives to regional child development boards ~~coalitions~~, and the issuance of ~~issuing~~ waivers.

(f)~~(l)~~ The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall have all powers necessary to administer ~~carry out the purposes of~~ this section, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source contributions of money, property, labor, or any other thing of value, to be held, used, and applied for ~~the~~ purposes of this section.

(g) Except as otherwise provided by law, the Agency for Workforce Innovation does not have authority:

1. To impose requirements on a child care or early childhood education provider that does not deliver services under a school readiness program or receive state or federal funds under this section.

2. To administer powers and duties assigned to the Department of Education or a regional child development board under part V of chapter 1002.

(h)~~(m)~~ The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall have a budget for the school readiness system, which ~~and~~ shall be financed through an annual appropriation made for purposes of this section ~~purpose~~ in the General Appropriations Act.

(i)~~(n)~~ The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, ~~partnership~~ shall coordinate the efforts toward school readiness in this state and provide independent policy analyses and recommendations to the Governor, the State Board of Education, and the Legislature.

(j)~~(o)~~ Each regional child development board's ~~The partnership shall prepare and submit to the State Board of Education a system for measuring~~ school readiness program~~. The system~~ must, at a minimum, enhance the age-appropriate progress of each child in the development of ~~include a uniform screening, which shall provide objective data regarding~~ the following ~~expectations for~~ school readiness skills ~~which shall include, at a minimum~~:

~~1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.~~

~~2. The child's physical development.~~

1.~~3.~~ ~~The child's~~ Compliance with rules, limitations, and routines.

2.~~4.~~ ~~The child's~~ Ability to perform tasks.

3.~~5.~~ ~~The child's~~ Interactions with adults.

4.~~6.~~ ~~The child's~~ Interactions with peers.

5.~~7.~~ ~~The child's~~ Ability to cope with challenges.

6.~~8.~~ ~~The child's~~ Self-help skills.

7.~~9.~~ ~~The child's~~ Ability to express the child's ~~his or her~~ needs.

8.~~10.~~ ~~The child's~~ Verbal communication skills.

9.~~11.~~ ~~The child's~~ Problem-solving skills.

10.~~12.~~ ~~The child's~~ Following of verbal directions.

11.~~13.~~ ~~The child's~~ Demonstration of curiosity, persistence, and exploratory behavior.

12.~~14.~~ ~~The child's~~ Interest in books and other printed materials.

13.~~15.~~ ~~The child's~~ Paying attention to stories.

14.~~16.~~ ~~The child's~~ Participation in art and music activities.

15.~~17.~~ ~~The child's~~ Ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Each regional child development board shall also require that, before a child is enrolled in the board's school readiness program, information must first be obtained regarding the child's immunizations, physical development, and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

~~(p) The partnership shall prepare a plan for implementing the system for measuring school readiness in such a way that all children in this state will undergo the uniform screening established by the partnership when they enter kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening approved by the partnership for use in first grade. Because children with disabilities may not be able to meet all of the identified expectations for school readiness, the plan for measuring school readiness shall incorporate mechanisms for recognizing the potential variations in expectations for school readiness when serving children with disabilities and shall provide for communities to serve children with disabilities.~~

(k)~~(q)~~ The Agency for Workforce Innovation ~~partnership~~ shall conduct studies and planning activities related to the overall improvement and effectiveness of the outcome ~~school readiness~~ measures adopted by the agency for school readiness programs.

(l) The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt and administer a quality-

assurance system. The Agency for Workforce Innovation shall use the quality-assurance system to monitor and evaluate the performance of each regional child development board in administering the school readiness program and implementing the board's school readiness plan. The quality-assurance system must include, at a minimum, onsite monitoring of each board's finances, management, operations, and programs.

(m) The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall identify best practices of regional child development boards in order to improve the outcomes of school readiness programs.

~~(r) The partnership shall establish procedures for performance based budgeting in school readiness programs.~~

(n)~~(s)~~ The Agency for Workforce Innovation ~~partnership~~ shall submit an annual report of its activities conducted under this section to the Governor, the executive director of the Florida Healthy Kids Corporation, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses of the Legislature. In addition, the Agency for Workforce Innovation's ~~partnership's~~ reports and recommendations shall be made available to the State Board of Education, the Florida Child Development Advisory Council, other appropriate state agencies and entities, district school boards, central agencies ~~for child care~~, and county health departments. The annual report must provide an analysis of school readiness activities across the state, including the number of children who were served in the programs ~~and the number of children who were ready for school~~.

(o)~~(t)~~ The Agency for Workforce Innovation ~~partnership~~ shall work with regional child development boards ~~school readiness coalitions~~ to increase parents' training for and involvement in their children's preschool education and to provide family literacy activities and programs.

~~To ensure that the system for measuring school readiness is comprehensive and appropriate statewide, as the system is developed and implemented, the partnership must consult with representatives of district school systems, providers of public and private child care, health care providers, large and small employers, experts in education for children with disabilities, and experts in child development.~~

(5) CREATION OF REGIONAL CHILD DEVELOPMENT BOARDS ~~SCHOOL READINESS COALITIONS~~.--

(a) Regional child development boards ~~School readiness coalitions~~.--

1. The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council created under s. 1002.73, shall establish the minimum number of children to be served by each regional child development board through the board's school readiness program. The Agency for Workforce Innovation may only approve school readiness plans in accordance with this minimum number. The minimum number must be uniform for every regional child development board and must:

a. Permit 30 or fewer boards to be established; and

b. Require each board to serve at least 2,000 children based upon the average number of all children served per month through the board's school readiness program during the previous 12 months.

The Agency for Workforce Innovation shall adopt procedures for the merger of regional child development boards, including procedures for the consolidation of merging boards and for the early termination of the terms of board members, which are necessary to accomplish the mergers. Each regional child development board must comply with the merger procedures and shall be organized in accordance with this subparagraph by January 1, 2005. By June 30, 2005, each board must complete the transfer of powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the successor board, if applicable.

2.~~1.~~ If a regional child development board ~~coalition's plan~~ would serve fewer ~~less than 400 birth to kindergarten age~~ children than the minimum number established under subparagraph 1., the board ~~coalition~~ must ~~either~~ join with another county to form a multicounty board ~~coalition, enter an agreement with a fiscal agent to serve more than one coalition, or demonstrate to the partnership its ability to effectively and efficiently implement its plan as a single-county coalition and meet all required performance standards and outcome measures~~.

3. Each regional child development board shall be composed of at least 18 members but not more than 35 members. The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt standards establishing within this range the minimum and maximum number of members that may be appointed to a regional child development board. These standards shall include variations for a board serving a multicounty region. Each regional child development board must comply with these standards.

4. The Governor shall appoint the chair and two other members of each regional child development board, who must each meet the same qualifications as private-sector business members appointed by the board under subparagraph 6.

5.~~2.~~ Each regional child development board ~~coalition shall have at least 18 but not more than 25 members and such members~~ must include the following members:

a. A Department of Children and Family Services district administrator or his or her designee who is authorized to make decisions on behalf of the department.

b. A district superintendent of schools or his or her designee who is authorized to make decisions on behalf of the district.

c. A regional workforce ~~development~~ board executive ~~chair or~~ director or his or her designee~~, where applicable~~.

d. A county health department director or his or her designee.

e. A children's services council or juvenile welfare board chair or executive director, if applicable.

f. An agency head of a local ~~child care~~ licensing agency as defined in s. 402.302, where applicable ~~head~~.

g. A president of a community college or his or her designee.

~~g. One member appointed by a Department of Children and Family Services district administrator.~~

h. One member appointed by a board of county commissioners.

~~i. One member appointed by a district school board.~~

i.~~j.~~ A central ~~child care~~ agency administrator, where applicable.

j.~~k.~~ A Head Start director.

k.~~l.~~ A representative of private child care providers, including family day care homes.

l.~~m.~~ A representative of faith-based child care providers.

m. A representative of programs for children with disabilities under the federal Individuals with Disabilities Education Act.

6. Including the members appointed by the Governor under subparagraph 4., more than one-third of the ~~coalition~~ members of each regional child development board must be private-sector business members who do not have, and none of whose relatives as defined in s. 112.3143 has, a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program created under part V of chapter 1002 or the board's school readiness program ~~from the private sector, and neither they nor their families may earn an income from the early education and child care industry~~. To meet this requirement a regional child development board ~~coalition~~ must appoint additional members from a list of nominees submitted ~~presented~~ to the board ~~coalition~~ by a chamber of commerce or economic development council within the geographic region served by ~~area of~~ the board ~~coalition~~. The Agency for Workforce Innovation shall adopt criteria for the appointment of private-sector business members. These criteria must include standards for determining whether a member or relative has a substantial financial interest in the design or delivery of the Voluntary Prekindergarten Education Program or the board's school readiness program.

7.~~3.~~ A ~~No~~ member of a regional child development board ~~coalition~~ may not appoint a designee to act in his or her place. A member may send a representative to board ~~coalition~~ meetings, but that representative does not ~~will~~ have ~~no~~ voting privileges. When a district superintendent of schools or a district administrator for the Department of Children and Family Services appoints a designee to a regional child development board ~~school readiness coalition~~, the designee is ~~will be~~ the voting member of the board ~~coalition~~, and any individual attending in the designee's ~~his or her~~ place, including the district administrator or superintendent, does not ~~will~~ have ~~no~~ voting privileges.

8.~~4.~~ Each member ~~Members~~ of a regional child development board is ~~the coalition are~~ subject to s. 112.313, s. 112.3135, and s. 112.3143 ~~the ethics provisions in part III of chapter 112~~. For purposes of s. 112.3143(3)(a), each member is a local public officer who must abstain from voting when a voting conflict exists.

9.~~5.~~ For ~~the~~ purposes of tort liability, each member or employee of a

regional child development board ~~the members of the school readiness coalition and its employees~~ shall be governed by s. 768.28.

10.~~6.~~ A regional child development board serving a multicounty region ~~coalitions~~ shall include representation from each county.

11.~~7.~~ Each regional child development board shall establish ~~The~~ terms for ~~of~~ all appointed members of the board. The terms ~~coalition~~ must be staggered and must be a uniform length that does not exceed 4 years per term. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the board ~~coalition~~ must advertise the vacancy.

(b) Program participation.--The school readiness program shall be established for children younger than ~~from birth to 5 years of age or until the child enters~~ kindergarten eligibility as defined in s. 1002.51. The program shall be administered by the regional child development board ~~school readiness coalition~~. Within funding limitations, the regional child development board ~~school readiness coalition~~, along with all providers, shall make reasonable efforts to accommodate the needs of children for extended-day and extended-year services without compromising the quality of the program.

(c) Program expectations.--

1. The school readiness program must meet the following expectations:

a. The program must, at a minimum, enhance the age-appropriate progress of each child in the development of the school readiness skills required under paragraph (4)(j) ~~prepare preschool children to enter kindergarten ready to learn~~, as measured by the performance standards and outcome measures adopted ~~criteria established~~ by the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~.

b. The program must provide extended-day and extended-year services to the maximum extent possible to meet the needs of parents who work.

c. There must be coordinated staff development and teaching opportunities.

d. There must be expanded access to community services and resources for families to help achieve economic self-sufficiency.

e. There must be a single point of entry and unified waiting list. As used in this sub-subparagraph, the term "single point of entry" means an integrated information system that allows a parent to enroll his or her child in the school readiness program at various locations throughout the county or multicounty region served by a regional child development board, that may allow a parent to enroll his or her child by telephone or through an Internet website, and that uses a unified waiting list to track eligible children waiting for enrollment in the school readiness program. The Agency for Workforce Innovation shall establish a single statewide information system that integrates each regional child development board's single point of entry, and each board must use the statewide system.

f. The Agency for Workforce Innovation must consider the access of eligible children to the school readiness program, as demonstrated in part by waiting lists, before approving a proposed increase in payment rates submitted by a regional child development board.

~~f. As long as funding or eligible populations do not decrease, the program must serve at least as many children as were served prior to implementation of the program.~~

g. There must be a community plan to address the needs of all eligible children.

h. The program must meet all state licensing guidelines, where applicable.

2. The regional child development board ~~school readiness coalition~~ must implement a comprehensive program of school readiness services that enhance the cognitive, social, and physical development of children to achieve the performance standards and outcome measures adopted ~~specified~~ by the Agency for Workforce Innovation ~~partnership~~. At a minimum, these programs must contain the following elements:

a. Developmentally appropriate curriculum designed to enhance the age-appropriate progress of children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8.

b. A character development program to develop basic values.

c. An age-appropriate assessment of each child's development.

d. A pretest administered to children when they enter a program and a posttest administered to children when they leave the program.

e. An appropriate staff-to-children ~~staff-to-child~~ ratio.

f. A healthy ~~healthful~~ and safe environment.

g. A resource and referral network to assist parents in making an informed choice.

(d) Implementation.--

1. A regional child development board may not implement the school readiness program ~~is to be phased in.~~ until the board is authorized ~~coalition implements its plan, the county shall continue to receive the services identified in subsection (3)~~ through ~~the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to~~ approval of the board's school readiness ~~coalition and the~~ plan by the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~.

2. Each regional child development board ~~school readiness coalition~~ shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures adopted ~~established~~ by the Agency for Workforce Innovation ~~partnership~~. ~~The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs.~~ The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to enhance the age-appropriate progress of the ~~prepare~~ children in attaining the performance standards adopted by the Agency for Workforce Innovation under subparagraph (4)(d)8 ~~to enter kindergarten ready to learn~~. Before ~~Prior to~~ implementation of the school readiness program, the regional child development board ~~school readiness coalition~~ must submit the plan to the Agency for Workforce Innovation ~~partnership~~ for approval. The Agency for Workforce Innovation ~~partnership~~ may approve the plan, reject the plan, or approve the plan with conditions. The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall review school readiness ~~coalition~~ plans at least annually.

3. If the Agency for Workforce Innovation determines during the annual review of school readiness plans, or through monitoring and performance evaluations conducted under the quality-assurance system, that a regional child development board has not substantially implemented its plan or has not substantially met the performance standards and outcome measures adopted by the agency, the Agency for Workforce Innovation may reject the board's plan and contract with a qualified entity to continue school readiness services in the board's county or multicounty region until the board is reestablished through resubmission of a school readiness plan and approval by the agency.

4.~~3.~~ The Agency for Workforce Innovation, with the advice of the Florida Child Development Advisory Council, shall adopt criteria for the approval of school readiness plans. The criteria must be consistent with the performance standards and outcome measures adopted by the agency and must require each approved plan to ~~for the school readiness program must~~ include the following minimum standards and provisions:

a. A sliding fee scale establishing a copayment for parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the Agency for Workforce Innovation ~~partnership~~. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the regional child development board's ~~coalition's~~ county or multicounty region in accordance with ~~pursuant to~~ subsection (6).

e. Performance standards and outcome measures adopted ~~established~~ by the Agency for Workforce Innovation ~~partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures~~.

f. Payment ~~Reimbursement~~ rates adopted ~~that have been developed~~ by the regional child development board and approved by the Agency for Workforce Innovation ~~coalition~~. Payment ~~Reimbursement~~ rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. The ~~A~~ business organization of the regional child development board ~~plan~~, which must include the board's articles of incorporation and bylaws if the board is organized as a corporation. If the board is not organized as a corporation or other business entity, the plan must include the contract with a fiscal ~~school readiness~~ agent ~~if the coalition is not a legally established corporate entity~~. A regional child development board ~~Coalitions~~ may contract with other regional child development boards ~~coalitions~~ to achieve efficiency in multicounty ~~multiple county~~ services, and these ~~such~~ contracts may be part of the board's school readiness ~~coalition's business~~ plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the school readiness plan, the regional child development board ~~coalition~~ may request the Governor to apply for a waiver to allow the board ~~coalition~~ to administer the Head Start Program to accomplish the purposes of the school readiness program. If a ~~any~~ school readiness plan demonstrates ~~can demonstrate~~ that specific statutory goals may ~~can~~ be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the Agency for Workforce Innovation ~~partnership~~ may be submitted ~~made~~ as part of the plan. Upon review, the Agency for Workforce Innovation ~~partnership~~ may grant the proposed modification.

5.~~4.~~ Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

6.~~5.~~ A regional child development board ~~The coalition~~ may not implement its school readiness plan until the board ~~it~~ submits the plan to and receives approval from the Agency for Workforce Innovation ~~partnership~~. Once the plan is ~~has been~~ approved, the plan and the services provided under the plan shall be controlled by the regional child development board ~~coalition rather than by the state agencies or departments~~. The plan shall be reviewed and revised as necessary, but at least biennially. A regional child development board may not implement the revisions until the board submits the revised plan to and receives approval from the Agency for Workforce Innovation. If the Agency for Workforce Innovation rejects a revised plan, the board must continue to operate under its prior approved plan.

7.~~6.~~ Sections ~~The following statutes will not apply to local coalitions with approved plans: ss.~~ 125.901(2)(a)3., 411.221, and 411.232 do not apply to a regional child development board with an approved school readiness plan. To facilitate innovative practices and to allow the regional ~~local~~ establishment of school readiness programs, a regional child development board ~~school readiness coalition~~ may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is necessary for implementation of the board's ~~coalition's~~ school readiness plan.

8.~~7.~~ Two or more counties may join for purposes ~~the purpose~~ of planning and implementing a school readiness program.

9.~~8.~~ A regional child development board ~~coalition~~ may, subject to approval by ~~of~~ the Agency for Workforce Innovation ~~partnership~~ as part of the board's school readiness ~~coalition's~~ plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program ~~and be the provider of the program services~~.

10.~~9.~~ A regional child development board may ~~Coalitions are authorized to~~ enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(e) Requests for proposals; payment schedule.--

1. ~~At least once every 3 years, beginning July 1, 2001,~~ Each regional child development board ~~coalition~~ must comply with ~~follow the competitive procurement requirements of~~ s. 287.057 for the procurement of commodities or contractual services from the funds described in paragraph (9)(d) ~~school readiness programs~~. The period of a contract for purchase of these commodities or contractual services, together with any renewal of the original contract, may not exceed 3 years.

2. Each regional child development board ~~coalition~~ shall adopt ~~develop~~ a payment schedule that encompasses all programs funded by the board under this section ~~that coalition~~. The payment schedule must take into consideration the relevant market rate, must include the projected number of children to be served, and must be submitted for approval by ~~to~~ the Agency for Workforce Innovation ~~partnership for information~~. Informal child care arrangements shall be reimbursed at not more than 50 percent of the rate developed for a family day care home ~~childcare~~.

(f) Requirements relating to fiscal agents.--If a regional child development board ~~the local coalition~~ is not ~~a~~ legally organized as a corporation or other business ~~established corporate~~ entity, the board ~~coalition~~ must designate a fiscal agent, which may be a public entity, ~~or~~ a private nonprofit organization, or a certified public accountant who holds a license under chapter 473. The fiscal agent must ~~shall be required to~~ provide financial and administrative services under ~~pursuant to~~ a contract ~~or agreement~~ with the regional child development board ~~school readiness coalition~~. The fiscal agent may not provide direct early childhood education or child care services; however, a fiscal agent may provide those ~~such~~ services upon written request of the regional child development board ~~coalition~~ to the Agency for Workforce Innovation ~~partnership~~ and upon the approval of the ~~such~~ request by the agency ~~partnership~~. The cost of the financial and administrative services shall be negotiated between the fiscal agent and the regional child development board ~~school readiness coalition~~. If the fiscal agent is a provider of early childhood education and child care programs, the contract must specify that the fiscal agent shall ~~will~~ act on policy direction from the regional child development board ~~coalition~~ and must ~~will~~ not receive policy direction from its own corporate board regarding disbursal of the regional child development board's ~~coalition~~ funds. The fiscal agent shall disburse funds in accordance with the regional child development board's approved ~~coalition~~ school readiness plan and based on billing and disbursement procedures approved by the Agency for Workforce Innovation ~~partnership~~. The fiscal agent must conform to all data-reporting requirements established by the Agency for Workforce Innovation ~~partnership~~.

(g) Evaluation and annual report.--Each regional child development board ~~school readiness coalition~~ shall conduct an evaluation of the effectiveness of the school readiness program, including performance standards and outcome measures, and shall provide an annual report and fiscal statement to the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~. This report must conform to the content and format specifications set by the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~. The Agency for Workforce Innovation ~~partnership~~ must include an analysis of the regional child development board's ~~coalition~~ reports in the agency's ~~its~~ annual report.

(6) PROGRAM ELIGIBILITY.--Each regional child development board's ~~The~~ school readiness program shall be established for children younger than ~~under the age of~~ kindergarten eligibility as defined in s. 1002.51. Priority for participation in the school readiness program shall be given to children age 3 years to school entry who are served by the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency under ~~pursuant to~~ chapter 39 and for whom child care is needed to minimize risk of further abuse, neglect, or abandonment. Other eligible populations include children who meet one or more of the following criteria:

(a) Children under the age of kindergarten eligibility who are:

1. Children determined to be at risk of abuse, neglect, or exploitation who are currently clients of the Family Safety Program Office of the Department of Children and Family Services, but who are not otherwise given priority under this subsection.

2.~~1.~~ Children at risk of welfare dependency, including economically disadvantaged children, children of participants in the welfare transition program, children of migrant farmworkers, and children of teen parents.

3.~~2.~~ Children of working families whose family income does not exceed 150 percent of the federal poverty level.

4.~~3.~~ Children for whom the state is paying a relative caregiver payment under s. 39.5085.

(b) Three-year-old children and 4-year-old children who may not be economically disadvantaged but who have disabilities, have been served in a specific part-time or combination of part-time exceptional education programs with required special services, aids, or equipment, and were previously reported for funding part time with the Florida Education Finance Program as exceptional students.

(c) Economically disadvantaged children, children with disabilities, and children at risk of future school failure, from birth to 4 years of age, who are

served at home through home visitor programs and intensive parent education programs ~~such as the Florida First Start Program~~.

(d) Children who meet federal and state eligibility requirements ~~for eligibility~~ for the migrant preschool program but who do not meet the criteria of economically disadvantaged.

As used in this subsection, the term ~~An~~ "economically disadvantaged" child means a child whose family income does not exceed ~~is below~~ 150 percent of the federal poverty level. Notwithstanding any change in a family's economic status, but subject to additional family contributions in accordance with the sliding fee scale, a child who meets the eligibility requirements upon initial registration for the program remains ~~shall be considered~~ eligible until the child reaches kindergarten eligibility as defined in s. 1002.51 ~~age~~.

(7) PARENTAL CHOICE.--

(a) The school readiness program shall provide parental choice through ~~pursuant to~~ a purchase service order that ensures, to the maximum extent possible, flexibility in school readiness programs and payment arrangements. According to federal regulations requiring parental choice, a parent may choose an informal child care arrangement. The purchase order must bear the name of the beneficiary and the program provider and, when redeemed, must bear the signature of both the beneficiary and an authorized representative of the provider.

(b) If it is determined that a provider has provided any cash to the beneficiary in return for receiving the purchase order, the regional child development board ~~coalition~~ or its fiscal agent shall refer the matter to the Division of Public Assistance Fraud for investigation.

(c) The office of the Chief Financial Officer shall establish an electronic transfer system for the disbursement of funds in accordance with this subsection. Each regional child development board ~~School readiness coalitions~~ shall fully implement the electronic funds transfer system within 2 years after ~~plan~~ approval of the board's school readiness plan, unless a waiver is obtained from the Agency for Workforce Innovation ~~partnership~~.

(8) STANDARDS; OUTCOME MEASURES.--All publicly funded school readiness programs must ~~shall be required to~~ meet the performance standards and outcome measures adopted ~~developed and approved~~ by the Agency for Workforce Innovation ~~partnership~~. The Agency for Workforce Innovation shall consult with the Office of Program Policy Analysis and Government Accountability ~~shall provide consultation to the partnership~~ in the development of the measures and standards. These performance standards and outcome measures shall apply ~~be applicable~~ on a statewide basis.

(9) FUNDING; SCHOOL READINESS PROGRAM.--

(a) It is the intent of this section to establish an integrated and quality seamless service delivery system for all publicly funded early childhood education and child care programs operating in this state.

(b) ~~Notwithstanding s. 20.50:~~

1. The Agency for Workforce Innovation shall administer school readiness funds, plans, and policies ~~pursuant to the contract with the Florida Partnership for School Readiness~~ and shall prepare and submit a unified budget request for the school readiness system ~~program~~ in accordance with chapter 216.

2. All instructions to regional child development boards for the administration of this section ~~local school readiness coalitions~~ shall emanate from the Agency for Workforce Innovation in accordance with the ~~pursuant to~~ policies of the Legislature~~, plans of the Florida Partnership for School Readiness, and the contract between the Florida Partnership for School Readiness and the agency~~.

(c) The Agency for Workforce Innovation shall adopt ~~prepare~~ a formula ~~plan that provides~~ for the allocation among the regional child development boards ~~distribution and expenditure~~ of all state and federal school readiness funds for children participating in public or private school readiness programs based upon ~~an~~ equity and performance ~~funding formula~~. The allocation formula must ~~plan shall~~ be submitted to the Governor and the Legislative Budget Commission. Upon approval, the Legislative Budget Commission shall authorize ~~the transfer of funds to~~ the Agency for Workforce Innovation to distribute funds ~~for distribution~~ in accordance with the allocation ~~provisions of the~~ formula. For fiscal year 2004-2005, the Agency for Workforce Innovation shall allocate funds to the regional child development boards consistent with the fiscal year 2003-2004 funding allocations to the local school readiness coalitions.

(d) All state ~~funds budgeted for a county for the programs specified in subsection (3), along with the pro rata share of the state administrative costs of those programs in the amount as determined by the partnership~~, ~~all~~ federal, ~~funds~~ and required local maintenance-of-effort or matching funds provided to a regional child development board ~~for a county for programs specified in subsection (3), and any additional funds appropriated or obtained~~ for purposes of this section~~,~~ shall be used by ~~transferred for the benefit of~~ the board ~~coalition~~ for implementation of its school readiness plan, including the hiring of staff to effectively operate the board's ~~coalition's~~ school readiness program. As part of plan approval and periodic plan review, the Agency for Workforce Innovation ~~partnership~~ shall require that administrative costs be kept to the minimum necessary for efficient and effective administration of the school readiness plan, but total administrative expenditures must ~~shall~~ not exceed 5 percent unless specifically waived by the Agency for Workforce Innovation ~~partnership~~. The Agency for Workforce Innovation ~~partnership~~ shall annually report to the Legislature any problems relating to administrative costs.

(e) The Agency for Workforce Innovation ~~partnership~~ shall annually distribute, to a maximum extent practicable, all eligible funds provided under this section as block grants to the regional child development boards. ~~assist coalitions in integrating services and funding to develop a quality service delivery system. Subject to appropriation, the partnership may also provide financial awards to coalitions demonstrating success in merging and integrating funding streams to serve children and school readiness programs.~~

(f) State funds appropriated for the school readiness program may not be used for the construction of new facilities or the purchase of buses. The Agency for Workforce Innovation ~~partnership~~ shall present to the Legislature recommendations for providing necessary transportation services for school readiness programs.

(g) All cost savings and all revenues received through a mandatory sliding fee scale shall be used to help fund each regional child development board's ~~the local~~ school readiness program.

(10) UNAUTHORIZED TRANSFERS.--Notwithstanding any other law to the contrary, the Agency for Workforce Innovation may not transfer to the Department of Education, through an interagency agreement or through any other means, any of the agency's powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds, any of which have been or which may be authorized for administration of s. 402.25, s. 402.27, s. 402.3016, s. 402.3017, s. 402.3018, s. 402.3051, s. 409.178, or this section, without specific legislative authority by express reference to this subsection.

~~(10) SCHOOL READINESS UNIFORM SCREENING. The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 1002.22, the department shall provide the partnership and the Agency for Workforce Innovation with complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.~~

~~(11) REPORTS. The Office of Program Policy Analysis and Government Accountability shall assess the implementation, efficiency, and outcomes of the school readiness program and report its findings to the President of the Senate and the Speaker of the House of Representatives by January 1, 2002. Subsequent reviews shall be conducted at the direction of the Joint Legislative Auditing Committee.~~

(11)~~(12)~~ CONFLICTING PROVISIONS.--In the event of a conflict between ~~the provisions of~~ this section and federal requirements, the federal requirements shall control.

(12)~~(13)~~ PLACEMENTS.--Notwithstanding any other provision of this section to the contrary, ~~and for fiscal year 2003-2004 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 made in accordance with subsection (6)

~~pursuant to the provisions of this section. This subsection expires July 1, 2004~~.

Section 3. Effective July 1, 2004, paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.--

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

(a) The Auditor General may, by ~~pursuant to~~ his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

1. The accounts and records of any governmental entity created or established by law.

2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

3. The accounts and records of any charter school created or established by law.

4. The accounts and records of any direct-support organization or citizen support organization created or established by law. The Auditor General may ~~is authorized to~~ require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person for ~~with respect to~~ the receipt and expenditure of the ~~such an~~ appropriation are ~~shall be~~ public records and shall be treated in the same manner as other public records ~~are~~ under general law.

6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created under ~~pursuant to~~ s. 215.56005.

8. The Florida Virtual School created under ~~pursuant to~~ s. 1002.37.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., under ~~pursuant to~~ this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying the ~~such~~ donor or prospective donor are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The ~~Such~~ anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board under ~~pursuant to~~ this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying the ~~such~~ donor or prospective donor are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The ~~Such~~ anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized under ~~pursuant to~~ ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of the ~~such~~ systems under ~~pursuant to~~ ss. 339.401-339.421.

15. The acquisitions and divestitures related to the Florida Communities Trust Program created under ~~pursuant to~~ chapter 380.

16. The Florida Water Pollution Control Financing Corporation created under ~~pursuant to~~ s. 403.1837.

17. The school readiness system, including the regional child development boards, ~~Florida Partnership for School Readiness~~ created under ~~pursuant to~~ s. 411.01.

18. The Florida Special Disability Trust Fund Financing Corporation created under ~~pursuant to~~ s. 440.49.

19. Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created under ~~pursuant to~~ s. 445.004.

20. The corporation defined in s. 455.32 which ~~that~~ is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with ~~the provisions of~~ s. 455.32 and the practice act of the relevant profession.

21. The Florida Engineers Management Corporation created under ~~pursuant to~~ chapter 471.

22. The Investment Fraud Restoration Financing Corporation created under ~~pursuant to~~ chapter 517.

23. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

24. The corporation defined in part II of chapter 946, cited ~~known~~ as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

Section 4. Subsection (6) of section 20.15, Florida Statutes, is amended to read:

20.15 Department of Education.--There is created a Department of Education.

(6) COUNCILS AND COMMITTEES.--Notwithstanding any ~~anything contained in~~ law to the contrary, the commissioner shall appoint all members of all councils and committees of the Department of Education, except for the Commission for Independent Education, ~~and~~ the Education Practices Commission, and the Florida Child Development Advisory Council.

Section 5. Effective July 1, 2004, subsection (2) of section 20.50, Florida Statutes, is amended to read:

20.50 Agency for Workforce Innovation.--There is created the Agency for Workforce Innovation within the Department of Management Services. The agency shall be a separate budget entity, and the director of the agency shall be the agency head for all purposes. The agency shall not be subject to control, supervision, or direction by the Department of Management Services in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The Agency for Workforce Innovation is ~~shall be~~ the ~~designated~~ administrative agency designated for receipt of federal workforce development grants and other federal funds. The agency~~, and~~ shall administer ~~carry out~~ the duties and responsibilities assigned by the Governor under each federal grant assigned to the agency. The agency shall be a separate budget entity and shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with Workforce Florida, Inc. The agency shall prepare and submit as a separate budget entity a unified budget request for workforce development, in accordance with chapter 216 for, and in conjunction with, Workforce Florida, Inc., and its board. The head of the agency is the director of Workforce Innovation, who shall be appointed by the Governor. The accountability and reporting functions of the agency shall be administered by the director or his or her designee. ~~Included in~~ These functions shall include ~~are~~ budget management, financial management, audit, performance management standards and controls, assessing outcomes of service delivery, and financial administration of workforce programs under ~~pursuant to~~ s. 445.004(5) and (9). ~~Within the agency's overall organizational structure,~~ The agency shall include the following offices within its organizational structure, which shall have the specified responsibilities:

(a) The Office of Workforce Services shall administer the unemployment compensation program, the Rapid Response program, the Work Opportunity Tax Credit program, the Alien Labor Certification program, and any other programs that are delivered directly by agency staff rather than through the one-stop delivery system. The office shall be directed by the Deputy Director for Workforce Services, who shall be appointed by and serve at the pleasure of the director.

(b) The Office of Program Support and Accountability shall administer state merit system program staff within the workforce service delivery system, under the ~~pursuant to~~ policies of Workforce Florida, Inc. The office is ~~shall be~~ responsible for delivering services through the one-stop delivery system and for ensuring that participants in welfare transition programs receive case management services, diversion assistance, support services, including ~~subsidized~~ child care and transportation services, Medicaid services, and transition assistance to enable them to succeed in the workforce. The office is ~~shall~~ also ~~be~~ responsible for program quality assurance, grants and contract management, contracting, financial management, and reporting. The office shall be directed by the Deputy Director for Program Support and

Accountability, who shall be appointed by and serve at the pleasure of the director. The office is ~~shall be~~ responsible for:

1. Establishing monitoring, quality assurance, and quality improvement systems that routinely assess the quality and effectiveness of contracted programs and services.

2. Annual review of each regional workforce board and administrative entity to ensure that adequate systems of reporting and control are in place; that~~, and~~ monitoring, quality assurance, and quality improvement activities are conducted routinely~~;~~, and that corrective action is taken to eliminate deficiencies.

(c) The Office of Child Development shall administer the school readiness system in accordance with s. 411.01. The office shall be directed by the Deputy Director for Child Development, who shall be appointed by and serve at the pleasure of the director.

(d)~~(c)~~ The Office of Agency Support Services is ~~shall be~~ responsible for procurement, human resource services, and information services including delivering information on labor markets, employment, occupations, and performance, and shall implement and maintain information systems that are required for the effective operation of the one-stop delivery system and the school readiness ~~services~~ system, including, but not limited to, those systems described in s. 445.009. The office shall ~~will~~ be directed by ~~under the direction of~~ the Deputy Director for Agency Support Services, who shall be appointed by and serve at the pleasure of the director. The office is ~~shall be~~ responsible for establishing:

1. Information systems and controls that report reliable, timely and accurate fiscal and performance data for assessing outcomes, service delivery, and financial administration of workforce programs under ~~pursuant to~~ s. 445.004(5) and (9).

2. Information systems that support service integration and case management by providing for case tracking for participants in welfare transition programs.

3. Information systems that support the school readiness system ~~services~~.

(e)~~(d)~~ The Unemployment Appeals Commission, authorized by s. 443.012, is ~~shall~~ not ~~be~~ subject to ~~the~~ control, supervision, or direction by the Agency for Workforce Innovation in the performance of its powers and duties but shall receive any and all support and assistance from the agency that is ~~may be~~ required for the performance of its duties.

Section 6. Effective July 1, 2004, paragraph (b) of subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions.--

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.403(3) and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(b) However, any county as defined in s. 125.011(1) may instead have a governing board consisting of 33 members, including: the superintendent of schools; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the regional child development board ~~local school readiness coalition,~~ selected by that board ~~coalition~~; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing board shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

Section 7. Effective July 1, 2004, subsection (1) of section 216.133, Florida Statutes, is amended to read:

216.133 Definitions; ss. 216.133-216.137.--As used in ss. 216.133-216.137:

(1) "Consensus estimating conference" includes the Economic Estimating Conference, the Demographic Estimating Conference, the Revenue Estimating Conference, the Education Estimating Conference, the Criminal Justice Estimating Conference, the Juvenile Justice Estimating Conference, the Child Welfare System Estimating Conference, the Occupational Forecasting Conference, the Child Development Programs ~~School Readiness Program~~ Estimating Conference, the Self-Insurance Estimating Conference, the Florida Retirement System Actuarial Assumption Conference, and the Social Services Estimating Conference.

Section 8. Effective July 1, 2004, subsection (10) of section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(10) CHILD DEVELOPMENT PROGRAMS ~~SCHOOL READINESS PROGRAM~~ ESTIMATING CONFERENCE.--

(a) Duties.--

1. The Child Development Programs ~~School Readiness Program~~ Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6), and of children eligible for the Voluntary Prekindergarten Education Program in accordance with s. 1002.53(2), as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

2. The Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall provide information on needs and waiting lists for school readiness programs as ~~program services~~ requested by the Child Development Programs ~~School Readiness Program~~ Estimating Conference or individual conference principals in a timely manner.

3. The Department of Education shall provide information on needs for the Voluntary Prekindergarten Education Program as requested by the Child Development Programs Estimating Conference or individual conference principals in a timely manner.

(b) Principals.--The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from ~~the Florida Partnership for School Readiness,~~ the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the Child

Development Programs ~~School Readiness Program~~ Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.

Section 9. Section 402.265, Florida Statutes, is created to read:

402.265 Unauthorized transfers.--Notwithstanding any other law to the contrary, the Department of Children and Family Services may not transfer to the Department of Education, through an interagency agreement or through any other means, any of the department's powers, duties, functions, rules, records, personnel, property, or unexpended balances of appropriations, allocations, or other funds, any of which have been or which may be authorized for the Child Care Services Program Office or for administration of ss. 402.25-402.319, without specific legislative authority by express reference to this section.

Section 10. Effective July 1, 2004, section 402.3016, Florida Statutes, is amended to read:

402.3016 Early Head Start collaboration grants.--

(1) Contingent upon specific appropriations, the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ shall establish a program to award collaboration grants to assist local agencies in securing Early Head Start programs through Early Head Start program federal grants. The collaboration grants shall provide the required matching funds for public and private nonprofit agencies that have been approved for Early Head Start program federal grants.

(2) Public and private nonprofit agencies providing Early Head Start programs applying for collaborative grants must:

(a) Ensure quality performance by meeting the requirements in the Head Start program performance standards and other applicable rules and regulations;

(b) Ensure collaboration with other service providers at the local level; and

(c) Ensure that a comprehensive array of health, nutritional, and other services are provided to the program's pregnant women and very young children, and their families.

(3) The Agency for Workforce Innovation ~~partnership~~ shall report to the Legislature on an annual basis the number of agencies receiving Early Head Start collaboration grants and the number of children served.

(4) The Agency for Workforce Innovation ~~partnership~~ may adopt rules under s. 120.536(1) and s. 120.54 as necessary for the award of collaboration grants to competing agencies and the administration of the collaboration grants program under this section.

Section 11. Effective, July 1, 2004, section 411.011, Florida Statutes, is amended to read:

411.011 Records of children in school readiness programs.--The individual records of children enrolled in school readiness programs provided under s. 411.01, when held in the possession of the regional child development board ~~school readiness coalition~~ or the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~, are confidential and exempt from ~~the provisions of~~ s. 119.07 and s. 24(a), Art. I of the State Constitution. For ~~the~~ purposes of this section, records include assessment data, health data, records of teacher observations, and identifying data, including the child's social security number. A parent, guardian, or individual acting as a parent in the absence of a parent or guardian has the right to inspect and review the individual school readiness program record of his or her child and to obtain a copy of the record. School readiness records may be released to the United States Secretary of Education, the United States Secretary of Health and Human Services, and the Comptroller General of the United States for the purpose of federal audits; to individuals or organizations conducting studies for institutions to develop, validate, or administer assessments or improve instruction; to accrediting organizations in order to carry out their accrediting functions; to appropriate parties in connection with an emergency if the information is necessary to protect the health or safety of the student or other individuals; to the Auditor General in connection with his or her official functions; to a court of competent jurisdiction in compliance with an order of that court in accordance with ~~pursuant to~~ a lawfully issued subpoena; and to parties to an interagency agreement among regional child development boards ~~school readiness coalitions~~, local governmental agencies, providers of school readiness programs, state agencies, and the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ for the purpose of implementing the school readiness program. Agencies, organizations, or individuals that receive school readiness records in order to carry out their official functions must protect the data in a manner that does ~~will~~ not permit the personal identification of students and their parents by persons other than those authorized to receive the records. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 12. Effective July 1, 2004, paragraph (e) of subsection (2) of section 411.226, Florida Statutes, is amended to read:

411.226 Learning Gateway.--

(2) LEARNING GATEWAY STEERING COMMITTEE.--

(e) To support and facilitate system improvements, the steering committee must consult with representatives from the Department of Education, the Department of Health, the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~, the Department of Children and Family Services, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Corrections and with the director of the Learning Development and Evaluation Center of Florida Agricultural and Mechanical University.

Section 13. Effective July 1, 2004, paragraph (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (c) of subsection (3) of section 411.227, Florida Statutes, are amended to read:

411.227 Components of the Learning Gateway.--The Learning Gateway system consists of the following components:

(1) COMMUNITY EDUCATION STRATEGIES AND FAMILY-ORIENTED ACCESS.--

(d) In collaboration with other local resources, the demonstration projects shall develop public awareness strategies to disseminate information about developmental milestones, precursors of learning problems and other developmental delays, and the service system that is available. The information should target parents of children from birth through age 9 and should be distributed to parents, health care providers, and caregivers of children from birth through age 9. A variety of media should be used as appropriate, such as print, television, radio, and a community-based Internet website, as well as opportunities such as those presented by parent visits to physicians for well-child checkups. The Learning Gateway Steering Committee shall provide technical assistance to the local demonstration projects in developing and distributing educational materials and information.

1. Public awareness strategies targeting parents of children from birth through age 5 shall be designed to provide information to public and private preschool programs, child care ~~childcare~~ providers, pediatricians, parents, and local businesses and organizations. These strategies should include information on the school readiness performance standards ~~for kindergarten~~ adopted by the Agency for Workforce Innovation ~~School Readiness Partnership Board~~.

2. Public awareness strategies targeting parents of children from ages 6 through 9 must be designed to disseminate training materials and brochures to parents and public and private school personnel, and must be coordinated with the local school board and the appropriate school advisory committees in the demonstration projects. The materials should contain information on state and district proficiency levels for grades K-3.

(2) SCREENING AND DEVELOPMENTAL MONITORING.--

(a) In coordination with the Agency for Workforce Innovation ~~Partnership for School Readiness~~, the Department of Education, and the Florida Pediatric Society, and using information learned from the local demonstration projects, the Learning Gateway Steering Committee shall establish guidelines for screening children from birth through age 9. The guidelines should incorporate recent research on the indicators most likely to predict early learning problems, mild developmental delays, child-specific precursors of school failure, and other related developmental indicators in the domains of cognition; communication; attention; perception; behavior; and social, emotional, sensory, and motor functioning.

(3) EARLY EDUCATION, SERVICES AND SUPPORTS.--

(c) The steering committee, in cooperation with the Department of Children and Family Services, the Department of Education, and the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~, shall identify the elements of an effective research-based curriculum for early care and education programs.

Section 14. Effective July 1, 2004, paragraph (a) of subsection (2) of section 624.91, Florida Statutes, is amended to read:

624.91 The Florida Healthy Kids Corporation Act.--

(2) LEGISLATIVE INTENT.--

(a) The Legislature finds that increased access to health care services could improve children's health and reduce the incidence and costs of childhood illness and disabilities among children in this state. Many children do not have comprehensive, affordable health care services available. It is the intent of the Legislature that the Florida Healthy Kids Corporation provide comprehensive health insurance coverage to these ~~such~~ children. The corporation is encouraged to cooperate with any existing health service programs funded by the public or the private sector and to work cooperatively with the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~.

Section 15. Subsection (1) of section 1001.23, Florida Statutes, is amended to read:

1001.23 Specific powers and duties of the Department of Education.--In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(1) Adopt the statewide kindergarten ~~school readiness uniform~~ screening ~~developed by the Florida Partnership for School Readiness,~~ in accordance with s. 1002.67 ~~the criteria itemized in chapter 1008~~.

Section 16. Effective July 1, 2004, paragraph (d) of subsection (3) of section 1002.22, Florida Statutes, is amended to read:

1002.22 Student records and reports; rights of parents and students; notification; penalty.--

(3) RIGHTS OF PARENT OR STUDENT.--The parent of any student who attends or has attended any public school, area technical center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(d) Right of privacy.--Every student has ~~shall have~~ a right of privacy with respect to the educational records kept on him or her. Personally identifiable records or reports of a student, and any personal information contained therein, are confidential and exempt from ~~the provisions of~~ s. 119.07(1). No state or local educational agency, board, public school, technical center, or public postsecondary educational institution shall permit the release of the ~~such~~ records, reports, or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as provided in this subsection, to any individual, agency, or organization. However, personally identifiable records or reports of a student may be released to the following persons or organizations without the consent of the student or the student's parent:

1. Officials of schools, school systems, technical centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of the ~~such~~ records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or state or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable federal statutes and regulations of the United States Department of Education, or in applicable state statutes and rules of the State Board of Education.

4. Other school officials, in connection with a student's application for or receipt of financial aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the ~~such~~ studies are conducted in ~~such~~ a manner that does ~~as will~~ not permit the personal identification of students and their parents by persons other than representatives of the ~~such~~ organizations and if the ~~such~~ information will be destroyed when no longer needed for the purpose of conducting the ~~such~~ studies.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. Regional child development boards ~~School readiness coalitions~~ and the Agency for Workforce Innovation ~~Florida Partnership for School Readiness~~ in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by a district school board under ~~pursuant to the provisions of~~ chapter 120.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from ~~the provisions of~~ s. 119.07(1) and shall be protected in ~~such~~ a way that does ~~as will~~ not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the ~~such~~ personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11.a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with ~~pursuant to~~ a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

b. A person or entity pursuant to a court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with ~~pursuant to~~ a lawfully issued subpoena, upon the condition that the student, or his or her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the ~~provided that such~~ information is ~~may be~~ disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under ~~pursuant to~~ this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of the ~~such~~ interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the ~~such~~ programs and services, and as such is inadmissible in any court proceedings before ~~prior to~~ a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-13., directory information relating to the student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information for ~~with respect to~~ all students attending the institution and shall allow a reasonable period of time after the ~~such~~ notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

Section 17. Paragraph (c) of subsection (3) of section 1003.54, Florida Statutes, is amended to read:

1003.54 Teenage parent programs.--

(3)

(c) Provision for necessary child care, health care, social services, parent education, and transportation shall be ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between district school boards and regional child development boards ~~local school readiness coalitions~~ or other appropriate public and private providers.

Section 18. By January 15, 2005, the Department of Education, with the advice of the Florida Child Development Advisory Council created under section 1002.73, Florida Statutes, shall submit recommendations to the Legislature on professional development programs for the Voluntary Prekindergarten Education Program. The recommendations must comprise options for the professional development of prekindergarten directors, teachers, and child care personnel. The recommendations shall address curricula and appropriate delivery systems for the programs and shall consider the use of Internet-based applications for instruction or assessment. The recommendations must also include the estimated costs of the professional development programs, including nonrecurring startup costs and recurring operational costs.

Section 19. Notwithstanding sections 216.162-216.168, Florida Statutes, and under section 216.351, Florida Statutes, the Governor shall submit to the Legislature, as part of the Governor's recommended budget for the 2005-2006 fiscal year, the Governor's annual cost projections for the Voluntary Prekindergarten Education Program for the 5-year period ending with the 2009-2010 fiscal year. The cost projections must be based upon the Governor's estimate of the number of children to be served annually in the Voluntary Prekindergarten Education Program, including annual estimates for the potential shift of children to the Voluntary Prekindergarten Education Program from school readiness programs provided under section 411.01, Florida Statutes.

Section 20. (1) Effective July 1, 2004, the Florida Partnership for School Readiness is abolished. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Florida Partnership for School Readiness are transferred, effective July 1, 2004, by a type two transfer, as defined in section 20.06(2), Florida Statutes, to the Agency for Workforce Innovation.

(2) This act does not abolish the school readiness coalitions but, effective July 1, 2004, redesignates the coalitions as regional child development boards and, effective January 1, 2005, requires a reduction in the number of boards. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of each school readiness coalition are not transferred but shall be retained by the coalition upon its redesignation as a regional child development board.

Section 21. Sections 411.012 and 1008.21, Florida Statutes, are repealed.

Section 22. (1) The sum of $7 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for implementation of the summer prekindergarten demonstration program under section 1002.61(5), Florida Statutes, during the 2003-2004 fiscal year, and for nonrecurring startup costs for the Voluntary Prekindergarten Education Program during fiscal year 2004-2005. The Department of Education may use any funds remaining after implementation of the summer prekindergarten demonstration program in accordance with the research design developed under section 1002.61(5)(b), Florida Statutes, for nonrecurring startup costs for the Voluntary Prekindergarten Education Program, subject to approval by the Legislative Budget Commission of the allocation among specific appropriation categories of funds for these nonrecurring startup costs.

(2) Notwithstanding section 1002.69, Florida Statutes, each demonstration district's allocation of funds appropriated under subsection (1) shall be based upon the district's student enrollment in the demonstration program. Each demonstration district's student enrollment in the demonstration program, and the demographic composition of the student enrollment, must be consistent with the research design developed under section 1002.61(5)(b), Florida Statutes. A full-time equivalent student in the summer prekindergarten demonstration program shall be 300 hours, and the base student allocation for the demonstration program shall be $2,500 per full-time equivalent student. Each district's allocation per full-time equivalent student shall be calculated by multiplying the base student allocation by the district cost differential provided in section 1011.62(2), Florida Statutes.

(3) Each demonstration school must have at least one certified teacher for every 10 students in the demonstration program. As used in this subsection, the term "certified teacher" has the same meaning ascribed in section 1002.61(3), Florida Statutes.

(4) Each demonstration district must submit all information requested by the Department of Education for reporting and funding purposes.

(5) Any unexpended balance at the end of the 2003-2004 fiscal year from the funds appropriated under subsection (1) shall be certified forward to the 2004-2005 fiscal year and shall be used to continue implementation of the demonstration program during summer 2004.

Section 23. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to early childhood education; creating part V of ch. 1002, F.S.; creating the Voluntary Prekindergarten Education Program; implementing s. 1(b) and (c), Art. IX of the State Constitution; providing definitions for purposes of the program; providing eligibility and enrollment requirements; authorizing parents to enroll their children in a program delivered by a child development provider, a summer program delivered by a public school, or a school-year program delivered by a public school; requiring school districts to admit all eligible children in the summer program; prohibiting specified acts of discrimination and certain limits on enrollment; specifying eligibility requirements for child development providers and public schools that deliver the program; providing for the adoption of rules; requiring the Department of Education establish a credential for prekindergarten directors and an emergent literacy training course for teachers and child care personnel of the Voluntary Prekindergarten Education Program; requiring the credential and course to provide training and resources containing strategies that maximize the program's benefits for students with disabilities and other special needs; providing that the credential and course satisfy certain credentialing and training requirements; specifying eligibility requirements for school districts that deliver the school-year prekindergarten program; creating a demonstration program in specified school districts; directing the Office of Program Policy Analysis and Government Accountability to evaluate the demonstration program; requiring the demonstration districts to submit data; providing for the future expiration of the demonstration program; authorizing providers and schools to select or design curricula used for the program under specified conditions; directing the Department of Education to adopt performance standards and approve curricula; requiring providers and schools to be placed on probation and use the approved curricula under certain circumstances; requiring improvement plans and corrective actions from providers and schools under certain circumstances; requiring regional child development boards and school districts to verify the compliance of child development providers and public schools; authorizing the removal of providers and schools from eligibility to deliver the program for noncompliance; requiring the Department of Education to adopt a statewide kindergarten screening; requiring certain students to take the statewide screening; specifying requirements for screening instruments and kindergarten readiness rates; providing funding and reporting requirements; specifying the calculation of per-student allocations; providing for advance payments to child development providers and public schools based upon student enrollment; providing for the documentation and certification of student attendance; requiring parents to verify student attendance and certify the choice of provider or school; providing for the reconciliation of advance payments based upon certified student attendance; requiring students to comply with attendance policies and authorizing the dismissal of students for noncompliance; prohibiting regional child development boards from withholding funds for administrative costs; providing for the allocation of administrative funds among regional child development boards; prohibiting certain fees or charges; limiting the use of state funds; providing powers and duties of the Department of Education; requiring the department to adopt procedures for the Voluntary Prekindergarten Education Program; authorizing interagency agreements for the integration of, and requiring interagency

access to, certain databases; limiting the department's authority; creating the Florida Child Development Advisory Council; providing for the appointment and membership of the advisory council; providing membership and meeting requirements; authorizing council members to receive per diem and travel expenses; requiring the Department of Education to provide staff for the advisory council; providing for the adoption of rules; amending s. 411.01, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation; deleting provisions for the appointment and membership of the partnership; redesignating school readiness coalitions as regional child development boards; deleting obsolete references to repealed programs; deleting obsolete provisions governing the phase in of school readiness programs; deleting provisions governing the measurement of school readiness, the school readiness uniform screening, and performance-based budgeting in school readiness programs; specifying requirements for school readiness performance standards; clarifying rulemaking requirements; limiting the Agency for Workforce Innovation's authority; revising requirements for school readiness programs; specifying that school readiness programs must enhance the progress of children in certain skills; requiring regional child development boards to obtain certain health information before enrolling a child in the school readiness program; requiring the Agency for Workforce Innovation to administer a quality-assurance system and identify best practices for regional child development boards; requiring a reduction in the number of boards in accordance with specified standards; directing the Agency for Workforce Innovation to adopt procedures for the merger of boards; revising appointment and membership requirements for the boards; directing the Agency for Workforce Innovation to adopt criteria for the appointment of certain members; requiring each board to specify terms of board members; prohibiting board members from voting under certain circumstances; providing a definition for purposes of the single point of entry; requiring regional child development boards to use a statewide information system; requiring the Agency for Workforce Innovation to approve payment rates and consider the access of eligible children before approving proposals to increase rates; deleting requirements for the minimum number of children served; providing requirements for developmentally appropriate curriculum used for school readiness programs; authorizing contracts for the continuation of school readiness services under certain circumstances; requiring the Agency for Workforce Innovation to adopt criteria for the approval of school readiness plans; revising requirements for school readiness plans; providing requirements for the approval and implementation of plan revisions; revising competitive procurement requirements for regional child development boards; authorizing the boards to designate certified public accountants as fiscal agents; clarifying age and income eligibility requirements for school readiness programs; revising eligibility requirements for certain at-risk children; revising funding requirements; revising requirements for the adoption of a formula for the allocation of certain funds among the regional child development boards; specifying allocations for fiscal year 2004-2005; prohibiting certain transfers without specific legislative authority; deleting an obsolete provision requiring a report; deleting the expiration of eligibility requirements for certain children from families receiving temporary cash assistance; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the school readiness system; conforming provisions; amending s. 20.15, F.S.; specifying that the Commissioner of Education does not appoint members of the Florida Child Development Advisory Council; amending s. 20.50, F.S.; creating the Office of Child Development within the Agency for Workforce Innovation; providing that the office administers the school readiness system; amending s. 125.901, F.S.; conforming provisions; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Child Development Programs Estimating Conference; requiring the estimating conference to develop certain estimates and forecasts for the Voluntary Prekindergarten Education Program; directing the Department of Education to provide certain information to the estimating conference; conforming provisions; creating s. 402.265, F.S.; prohibiting certain transfers without specific legislative authority; amending ss. 402.3016, 411.011, 411.226, 411.227, 624.91, 1001.23, 1002.22, and 1003.54, F.S.; conforming provisions to the transfer of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and to the redesignation of the school readiness coalitions as regional child development boards; requiring the Department of Education to submit a report; requiring the Governor to submit certain recommendations as part of the Governor's recommended budget; abolishing the Florida Partnership for School Readiness and providing for the transfer of the partnership to the Agency for Workforce Innovation; repealing ss. 411.012 and 1008.21, F.S., relating to the voluntary universal prekindergarten education program and the school readiness uniform screening; providing appropriations; providing for the allocation of appropriations among certain school districts; requiring the Legislative Budget Commission to approve the allocation of certain appropriations; providing effective dates.

Rep. Barreiro moved that the House refuse to concur in Senate Amendment 1 and request the Senate to recede therefrom.

Rep. Kyle moved that the House concur in Senate Amendment 1.

On motion by Rep. Kyle, further consideration of **HB 821**, with pending motion by Rep. Kyle to concur in Senate Amendment 1, was temporarily postponed under Rule 11.10.

Motion

Rep. Reagan moved that the House move to the consideration of CS for CS for SB 520 and CS for SB 494, which was agreed to. Consideration of CS for CS for SB 520 and CS for SB 494 was deferred.

Special Orders

Second Reading

HB 1903—A bill to be entitled An act relating to administration of the state's social and economic programs; amending s. 39.301, F.S.; revising the requirements of a risk assessment conducted by the Department of Children and Family Services; requiring the department to develop and implement safety and case plans when determined necessary by such assessment; amending s. 39.701, F.S.; clarifying intent; eliminating a requirement for a court hearing; providing for citizen reviews; distinguishing a court hearing from a citizen review; amending s. 120.80, F.S.; including certain hearings conducted by the Agency for Health Care Administration in the exception for an administrative law judge to preside over such hearings; amending s. 393.062, F.S.; providing additional legislative intent relating to individuals with developmental disabilities; amending s. 393.0655, F.S.; providing for additional personnel to be included in screening requirements; requiring an employment history check in such screening; amending s. 393.066, F.S.; requiring the developmental services program to provide supports and services to certain individuals; amending s. 400.0255, F.S.; renaming the Office of Appeals Hearings and placing it in the agency; providing rulemaking authority; amending s. 408.15, F.S.; authorizing the agency to establish and conduct Medicaid hearings; amending s. 409.91195, F.S.; moving certain duties from the department to the agency; amending s. 410.604, F.S.; eliminating a requirement that the department charge fees for certain services provided to disabled adults; amending s. 415.102, F.S.; revising a definition; amending s. 415.1113, F.S.; providing for representation by counsel at certain hearings relating to false report of abuse, neglect, or exploitation of a vulnerable adult; requiring notification of this right; amending s. 420.622, F.S.; correcting the name of a coalition; providing activities to which funds for homeless housing assistance may be allocated; amending s. 420.623, F.S.; revising the submission deadline of an annual report on homeless programs and services; amending s. 420.625, F.S.; requiring a consistency statement from the designated lead agency with respect to homeless assistance services; providing an effective date.

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

CS for SB 2646—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State, the Department of Highway Safety and Motor Vehicles, and the Department of Community Affairs; providing for disposition of balances in and revenues of the trust funds; declaring findings of the Legislature that specified trust funds within the Executive Office of the Governor, the Department of

Transportation, the Department of Community Affairs, and the Department of Highway Safety and Motor Vehicles are exempt from the termination requirements of s. 19(f), Art. III of the State Constitution; repealing s. 445.0324(5), F.S.; abrogating provisions relating to the termination of the Welfare Transition Trust Fund within the Agency for Workforce Innovation; amending s. 252.373, F.S.; revising provisions specifying the use of funds in the Emergency Management, Preparedness, and Assistance Trust Fund within the Department of Community Affairs; amending s. 120.55, F.S.; requiring that fees and moneys collected for the publication and distribution of the Florida Administrative Code and Florida Administrative Weekly be deposited in the Records Management Trust Fund of the Department of State; deleting provisions authorizing the Department of State to collect a surcharge for costs relating to publication of the Florida Administrative Weekly; amending s. 443.211, F.S.; requiring that funds collected for certain information services be deposited into the Employment Security Administration Trust Fund; amending ss. 322.08 and 320.02, F.S.; providing that certain contributions received in connection with a driver's license application or motor vehicle registration are not income of a revenue nature for purposes of a service charge imposed on certain trust funds; providing an effective date.

—was read the second time by title.

Representative Waters offered the following:

(Amendment Bar Code: 287743)

Amendment 1—On page 5, line 31,

insert:

3. To meet any matching requirements imposed as a condition of receiving federal disaster relief assistance.

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

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

CS for CS for SB 544—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a short title; amending s. 218.72, F.S.; redefining terms used in part VII of ch. 218, F.S.; amending s. 218.735, F.S.; revising provisions relating to timely payment for purchases of construction services; revising deadlines for payment; providing procedures for project closeout and payment of retainage; providing requirements for local government construction retainage; providing that ss. 218.72-218.76, F.S., apply to the payment of any payment request for retainage; providing exceptions; creating s. 255.0705, F.S.; providing a short title; amending s. 255.071, F.S.; revising deadlines for the payment of subcontractors, sub-subcontractors, materialmen, and suppliers on construction contracts for public projects; creating ss. 255.072, 255.073, 255.074, 255.075, 255.076, 255.077, and 255.078, F.S.; providing definitions; providing for timely payment for purchases of construction services by a public entity; providing procedures for calculating payment due dates; providing procedures for handling improper payment requests; providing for the resolution of disputes; providing for project closeout and payment of retainage; providing that ss. 255.072-255.076, F.S., apply to the payment of any payment request for retainage; providing exceptions; amending s. 255.05, F.S.; providing requirements for certain notices of nonpayment served by a claimant who is not in privity with the contractor; revising the form for a public construction bond; requiring the payment provisions of all public construction bonds to be construed as statutory bonds; prohibiting conversion to common law bonds; deleting a requirement that bond forms used by public owners reference certain notice and time limitation provisions; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 95.11, F.S., to conform a cross-reference; providing for application of specified sections of the act to certain contracts and projects; providing an effective date.

—was read the second time by title.

Representative Reagan offered the following:

(Amendment Bar Code: 734869)

Amendment 1 (with title amendment)—On page 19, line 3, through page 31, line 25,
remove: all of said lines

and insert:

Section 13. Subsections (2) and (4) of section 255.05, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

(2)(a)1. If a claimant is no longer furnishing labor, services, or materials on a project, a contractor or the contractor's agent or attorney may elect to shorten the prescribed time in this paragraph within which an action to enforce any claim against a payment bond provided pursuant to this section may be commenced by recording in the clerk's office a notice in substantially the following form:

NOTICE OF CONTEST OF CLAIM
AGAINST PAYMENT BOND

To: . . . (Name and address of claimant) . . .

You are notified that the undersigned contests your notice of nonpayment, dated _____, _____, and served on the undersigned on _____, _____, and that the time within which you may file suit to enforce your claim is limited to 60 days after the date of service of this notice.

DATED on _____, _____.

Signed: . . . (Contractor or Attorney) . . .

The claim of any claimant upon whom such notice is served and who fails to institute a suit to enforce his or her claim against the payment bond within 60 days after service of such notice shall be extinguished automatically. The clerk shall mail a copy of the notice of contest to the claimant at the address shown in the notice of nonpayment or most recent amendment thereto and shall certify to such service on the face of such notice and record the notice. Service is complete upon mailing.

2. A claimant, except a laborer, who is not in privity with the contractor shall, before commencing or not later than 45 days after commencing to furnish labor, materials, or supplies for the prosecution of the work, furnish the contractor with a notice that he or she intends to look to the bond for protection. A claimant who is not in privity with the contractor and who has not received payment for his or her labor, materials, or supplies shall deliver to the contractor and to the surety written notice of the performance of the labor or delivery of the materials or supplies and of the nonpayment. The notice of nonpayment may be served at any time during the progress of the work or thereafter but not before 45 days after the first furnishing of labor, services, or materials, and not later than 90 days after the final furnishing of the labor, services, or materials by the claimant or, with respect to rental equipment, not later than 90 days after the date that the rental equipment was last on the job site available for use. Any notice of nonpayment served by a claimant who is not in privity with the contractor which includes sums for retainage must specify the portion of the amount claimed for retainage. No action for the labor, materials, or supplies may be instituted against the contractor or the surety unless both notices have been given. Notices required or permitted under this section may be served in accordance with s. 713.18. ~~An action, except for an action exclusively for recovery of retainage, must be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 1 year after the performance of the labor or completion of delivery of the materials or supplies. An action exclusively for recovery of retainage must be instituted against the contractor or the surety within 1 year after the performance of the labor or completion of delivery of the materials or supplies, or within 90 days after receipt of final payment (or the payment estimate containing the owner's final reconciliation of quantities if no further payment is earned and due as a result of deductive adjustments) by the contractor or surety, whichever comes last.~~ A claimant may not waive in advance his or her right to bring an action under the bond against the surety. In any action brought to enforce a claim against a payment bond under this section, the prevailing party is entitled to recover a reasonable fee for the

services of his or her attorney for trial and appeal or for arbitration, in an amount to be determined by the court, which fee must be taxed as part of the prevailing party's costs, as allowed in equitable actions. The time periods for service of a notice of nonpayment or for bringing an action against a contractor or a surety shall be measured from the last day of furnishing labor, services, or materials by the claimant and shall not be measured by other standards, such as the issuance of a certificate of occupancy or the issuance of a certificate of substantial completion.

(b) When a person is required to execute a waiver of his or her right to make a claim against the payment bond in exchange for, or to induce payment of, a progress payment, the waiver may be in substantially the following form:

WAIVER OF RIGHT TO CLAIM AGAINST THE PAYMENT BOND
(PROGRESS PAYMENT)

The undersigned, in consideration of the sum of $____, hereby waives its right to claim against the payment bond for labor, services, or materials furnished through . . . (insert date) . . . to . . . (insert the name of your customer) . . . on the job of . . . (insert the name of the owner) . . . , for improvements to the following described project:

(description of project)

This waiver does not cover any retention or any labor, services, or materials furnished after the date specified.

DATED ON _____, ____.

. . . (Claimant) . . .
By:_____

(c) When a person is required to execute a waiver of his or her right to make a claim against the payment bond, in exchange for, or to induce payment of, the final payment, the waiver may be in substantially the following form:

WAIVER OF RIGHT TO CLAIM AGAINST THE PAYMENT BOND
(FINAL PAYMENT)

The undersigned, in consideration of the final payment in the amount of $____, hereby waives its right to claim against the payment bond for labor, services, or materials furnished to . . . (insert the name of your customer) . . . on the job of . . . (insert the name of the owner) . . . , for improvements to the following described project:

(description of project)

DATED ON _____, ____.

. . . (Claimant) . . .
By:_____

(d) A person may not require a claimant to furnish a waiver that is different from the forms in paragraphs (b) and (c).

(e) A claimant who executes a waiver in exchange for a check may condition the waiver on payment of the check.

(f) A waiver that is not substantially similar to the forms in this subsection is enforceable in accordance with its terms.

(4) The payment provisions of all bonds furnished for public work contracts described in subsection (1) shall, regardless of form, be construed and deemed statutory bond provisions, subject to all requirements of subsections ~~subsection~~ (2) and (10).

(10) An action, except for an action for recovery of retainage, must be instituted against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 1 year after the performance of the labor or completion of delivery of the materials or supplies. An action for recovery of retainage must be instituted against the contractor or the surety within 1 year after the performance of the labor or completion of delivery of the materials or supplies, provided that such an action may not be instituted until one of the following conditions is satisfied:

(a) The public entity has paid out the claimant's retainage to the contractor, and the time provided under s. 255.073(3) for payment of that retainage to the claimant has expired;

(b) The claimant has completed all work required under its contract and 70 days have passed since the contractor sent its final payment request to the public entity; or

(c) The claimant has asked the contractor, in writing, when the contractor received payment of the claimant's retainage or when the contractor sent its final payment request to the public entity, and the contractor has failed to respond to this request, in writing, within 10 days after receipt.

If none of the conditions described in paragraph (a), paragraph (b), or paragraph (c) is satisfied and an action for recovery of retainage therefore cannot be instituted within the 1-year limitation period set forth in this subsection, this limitation period shall be extended until 120 days after one of these conditions is satisfied.

Section 14. Paragraph (b) of subsection (2) of section 95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.--Actions other than for recovery of real property shall be commenced as follows:

(2) WITHIN FIVE YEARS.--

(b) A legal or equitable action on a contract, obligation, or liability founded on a written instrument, except for an action to enforce a claim against a payment bond, which shall be governed by the applicable provisions of ss. 255.05(10) ~~255.05(2)(a)2.~~ and 713.23(1)(e).

Section 15. Neither the amendments to sections 95.11, 218.70, 218.72, 218.735, and 255.071, Florida Statutes, and subsection (2) of section 255.05, Florida Statutes, as provided in this act, nor subsection (10) of section 255.05, Florida Statutes, and section 255.078, Florida Statutes, as created by this act, applies to any existing construction contract pending approval by a local governmental entity or public entity, or to any project advertised for bid by the local government entity or public entity, on or before the effective date of this act.

On page 2, lines 5-12,
remove: all of said lines

and insert: contractor; providing limitations on

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

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

HB 157—A bill to be entitled An act relating to school district taxation; amending s. 1011.71, F.S.; authorizing school district capital outlay millage to be used for certain property and casualty insurance premiums; providing a restriction on the use of certain operating revenues; providing for legislative review; providing an effective date.

The Committee on Appropriations recommended the following:

HB 157 CS—A bill to be entitled An act relating to school district taxation; amending s. 1011.71, F.S.; authorizing certain expenditures from district school tax revenues to pay property and casualty insurance premiums; providing for the use of operating revenues under certain circumstances; amending s. 200.065, F.S., relating to the method of fixing millage, to conform; providing for future repeal; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 266555)

Amendment 1 (with title amendment)—Remove line 87 and insert:
section, "maintenance and repair" is defined in s. 1013.01.

Remove lines 9 and 10 and insert:
insurance premiums; amending s. 200.065,

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

Representative Poppell offered the following:

(Amendment Bar Code: 434057)

Amendment 2 (with title amendment)—Remove lines 87-93 and insert: section, "maintenance and repair" is defined in s. 1013.01.

Remove lines 9 and 10 and insert:
insurance premiums; amending s. 200.065,

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

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

HB 203 was taken up. On motion by Rep. Kravitz, the rules were waived and CS for SB 490 was substituted for HB 203. Under Rule 5.13, the House bill was laid on the table.

CS for SB 490—A bill to be entitled An act relating to dental licensure; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; providing an effective date.

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

HB 461—A bill to be entitled An act relating to liens on commercial real estate; creating ch. 714, F.S., the "Commercial Real Estate Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien on commercial real estate; requiring a written instrument; requiring the recording of a notice of lien; providing for the contents and service of such notice; providing requirements with respect to installment and future commissions, leases, sales of property before commission is due, and written instruments with transferees; providing for enforcement of the lien by lawsuit; requiring written demand to initiate or file an answer to such lawsuit; providing conditions for satisfaction or release of the lien; providing for an alternative dispute resolution process; providing for assessment of costs, fees, and interest; declaring any waiver of lien rights void; providing priority of other recorded liens, mortgages, and encumbrances; providing for escrow of disputed amounts; amending s. 475.42, F.S.; providing that brokers may place liens on property as provided by law; providing an effective date.

The Committee on Appropriations recommended the following:

HB 461 CS—A bill to be entitled An act relating to liens on commercial real estate; creating ch. 714, F.S., the "Commercial Real Estate Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien on commercial real estate; requiring a written instrument; requiring the recording of a notice of lien; providing for the contents and service of such notice; providing requirements with respect to installment and future commissions, leases, sales of property before commission is due, and written instruments with transferees; providing for enforcement of the lien by lawsuit; requiring written demand to initiate or file an answer to such lawsuit; providing conditions for satisfaction or release of the lien; providing for an alternative dispute resolution process; providing for assessment of costs, fees, and interest; declaring any waiver of lien rights void; providing priority of other recorded liens, mortgages, and encumbrances; providing for escrow of disputed amounts; amending s. 475.42, F.S.; providing that brokers may place liens on property as provided by law; providing an effective date.

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

HB 739—A bill to be entitled An act relating to bridge designations; designating Charles E. Bennett Memorial Bridge in Duval County; directing the Department of Transportation to erect suitable markers; providing an effective date.

The Committee on Appropriations recommended the following:

HB 739 CS—A bill to be entitled An act relating to road and bridge designations; designating Charles E. Bennett Memorial Bridge in Duval County; designating C. Fred and Marvin Arrington Bridge in Gadsden County; designating Howard E. Futch Memorial Highway in Brevard and Osceola Counties; designating the St. Petersburg/William C. Cramer Parkway in Pinellas County; designating President Ronald Reagan Parkway in Hillsborough County; designating Roberto Guevara Memorial Boulevard in Osceola County; designating Browning-Pearce Memorial Highway in St. Johns and Putnam Counties; designating James C. Penney Memorial Boulevard in Clay County; designating Clyde Hart Highway in Volusia County; designating the James H. Pruitt Memorial Bridge in Brevard and Indian River Counties; designating Circus Bridge in Sarasota County; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

HB 1171 was taken up. On motion by Rep. Baker, the rules were waived and CS for SB 2562 was substituted for HB 1171. Under Rule 5.13, the House bill was laid on the table.

CS for SB 2562—A bill to be entitled An act relating to money transmitters; amending s. 560.103, F.S.; defining the term "unsafe and unsound practice" for purposes of the Money Transmitters' Code to include failure to comply with specified provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.109, F.S.; authorizing the Office of Financial Regulation of the Financial Services Commission to make investigations or examinations to determine a violation of provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.114, F.S.; providing for disciplinary actions for failure to maintain all books, accounts, or other documents pursuant to provisions of the Code of Federal Regulations relating to money and finance; amending s. 560.129, F.S.; providing that financial records or information may be furnished to any law enforcement agency; amending s. 560.208, F.S.; including business by electronic transfer in the business that registrants who sell or issue payment instruments or transmit funds may conduct; exempting, under specified conditions, a registrant who charges a different price for a funds transmission service from a penalty under s. 501.0117; providing an effective date.

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

Consideration of **HB 1223** was temporarily postponed under Rule 11.10.

HB 1363 was taken up. On motion by Rep. Benson, the rules were waived and SB 2574 was substituted for HB 1363. Under Rule 5.13, the House bill was laid on the table.

SB 2574—A bill to be entitled An act relating to commercial relations; creating part III of ch. 668, F.S., relating to unsolicited commercial electronic mail; providing a short title; providing legislative intent; providing definitions relating to unsolicited commercial electronic mail; prohibiting a person from initiating or assisting in the initiation of unsolicited commercial electronic mail under certain circumstances; providing that a provider of Internet access service is not required to undertake certain actions with regard to electronic mail; providing that acts that are otherwise unlawful are not rendered lawful; authorizing the Department of Legal Affairs to enforce the act; authorizing the department and persons receiving or retransmitting unsolicited electronic mail to bring an action against persons transmitting that mail; providing for declaratory and injunctive relief, compensatory damages, and attorney's fees; declaring that persons outside this state are subject to the jurisdiction of this state's courts under specified circumstances; providing a statute-of-limitations period; providing that a violation of the act is an unfair and deceptive trade

practice; providing for severability; providing an effective date.

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

HB 1811—A bill to be entitled An act relating to Medicaid; amending s. 16.56, F.S.; expanding the jurisdiction of the Office of Statewide Prosecution to include Medicaid fraud; amending s. 400.408, F.S.; including the Medicaid Fraud Control Unit in certain local coordinating workgroups of the Agency for Health Care Administration; amending s. 400.434, F.S.; authorizing the Medicaid Fraud Control Unit to enter and inspect certain facilities; creating s. 409.9021, F.S.; creating an agreement of forfeiture of eligibility in the application process; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to require a confirmation or second physician's opinion of the correct diagnosis before authorizing payment for medical treatment; authorizing the Agency for Health Care Administration to impose mandatory enrollment in drug therapy management or disease management programs for certain recipients; requiring that the Agency for Health Care Administration and the Drug Utilization Review Board consult with the Department of Health; allowing termination of certain practitioners from the Medicaid program; providing that Medicaid recipients be required to participate in a provider lock-in program for not less than 1 year and up to the duration of time the recipient participates in the program; requiring the agency to seek a federal waiver to terminate eligibility; allowing the agency to mail an explanation of benefits to verify services; requiring the agency to conduct a study of electronic verification systems; allowing the agency to use credentialing criteria to include providers in the Medicaid program; correcting cross references; amending s. 409.913, F.S.; providing certain requirements to submit claims to the Medicaid program; providing for denial of claims not properly submitted; authorizing the agency to seek legal redress; providing that suspension or termination precludes participation in the Medicaid program; requiring the agency to report administrative sanctions to licensing authorities for certain violations; providing that the agency may withhold payment to a provider under certain circumstances; providing that the agency may deny payments to terminated or suspended providers; authorizing the agency to implement amnesty programs for providers to voluntarily repay overpayments; authorizing the agency to adopt rules; allowing for limiting, restricting, or suspending the eligibility of certain Medicaid recipients; authorizing the agency and the Medicaid Fraud Control Unit to review non-Medicaid-related records to reconcile a provider's records; authorizing the agency head or designee to limit, restrict, or suspend Medicaid eligibility under certain circumstances; authorizing the agency to limit the number of certain prescription claims; requiring the agency to limit the allowable amount of certain prescriptions; requiring that the Office of Program Policy Analysis and Government Accountability report to the Legislature on the agency's fraud and abuse prevention, deterrence, detection, and recovery efforts; requiring the agency to conduct telephone audits of Medicaid claims to verify services received; amending s. 409.9131, F.S.; revising a definition; providing for peer review under certain circumstances; requiring a certain certification on Medicaid cost reports; amending s. 409.920, F.S.; revising a definition; providing that a person who knowingly uses or endeavors to use a Medicaid provider's or a Medicaid recipient's identification number or causes to be made, or aids and abets in the making of, a claim for items or services that are not authorized to be reimbursed under the Medicaid program commits a felony; providing criminal penalties; providing a definition; creating s. 409.9201, F.S.; providing definitions; providing that a person who knowingly sells or attempts to sell legend drugs obtained through the Medicaid program commits a felony; providing that a person who knowingly purchases or attempts to purchase legend drugs obtained through the Medicaid program and intended for the use of another commits a felony; providing that a person who knowingly makes or conspires to make false representations for the purpose of obtaining goods or services from the Medicaid program commits a felony; providing specified criminal penalties depending on the value of the legend drugs, goods, or services obtained from the Medicaid program; amending s. 456.072, F.S.; providing an additional ground under which a health care practitioner who prescribes medicinal drugs or controlled substances may be subject to discipline by the Department of Health or the appropriate board having jurisdiction over the health care practitioner; authorizing the Department of Health to initiate a disciplinary investigation of prescribing practitioners under specified circumstances; amending s. 465.188, F.S.; deleting the requirement that the agency give pharmacists at least 1 week's notice prior to an audit; providing applicability; creating s. 812.0191, F.S.; providing definitions; providing that a person who traffics in property paid for in whole or in part by the Medicaid program, or who knowingly finances, directs, or traffics in such property, commits a felony; providing specified criminal penalties depending on the value of the property; amending s. 895.02, F.S.; revising a definition applicable to the Florida RICO Act; amending s. 905.34, F.S.; expanding the jurisdiction of the statewide grand jury to include Medicaid fraud; amending s. 932.701, F.S.; revising a definition applicable to the Florida Contraband Forfeiture Act; amending s. 932.7055, F.S.; requiring that proceeds collected under the Florida Contraband Forfeiture Act be deposited in the Agency for Health Care Administration's Grants and Donations Trust Fund; amending ss. 394.9082, 400.0077, 409.9065, 409.9071, 409.908, 409.91196, 409.9122, 409.9131, 430.608, 636.0145, 641.225, and 641.386, F.S.; correcting cross references; reenacting s. 921.0022(3)(g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 409.920, F.S., in a reference thereto; reenacting s. 705.101(6), F.S., relating to unclaimed evidence, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; reenacting s. 932.703(4), F.S., relating to forfeiture of contraband articles, to incorporate the amendment to s. 932.701, F.S., in a reference thereto; providing an effective date.

The Committee on Appropriations recommended the following:

HB 1811 CS—A bill to be entitled An act relating to Medicaid; amending s. 16.56, F.S.; adding certain criminal violations to the list of specified crimes within the jurisdiction of the Office of Statewide Prosecution; amending s. 400.408, F.S.; including the Medicaid Fraud Control Unit in the Agency for Health Care Administration's local coordinating workgroups for identifying unlicensed assisted living facilities; amending s. 400.434, F.S.; giving the Medicaid Fraud Control Unit of the Department of Legal Affairs the authority to enter and inspect certain facilities; creating s. 409.9021, F.S.; requiring a Medicaid applicant to agree to forfeiture of all entitlements under the Medicaid program upon a judicial or administrative finding of fraud within a specified period; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program; authorizing the agency to impose mandatory enrollment in drug-therapy-management or disease-management programs for certain categories of recipients; requiring that the agency and the Drug Utilization Review Board consult with the Department of Health; allowing termination of certain practitioners from the Medicaid program; providing that Medicaid recipients may be required to participate in a provider lock-in program for a specified time; requiring the agency to seek a federal waiver to terminate eligibility; requiring the agency to conduct a study of electronic verification systems; authorizing the agency to use credentialing criteria for the purpose of including providers in the Medicaid program; amending s. 409.913, F.S.; providing specified conditions for providers to meet in order to submit claims to the Medicaid program; providing that claims may be denied if not properly submitted; providing that the agency may seek any remedy under law if a provider submits specified false or erroneous claims; providing that suspension or termination precludes participation in the Medicaid program; providing that the agency is required to report administrative sanctions to licensing authorities for certain violations; providing that the agency may withhold payment to a provider under certain circumstances; providing that the agency may deny payments to terminated or suspended providers; authorizing the agency to implement amnesty programs for providers to voluntarily repay overpayments; authorizing the agency to adopt rules; providing for limiting, restricting, or suspending Medicaid eligibility of Medicaid recipients convicted of certain crimes or offenses; authorizing the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs to review non-Medicaid-related records in order to determine reconciliation of a provider's records; authorizing the agency head or designee to limit, restrict, or suspend Medicaid eligibility under certain circumstances; authorizing the agency to limit the number of certain types of prescription claims submitted by pharmacy providers; requiring the agency to limit the allowable amount of certain types of prescriptions under specified circumstances; amending s. 409.9131, F.S.; requiring that the Office of Program Policy Analysis and Government Accountability report to the

Legislature on the agency's fraud and abuse prevention, deterrence, detection, and recovery efforts; revising a definition; requiring an additional statement on Medicaid cost reports certifying that Medicaid providers are familiar with the laws and regulations regarding the provision of health care services under the Medicaid program; amending s. 409.920, F.S.; providing and revising definitions; creating s. 409.9201, F.S.; providing definitions; providing that a person who knowingly sells or attempts to sell legend drugs obtained through the Medicaid program commits a felony; providing that a person who knowingly purchases or attempts to purchase legend drugs obtained through the Medicaid program and intended for the use of another commits a felony; providing that a person who knowingly makes or conspires to make false representations for the purpose of obtaining goods or services from the Medicaid program commits a felony; providing specified criminal penalties depending on the value of the legend drugs or goods or services obtained from the Medicaid program; amending s. 456.072, F.S.; providing an additional ground under which a health care practitioner who prescribes medicinal drugs or controlled substances may be subject to discipline by the Department of Health or the appropriate board having jurisdiction over the health care practitioner; authorizing the Department of Health to initiate a disciplinary investigation of prescribing practitioners under specified circumstances; amending s. 465.188, F.S.; removing the requirement that the agency give pharmacists at least 1 week's notice prior to an audit; specifying an effective date for certain audit criteria; providing that specified Medicaid audit procedures not apply to any investigative audit conducted by the agency when the agency has reliable evidence that the claim that is the subject of the audit involves fraud, willful misrepresentation, or abuse under the Medicaid program; prohibiting the accounting practice of extrapolation for calculating penalties for Medicaid audits; creating s. 812.0191, F.S.; providing definitions; providing that a person who traffics in property paid for in whole or in part by the Medicaid program, or who knowingly finances, directs, or traffics in such property, commits a felony; providing specified criminal penalties depending on the value of the property; amending s. 895.02, F.S.; revising a definition; amending s. 905.34, F.S.; adding any criminal violation of s. 409.920 or s. 409.9201, F.S., to the list of crimes within the jurisdiction of the statewide grand jury; amending s. 932.701, F.S.; revising a definition; amending s. 932.7055, F.S.; requiring that proceeds collected under the Florida Contraband Forfeiture Act be deposited in the Department of Legal Affairs' Grants and Donations Trust Fund; amending ss. 394.9082, 400.0077, 409.9065, 409.9071, 409.908, 409.91196, 409.9122, 409.9131, 430.608, 636.0145, 641.225, and 641.386, F.S.; correcting cross-references; reenacting s. 921.0022(3)(g), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendment to s. 409.920, F.S., in a reference thereto; reenacting ss. 705.101(6) and 932.703(4), F.S., relating to unclaimed evidence and forfeiture of contraband articles, respectively, to incorporate the amendment to s. 932.701, F.S., in references thereto; requiring a report to the Legislature on the feasibility of creating a database of valid prescriber information; providing an appropriation and authorizing positions; providing an effective date.

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

HB 1987—A bill to be entitled An act relating to homeowners' associations; amending s. 34.01, F.S.; expanding county court jurisdiction for certain disputes; amending s. 720.301, F.S.; providing and revising definitions; conforming cross references; amending s. 720.302, F.S.; authorizing alternative methods for resolution of certain disputes; conforming cross references; amending s. 720.303, F.S.; providing criminal penalties for certain acts by board members of homeowners' associations; authorizing certain associations to enforce certain deed restrictions; providing members with certain rights at all meetings; providing guidelines for notice, and delivery of notice, for certain meetings; providing criteria for petitioning the board; providing certain documents to be included in financial and accounting records; providing certain members with access to copies of certain documents; authorizing members access to certain records for a fee; excluding certain records from member access; providing criteria for the preparation of annual financial reports; prohibiting use of association funds to defend certain actions or proceedings; providing requirements, criteria, procedures, and limitations for recall of board directors and their removal from office; amending s. 720.304, F.S.; authorizing homeowners to display certain flags on certain occasions; providing legislative intent; prohibiting certain lawsuits arising from parcel owners' appearances and presentations before a governmental entity; providing a definition; authorizing the construction of ramps for entrance and egress under certain conditions; authorizing owners to display signs provided by a contractor for security services under certain conditions; amending s. 720.305, F.S.; prohibiting fines from becoming liens against parcels; providing for attorney's fees and costs in actions to recover a fine; creating s. 720.3055, F.S.; providing requirements for association contracts for certain products and services; authorizing certain associations to opt out of such requirements under certain circumstances; providing exceptions; amending s. 720.306, F.S.; providing meeting notice requirements; providing members with the right to speak at meetings; requiring arbitration of certain election disputes; amending s. 720.311, F.S.; revising certain dispute resolution provisions; providing guidelines for the filing of alternative dispute resolutions; providing for mandatory mediation or arbitration under certain circumstances; providing requirements, procedures, and limitations; providing for fees; providing for award of attorney's fees and costs; requiring the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation to develop a certification and training program for mediators and arbitrators; providing program requirements; requiring the division to develop an education program for certain purposes; transferring, renumbering, and amending s. 689.26, F.S.; revising the disclosure summary to be presented to a prospective parcel owner; providing circumstances under which a contract may be voided; specifying nonapplication of certain provisions of law; transferring and renumbering s. 689.265, F.S., relating to financial reports required of certain residential subdivision developers; creating s. 720.402, F.S.; providing a cause of action for damages for reliance on certain false or misleading information; authorizing recovery of attorney's fees under certain circumstances; creating s. 720.501, F.S.; providing for certain warranties to associations from developers; providing a definition; preserving certain rights; providing requirements; amending ss. 316.00825, 498.025, and 558.002, F.S.; conforming cross references; providing for internal organization of ch. 720, F.S.; providing an effective date.

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

HB 443—A bill to be entitled An act relating to mobile and manufactured homes; amending s. 319.261, F.S.; deleting a requirement that the manufacturer's certificate of origin be recorded with the clerk of court in order for the Department of Highway Safety and Motor Vehicles to retire the title to a mobile home; amending s. 320.822, F.S.; defining the term "installation"; amending s. 320.823, F.S.; requiring that mobile and manufactured homes sold in this state be constructed to meet certain standards; amending s. 320.8249, F.S.; revising penalties imposed against mobile home installers who engage in certain prohibited activities; prohibiting a local government from requiring an installer to obtain an additional bond or insurance; requiring installers to maintain a location log; creating s. 320.8251, F.S.; requiring a person or entity that manufactures mobile home installation components, products, or systems to obtain a certificate of approval from the Department of Highway Safety and Motor Vehicles; providing requirements for certification; authorizing the department to suspend or revoke the certification under certain circumstances; providing that products, components, or systems currently used in the installation of mobile homes need not be certified until a certain date; amending s. 320.8285, F.S.; requiring each county or municipality to be responsible for the onsite inspection of mobile home installation within its jurisdiction; revising competency requirements for performing onsite inspections; providing requirements for a county or municipality in issuing a permit for the installation of a mobile home and issuing a certificate of occupancy; amending s. 320.8325, F.S.; deleting provisions requiring the use of tie-downs and anchors; revising requirements of the department with respect to rules setting forth standards for the installation of mobile homes, manufactured homes, and park trailers; providing that owners are responsible for installation pursuant to department rules; amending s. 320.834, F.S.; providing legislative intent that mobile homes be an affordable housing resource in this state; amending s. 320.835, F.S.; requiring installers to warrant the installation of a new mobile home from the date of receipt of a certificate of occupancy for a certain period; authorizing the department to adopt rules to resolve disputes between mobile home manufacturers, dealers,

installers, or suppliers; providing an effective date.

The Committee on Finance & Tax recommended the following:

HB 443 CS—A bill to be entitled An act relating to mobile and manufactured homes; amending s. 319.261, F.S.; deleting a requirement that the manufacturer's certificate of origin be recorded with the clerk of court in order for the Department of Highway Safety and Motor Vehicles to retire the title to a mobile home; amending s. 320.822, F.S.; defining the term "installation"; amending s. 320.823, F.S.; requiring that mobile and manufactured homes sold in this state be constructed to meet certain standards; amending s. 320.8249, F.S.; revising penalties imposed against mobile home installers who engage in certain prohibited activities; prohibiting a local government from requiring an installer to obtain an additional bond or insurance; requiring installers to maintain a location log; creating s. 320.8251, F.S.; requiring a person or entity that manufactures mobile home installation components, products, or systems to obtain a certificate of approval from the Department of Highway Safety and Motor Vehicles; providing requirements for certification; authorizing the department to suspend or revoke the certification under certain circumstances; providing that products, components, or systems currently used in the installation of mobile homes need not be certified until a certain date; amending s. 320.8285, F.S.; requiring each county or municipality to be responsible for the onsite inspection of mobile home installation within its jurisdiction; revising competency requirements for performing onsite inspections; providing requirements for a county or municipality in issuing a permit for the installation of a mobile home and issuing a certificate of occupancy; amending s. 320.8325, F.S.; deleting provisions requiring the use of tie-downs and anchors; revising requirements of the department with respect to rules setting forth standards for the installation of mobile homes, manufactured homes, and park trailers; providing that owners are responsible for installation pursuant to department rules; amending s. 320.834, F.S.; providing legislative intent that mobile homes be an affordable housing resource in this state; amending s. 320.835, F.S.; requiring installers to warrant the installation of a new mobile home from the date of receipt of a certificate of occupancy for a certain period; authorizing the department to adopt rules to resolve disputes between mobile home manufacturers, dealers, installers, or suppliers; amending s. 215.559, F.S., relating to the Hurricane Loss Mitigation Program, to extend the repeal date of said section; providing an effective date.

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

HB 1201—A bill to be entitled An act relating to veterinary prescription drugs; amending s. 499.003, F.S.; providing a definition; amending s. 499.01, F.S.; requiring a person or establishment to obtain a permit in order to operate as a veterinary prescription drug wholesaler; amending s. 499.012, F.S.; providing that the distribution of veterinary prescription drugs is not included within the meaning of the terms "wholesale distribution" or "wholesale distributor" of prescription drugs; amending s. 499.041, F.S.; requiring an annual fee for a veterinary prescription drug wholesaler's permit; amending s. 499.065, F.S.; requiring the Department of Health to inspect veterinary prescription drug wholesale establishments; authorizing the department to close such establishment if it creates an imminent danger to the public health; providing an effective date.

The Committee on Health Care recommended the following:

HB 1201 CS—A bill to be entitled An act relating to veterinary prescription drugs; amending s. 499.003, F.S.; providing a definition; amending s. 499.01, F.S.; requiring a person or establishment to obtain a permit in order to operate as a veterinary prescription drug wholesaler; amending s. 499.012, F.S.; requiring a person to have a veterinary prescription drug wholesaler permit to distribute veterinary prescription drugs in or into this state; requiring a veterinary prescription drug wholesaler who also distributes human prescription drugs that it did not manufacture to obtain a prescription drug wholesaler or out-of-state prescription drug wholesaler permit in lieu of the veterinary prescription drug wholesaler permit; amending s. 499.0121, F.S.; requiring certain prescription wholesalers and repackagers to use due diligence when purchasing prescription drugs from certain distributors; amending s. 499.041, F.S.; requiring an annual fee for a veterinary prescription drug wholesaler's permit; amending s. 499.065, F.S.; requiring the Department of Health to inspect veterinary prescription drug wholesale establishments; authorizing the department to close the establishment if it creates an imminent danger to the public health; providing an effective date.

—was read the second time by title.

Representative Paul offered the following:

(Amendment Bar Code: 834181)

Amendment 1—Remove lines 91-94, and insert:
prescription drugs from another wholesale drug distributor, a prescription drug wholesaler, an out-of-state prescription drug wholesaler, or a prescription drug repackager ~~a wholesale drug distributor~~ must:

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

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

HB 1283—A bill to be entitled An act relating to the electronic monitoring of probationers and community controllees; amending s. 948.03, F.S.; requiring the court to order the electronic monitoring of certain sex offenders whose crime is committed on or after a specified date; amending s. 948.11, F.S.; requiring the Department of Corrections to use an electronic monitoring system that reports the location of a monitored offender and correlates that information with other crime data; providing requirements for the capacity of the monitoring system; requiring a statewide steering committee to oversee and evaluate the system; providing an appropriation; reenacting ss. 948.001(5) and 958.03(4), relating to the definition of probation, for the purpose of incorporating the amendment to s. 948.03, F.S., in references thereto; providing an effective date.

The Committee on Public Safety & Crime Prevention recommended the following:

HB 1283 CS—A bill to be entitled An act relating to the electronic monitoring of probationers and community controllees; amending s. 948.03, F.S.; requiring the court to order the electronic monitoring of certain sex offenders whose crime is committed on or after a specified date; amending s. 948.11, F.S.; requiring the Department of Corrections to use an electronic monitoring system that reports the location of a monitored offender and correlates that information with other crime data; providing requirements for the capacity of the monitoring system; requiring a statewide steering committee to oversee and evaluate the system; providing an appropriation; reenacting ss. 948.001(5) and 958.03(4), F.S.; relating to the definition of probation, for the purpose of incorporating the amendment to s. 948.03, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Representative Baker offered the following:

(Amendment Bar Code: 035861)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Subsection (6) is added to section 648.387, Florida Statutes, to read:
648.387 Primary bail bond agents; duties.--
(6)(a)1. A bail bond agent may contract with a vendor of the bail bond agent's choice from among those vendors who register with the clerk of the court to provide electronic monitoring of any person who is released by the court in accordance with chapter 903, subject to court-ordered conditions requiring electronic monitoring.
2. A vendor who provides electronic monitoring services shall register with the clerk of the court in each judicial circuit in which the vendor intends

to provide such services. At a minimum, the vendor shall provide the clerk with the name of the vendor, the name of an individual employed by the vendor who is to serve as a contact person for the vendor, the address of the vendor, and the telephone number of the contact person. Each clerk of the court may establish an appropriate fee for registration, not to exceed $25.

(b) A bail bond agent may contract with government entities to provide electronic monitoring services as a condition of bail or bond, independent of bail or bond, or under conditions ordered by the court.

(c) Bail bond agents are authorized to assess and collect a reasonable, nonrefundable fee for electronic monitoring services from the person who is subject to electronic monitoring. Failure to make timely payment of such fees constitutes grounds for the agent to remand such person to the court or sheriff. Fees associated with required electronic monitoring services are not considered part of the premium for bail bond and shall be exempt from the provisions of s. 648.26.

(d)1. The contracted vendor providing the electronic monitoring services shall furnish a transmitter that meets certification standards approved by the Federal Communications Commission unless otherwise specified by state law. For purposes of providing electronic monitoring in accordance with this section and s. 903.0472, each transmitter shall perform according to the following specifications:

a. Operate within a signal range of no less than 65 feet but no greater than 150 feet under normal household conditions.

b. Emit a signal at least once every 30 seconds.

c. Possess signal content that identifies the offender and the offender's location.

d. Possess an internal power source that provides a minimum of 1 year of normal operation without need for recharging or replacing the power source, as well as signal content that indicates the power status of the transmitter and provides the vendor with notification of whether the power source needs to be recharged or replaced.

e. Possess signal content that indicates whether the transmitter has been subjected to tampering or removal.

f. Possess encrypted signal content or another feature designed to discourage duplication.

g. Be of a design that is shock resistant, water and moisture proof, and capable of reliable function under normal atmospheric and environmental conditions.

h. Be capable of wear and use in a manner that does not pose a safety hazard or unduly restrict the activities of the defendant.

In addition, the transmitter must be capable of being attached to the defendant in a manner that readily reveals any efforts to tamper with or remove the transmitter upon visual inspection. Straps or other mechanisms for attaching the transmitter to the defendant must be either capable of being adjusted to fit a defendant of any size or made available in a variety of sizes.

2. The contracted vendor providing the electronic monitoring services shall furnish the bail bondsman with a monitoring unit that meets certification standards approved by the Federal Communications Commission unless otherwise specified by state law. The monitoring unit must be capable of receiving radio-frequency signals from the transmitter worn by the defendant and described in subparagraph 1. The monitoring unit must transmit data concerning the defendant's monitoring status to a central monitoring system facility. The monitoring unit must include an internal memory capable of storing data in the event that communication with the central monitoring system facility is disrupted or in the event of a power failure. The monitoring unit must be capable of transmitting data that is stored by the unit in the event that communication with the central monitoring system facility is disrupted as soon as communication is restored. The monitoring unit must not pose any safety hazard to the defendant or others and must be capable of reliable function under normal environmental and atmospheric conditions.

Section 2. Section 903.0472, Florida Statutes, is created to read:

903.0472 Electronic monitoring.--

(1) The court may order the defendant to be released from custody subject to conditions of electronic monitoring, if such services are provided in its jurisdiction. The court may order the defendant to pay a reasonable fee for such services as a condition of pretrial release. The failure of the defendant to make timely payment of such fees constitutes a violation of pretrial release and grounds for the defendant to be remanded to the court or appropriate sheriff.

(2) Any entity that provides electronic monitoring services shall report forthwith any known violation of the defendant's pretrial release conditions to the appropriate court, sheriff, state attorney, and bail agent, if any.

(3) A defendant who has been released in accordance with the provisions of this section shall not alter, tamper with, damage, or destroy any electronic monitoring equipment. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Nothing in this section shall be construed to limit any other provision of this chapter.

Section 3. Section 903.0473, Florida Statutes, is created to read:

903.0473 Probation appearance bond.--As a condition of any probation, community control, or any other court-ordered community supervision authorized pursuant to chapter 948, the court may order the posting of a bond to secure the appearance of the defendant at any subsequent court proceeding. The appearance bond shall be filed by a bail agent with the sheriff who shall provide a copy to the clerk of court. Upon 72 hours notice by the Clerk of Court, the bail agent shall produce the person on probation, community control, or other court-ordered community supervision to the court. The bail agent shall surrender to the sheriff a person on probation, community control or court-ordered community supervision upon notice by the probation officer that the person has violated the terms of probation, community control, or court-ordered community supervision. If the bail agent fails to produce the defendant in the court at the time noticed by the court or the clerk of court, the bond shall be estreated and forfeited according to the procedures set forth in this chapter and chapter 643. Failure to appear shall be the sole grounds for forfeiture and estreature of the appearance bond. Where not inconsistent with this subsection, this chapter and chapter 648 shall regulate the relationship between the bail agent and probationer.

Section 4. Paragraph (a) of subsection (1), paragraph (a) of subsection (3), and subsection (5) of section 948.03, Florida Statutes, are amended to read:

948.03 Terms and conditions of probation or community control.--

(1) The court shall determine the terms and conditions of probation or community control. Conditions specified in paragraphs (a)-(m) do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. Conditions specified in paragraphs (a)-(m) and (2)(a) do not require oral pronouncement at sentencing and may be considered standard conditions of community control. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation officers ~~and parole supervisors~~ as directed. The offender shall provide to the probation officer a full, truthful, and complete oral or written report each month. The report must include, but need not be limited to, the offender's employment status, monthly earnings, and financial ability. At the discretion of the department, the reporting requirement may include electronic monitoring at the expense of the offender.

(3)(a)1. The Department of Corrections may, at its discretion, instruct an offender to submit to electronic monitoring. In such cases, the electronic monitoring shall be considered to be supervisory instructions implementing the standard condition of supervision requiring the offender to report to probation officers as directed. This subparagraph does not limit the judge's discretion to order electronic monitoring in appropriate cases ~~electronically monitor an offender sentenced to community control~~.

2. The Department of Corrections shall electronically monitor an offender sentenced to criminal quarantine community control 24 hours per day.

(5) Conditions imposed pursuant to this subsection, as specified in paragraphs (a), ~~and~~ (b), and (c), do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this subsection.

(a) Effective for probationers or community controllees whose crime was committed on or after October 1, 1995, and who are placed under supervision for violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court must impose the following conditions in addition to all other standard and special conditions imposed:

1. A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections. If the court determines that imposing a curfew would endanger the victim, the court may consider alternative sanctions.

2. If the victim was under the age of 18, a prohibition on living within

1,000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court. The 1,000-foot distance shall be measured in a straight line from the offender's place of residence to the nearest boundary line of the school, day care center, park, playground, or other place where children congregate. The distance may not be measured by a pedestrian route or automobile route.

3. Active participation in and successful completion of a sex offender treatment program with therapists specifically trained to treat sex offenders, at the probationer's or community controllee's own expense. If a specially trained therapist is not available within a 50-mile radius of the probationer's or community controllee's residence, the offender shall participate in other appropriate therapy.

4. A prohibition on any contact with the victim, directly or indirectly, including through a third person, unless approved by the victim, the offender's therapist, and the sentencing court.

5. If the victim was under the age of 18, a prohibition, until successful completion of a sex offender treatment program, on unsupervised contact with a child under the age of 18, unless authorized by the sentencing court without another adult present who is responsible for the child's welfare, has been advised of the crime, and is approved by the sentencing court.

6. If the victim was under age 18, a prohibition on working for pay or as a volunteer at any school, day care center, park, playground, or other place where children regularly congregate.

7. Unless otherwise indicated in the treatment plan provided by the sexual offender treatment program, a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services that are relevant to the offender's deviant behavior pattern.

8. A requirement that the probationer or community controllee must submit two specimens of blood or other approved biological specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank.

9. A requirement that the probationer or community controllee make restitution to the victim, as ordered by the court under s. 775.089, for all necessary medical and related professional services relating to physical, psychiatric, and psychological care.

10. Submission to a warrantless search by the community control or probation officer of the probationer's or community controllee's person, residence, or vehicle.

(b) Effective for a probationer or community controllee whose crime was committed on or after October 1, 1997, and who is placed on sex offender probation for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, in addition to any other provision of this subsection, the court must impose the following conditions of probation or community control:

1. As part of a treatment program, participation at least annually in polygraph examinations to obtain information necessary for risk management and treatment and to reduce the sex offender's denial mechanisms. A polygraph examination must be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and shall be paid by the sex offender. The results of the polygraph examination shall not be used as evidence in court to prove that a violation of community supervision has occurred.

2. Maintenance of a driving log and a prohibition against driving a motor vehicle alone without the prior approval of the supervising officer.

3. A prohibition against obtaining or using a post office box without the prior approval of the supervising officer.

4. If there was sexual contact, a submission to, at the probationer's or community controllee's expense, an HIV test with the results to be released to the victim or ~~and/or~~ the victim's parent or guardian.

5. Electronic monitoring when deemed necessary by the community control or probation officer and his or her supervisor, and ordered by the court at the recommendation of the Department of Corrections.

(c) Effective for a probationer or community controllee whose crime was committed on or after July 1, 2004, and who is placed under supervision for a violation of chapter 794, s. 800.04, s. 827.071, or s. 847.0145, the court must order electronic monitoring in addition to all other standard and special conditions imposed.

Section 5. Subsection (2) of section 948.09, Florida Statutes, is amended to read:

948.09 Payment for cost of supervision and rehabilitation.--

(2) Any person being electronically monitored by the department ~~as a result of placement on community control~~ shall be required to pay as a surcharge an amount that may not exceed the full cost of the monitoring service in addition to the cost of supervision fee as directed by the sentencing court. The department is authorized to contract with a private entity to provide the services necessary to implement or to facilitate any provision of this chapter. The department is authorized to contract with a private entity for the collection and disposition of the surcharge. The department shall promulgate rules, in accordance with the provisions of chapter 120, to provide for a schedule of maximum fees, including an administrative processing fees, which may be charged to a community controllee for electronic monitoring services. Payment for electronic monitoring required under this section may be made directly to the private entity Such contract may allow for reasonable costs to the contractor associated with the collection of the surcharge. The surcharge shall be deposited in the Operating Trust Fund to be used by the department for purchasing and maintaining electronic monitoring devices.

Section 6. Section 948.11, Florida Statutes, is amended to read:

948.11 Electronic monitoring devices.--

(1) Pursuant to chapter 287, the department shall issue a request for proposal for electronic monitoring devices to be used ~~utilized~~ by the department for purposes of electronic monitoring under this section or any other section of law which authorizes electronic monitoring. Electronic monitoring devices certified for use by the department must be licensed by the FCC, must be capable of maintaining full operation on a backup power source for 8 hours, and must meet such other necessary and vital specifications as may be set by the department for tamper-alert, efficient, and economical usage. The provisions of this section do not apply to passive devices.

(2) The department shall conduct an electronic monitoring pilot program in one or more judicial circuits within funds appropriated for this purpose to determine the effect of electronic monitoring on offenders on community supervision. The department is authorized to use funds appropriated for the purpose of contracting for a statewide offender tracking and crime-reporting system. The site or sites of the pilot program shall be determined by the advisory committee provided for in this subsection. Offenders to be monitored as a part of the pilot program shall be identified as provided in this subsection. The program shall be conducted in conjunction with local law enforcement. The pilot program shall use a system of electronic monitoring that identifies the location of a monitored offender and timely reports the offender's presence near a crime scene, entrance into a prohibited area, or departure from specified geographical limitations.

(a) The system shall be designed and executed in such a manner so that it contains all data concerning criminal incidents available throughout the state, including detailed geographical inclusion and exclusion zones if a monitored person is lawfully prohibited from leaving or entering certain locations.

(b) The system shall be designed to provide either real time or delayed reporting of the monitored person's location and any correlation with the location of a crime or with the person's exit from an inclusion zone or entry into a prohibited zone. This shall include, but need not be limited to:

1. Timely alerts and reports to the Department of Corrections when a supervised offender enters or leaves an inclusion or exclusion zone.

2. Timely alerts and reports to appropriate local law enforcement officials when any supervised offender is identified as being at or near a crime scene.

The supervising agency shall determine whether reporting of location and correlation with crime data shall be real time or delayed, and the length of delay, depending upon the seriousness of the monitored person's offense or offenses.

(c) The system shall monitor a minimum of 1,000 offenders on state community control supervision or state probation. The following offenders shall be given priority for monitoring and crime-correlation reporting under the system:

1. All probationers and community controllees who have been court ordered to submit to electronic monitoring pursuant to s. 948.03(5)(b) or s. 948.03(5)(c). If more than 1,000 offenders are subject to this requirement, the Department of Corrections shall determine which offenders to monitor based upon risk-assessment criteria.

2. If fewer than 1,000 probationers and community controllees are court ordered to submit to electronic monitoring pursuant to s. 948.03(5)(b) or s. 948.03(5)(c), the remainder of the 1,000 tracked offenders shall be offenders under the jurisdiction of the Department of Corrections who have been previously convicted of sexual offenses or violent crimes and who are court

ordered to submit to electronic monitoring. For the purposes of this subparagraph, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or whether a plea of nolo contendere is entered. The Department of Corrections shall determine which offenders to monitor based upon risk-assessment criteria.

(d) A statewide advisory committee, to be chaired by the secretary of the department and comprised of a representative of the Office of the Attorney General, a representative of the Department of Law Enforcement, a representative of the Department of Corrections, a representative of the Parole Commission, a representative of the state attorneys appointed by the Florida Prosecuting Attorneys Association, a representative of the public defenders appointed by the Florida Public Defender's Association, Inc., three representatives of the sheriff appointed by the Florida Sheriff's Association, and three representatives of the police chiefs appointed by the Florida Police Chief's Association, shall monitor and evaluate the electronic monitoring system.

Section 7. The sum of $3.75 million is appropriated from the General Revenue Fund to the Department of Corrections for the purpose of contracting for an integrated statewide offender tracking and crime-reporting system, which shall be fully operational by December 1, 2004.

Section 8. For the purpose of incorporating the amendment to section 948.03, Florida Statutes, in a reference thereto, subsection (5) of section 948.001, Florida Statutes, is reenacted to read:

948.001 Definitions.--As used in this chapter, the term:

(5) "Probation" means a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03.

Section 9. For the purpose of incorporating the amendment to section 948.03, Florida Statutes, in a reference thereto, subsection (4) of section 958.03, Florida Statutes, is reenacted to read:

958.03 Definitions.--As used in this act:

(4) "Probation" means a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03.

Section 10. 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 electronic monitoring; amending s. 648.387, F.S.; requiring vendors that provide electronic monitoring services to register certain information with the clerk of the court; authorizing bail bond agents to contract with registered vendors to provide electronic monitoring of pretrial releasees in certain circumstances; authorizing bail bond agents to contract with government entities to provide electronic monitoring services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring services; providing that failure to make timely payment of fees constitutes grounds to remand; providing that such fees are exempt from regulation by the Department of Financial Services; providing specifications for electronic monitoring equipment; creating s. 903.0472, F.S.; authorizing pretrial release subject to electronic monitoring; authorizing a fee for such services; providing that failure to make timely payment of electronic monitoring fees constitutes a violation of pretrial release conditions; providing that a violation of pretrial release conditions constitutes grounds to remand; requiring reporting of violations of pretrial release conditions; providing that it is a third degree felony for certain persons to alter, tamper with, damage, or destroy electronic monitoring equipment; providing criminal penalties; creating s. 903.0473, F.S.; providing for probation appearance bonds; specifying the terms and conditions for filing, estreating, and forfeiting such bonds; amending s. 948.03, F.S.; revising the reporting requirements applicable to probationers and community controllees; authorizing the Department of Corrections to require electronic monitoring as part of such report; authorizing the imposition of a fee for such monitoring; requiring the court to order the electronic monitoring of certain sex offenders whose crime is committed on or after a specified date; amending s. 948.09, F.S.; authorizing the Department of Corrections to contract with private entities in certain circumstances involving probation and community control; amending s. 948.11, F.S.; requiring the Department of Corrections to implement a pilot program that uses an electronic monitoring system that reports the location of a monitored offender and correlates that information with other crime data; providing for a statewide advisory committee to oversee and evaluate the system; providing an appropriation; reenacting ss. 948.001(5) and 958.03(4), F.S.; relating to the definition of probation, for the purpose of incorporating the amendment to s. 948.03, F.S., in references thereto; providing an effective date.

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

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

HB 379—A bill to be entitled An act relating to elder abuse and neglect; creating s. 825.108, F.S.; requiring that a case worker or protective investigator from the Department of Children and Family Services request a mental health examination of an elderly victim of abuse or neglect if there is suspicion of mental incompetency; amending s. 825.102, F.S.; increasing the penalty for committing aggravated abuse of an elderly person or disabled adult from a second degree felony to a first degree felony; creating the Task Force Against Abuse and Neglect of the Elderly within the Department of Children and Family Services; providing for membership and duties of the task force; requiring reports to the Legislature; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; providing an effective date.

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

HB 379 CS—A bill to be entitled An act relating to protection and care for elders; amending s. 825.102, F.S.; reclassifying the offense of aggravated abuse of an elderly person or disabled adult from a second degree felony to a first degree felony; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, to conform; creating s. 943.17296, F.S., relating to identification and investigation of elder abuse training for certified law enforcement officers; requiring such training by a time certain; providing that an officer's certification shall become inactive in certain circumstances related to the failure to complete such training; amending s. 430.502, F.S.; providing for the establishment of a memory disorder clinic at Morton Plant Hospital in Pinellas County; providing for the Florida Mental Health Institute at the University of South Florida to establish a workgroup; specifying the purpose and responsibilities of the workgroup; providing for the secretary of the Department of Elderly Affairs and the secretary of the Department of Children and Family Services to appoint members to the workgroup; providing for a report by the workgroup; providing for future repeal; providing an effective date.

—was read the second time by title.

Further consideration of **HB 379** was temporarily postponed under Rule 11.10.

HB 1771—A bill to be entitled An act relating to the Chief of Domestic Security Initiatives; amending s. 943.0311, F.S.; providing for security assessments of all buildings, facilities, and structures owned or occupied by state agencies, state universities, and community colleges, by the employees and within existing resources of such state agencies, state universities, or community colleges; requiring completion of initial security assessments by a specified date; providing for subsequent security assessments; providing for reports; requiring the chief to communicate to local governments and water management districts regarding security assessments of buildings and facilities; providing that costs of security assessments of local government buildings and facilities shall be borne by the local government or water management district; reenacting s. 332.14(7)(b), F.S., relating to the Secure Airports for Florida's Economy Act, for the purpose of incorporating the amendment to s. 943.0311, F.S., in a reference thereto; providing an effective date.

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

HB 399—A bill to be entitled An act relating to public records; exempting from public records requirements information and records reported to the Department of Health under the electronic monitoring system for prescription of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying and practitioner-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

The Committee on Health Care recommended the following:

HB 399 CS—A bill to be entitled An act relating to public records; creating s. 893.056, F.S.; exempting from public records requirements information and records reported to the Department of Health under the electronic monitoring system for prescription of controlled substances listed in Schedules II-IV; authorizing certain persons and entities access to patient-identifying and practitioner-identifying information; providing guidelines for the use of such information and penalties for violations; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

HB 105—A bill to be entitled An act relating to enterprise zones; creating s. 290.00702, F.S.; providing for application by Osceola County or Osceola County and the City of Kissimmee jointly to apply for designation of an enterprise zone; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Osceola County or of Osceola County and the City of Kissimmee jointly; providing requirements with respect thereto; providing an effective date.

The Committee on Commerce recommended the following:

HB 105 CS—A bill to be entitled An act relating to enterprise zones; creating s. 290.00702, F.S.; providing for application by Osceola County or Osceola County and the City of Kissimmee jointly to apply for designation of an enterprise zone; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within an area of Osceola County or of Osceola County and the City of Kissimmee jointly; providing requirements with respect thereto; authorizing the governing body of certain counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of a certain area within a certain enterprise zone; requiring the office to approve the application under certain circumstances; providing requirements; amending s. 290.0065, F.S.; authorizing certain counties to apply to the Office of Tourism, Trade, and Economic Development to amend existing enterprise zone boundaries under specified conditions and in accordance with certain criteria; providing an effective date.

—was read the second time by title.

Representative Quinones offered the following:

(Amendment Bar Code: 640453)

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

Section 1. Subsection (11) of section 290.0065, Florida Statutes, is amended, and subsections (12) and (13) are added to that section, to read:

290.0065 State designation of enterprise zones.--

(11) Before December 31, 2004 ~~June 1, 2002~~, the governing body or governing bodies of a county or a municipality in ~~that is located within~~ a county having a population of more than 235,000 but less than 260,000 ~~225,000~~ and in which an enterprise zone is designated ~~under subparagraph (3)(a)2. is located~~ may apply to the Office of Tourism, Trade, and Economic Development to change the boundaries of the enterprise zone for the purpose of replacing areas not suitable for development. The Office of Tourism, Trade, and Economic Development shall approve the application made pursuant to this subsection if the boundary change is consistent with the categories, criteria, and limitations imposed upon the establishment of such ~~does not increase the overall size of the enterprise zone and if any territory added to the enterprise zone as a result of the boundary change is contiguous to the remaining area of the existing~~ enterprise zone.

(12) Notwithstanding any provisions in s. 290.0055 regarding the size of an enterprise zone, any county defined by s. 125.011(1) may apply to the Office of Tourism, Trade, and Economic Development by October 1, 2004, to expand the boundary of an existing enterprise zone to include an additional 8.7 square miles. The area must also include areas to the north or east of the northeasternmost section of an existing enterprise zone. The expanded area may not include any area not described in this subsection. The Office of Tourism, Trade, and Economic Development shall approve an amendment to the boundary of an enterprise zone under this subsection by January 1, 2005, if the area proposed for addition to the enterprise zone is consistent with the criteria and conditions imposed by s. 290.0055 upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.

(13) Before November 30, 2004, any county as defined in s. 125.011 may apply to the Office of Tourism, Trade, and Economic Development to change the boundaries of an existing enterprise zone for the purpose of replacing an area of not more than 75 acres within the enterprise zone as of January 1, 2004, with an area of the same number of acres outside the enterprise zone as of January 1, 2004. The replacement area must be contiguous to the existing enterprise zone and must be a part of a revitalization area that has been targeted for assistance by the county. The replacement area also must be contiguous to a zoo and the county must have previously completed a master plan for development of the area. The Office of Tourism, Trade, and Economic Development shall approve the amendment effective January 1, 2005, if the enterprise zone remains consistent with the criteria and conditions imposed by s. 290.0055 upon the establishment of enterprise zones, including the requirement that the area suffer from pervasive poverty, unemployment, and general distress.

Section 2. Section 290.00675, Florida Statutes, is amended to read:

290.00675 Amendment of certain enterprise zone boundaries.--

(1) Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as an enterprise zone in a community having a population of 235,000 persons but less than 260,000, so long as the area does not increase the overall size of the zone by greater than 25 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by s. 290.0055 upon establishment of the enterprise zone.

(2) Notwithstanding any other provisions of law, the Office of Tourism, Trade, and Economic Development may approve requests to amend the boundaries of an area designated as an enterprise zone in a community having a population of 50,000 persons but fewer than 60,000, so long as the area does not increase the overall size of the zone by greater than 400 acres and the increased area is contiguous to the existing enterprise zone. The amendment must also be consistent with the limitations imposed by s. 290.0055 upon establishment of the enterprise zone. Such request must be submitted to the Office of Tourism, Trade, and Economic Development prior to December 31, 2004.

(3) Notwithstanding any other provision of law, the Office of Tourism, Trade, and Economic Development may amend the boundaries of an area designated as The City of Brooksville/Hernando County Enterprise Zone # 2701. Hernando County is a community having a population greater than 140,000. The boundary amendment must not increase the overall size of the enterprise zone by more than 5 square miles. The increased area shall be contiguous to the existing enterprise zone. The boundary amendment must also be consistent with the limitations imposed by s. 290.0055. The application package for the boundary amendment must be submitted to the Office of Tourism, Trade, and Economic Development no later than December 31, 2004.

Section 3. Section 290.00688, Florida Statutes, is amended to read:

290.00688 Enterprise zone designation for Leon County.--Leon County, or Leon County and the City of Tallahassee jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, the selected area of which shall not exceed 20 square miles and shall have a continuous boundary, or consist of not more than three noncontiguous areas per s. 290.0055(4)(a). ~~The enterprise zone shall encompass an area or~~

~~areas within the following census tracts for Leon County pursuant to the 1990 Census:~~

~~Census tract 1, block group 1; census tract 2, block group 1; census tract 2, block group 3; census tract 2, block group 4; census tract 3, block group 1; census tract 4, block group 1; census tract 4, block group 2; census tract 5, block group 1; census tract 5, block group 2; census tract 6, block group 1; census tract 6, block group 2; census tract 6, block group 3; census tract 6, block group 4; census tract 7, block group 1; census tract 7, block group 2; census tract 7, block group 3; census tract 10.01, block group 1; census tract 10.01, block group 2; census tract 10.01, block group 3; census tract 11.01, block group 1; census tract 11.01, block group 2; census tract 11.01, block group 3; census tract 11.02, block group 1; census tract 11.02, block group 3; census tract 12, block group 1; census tract 13, block group 1; census tract 13, block group 2; census tract 14, block group 1; census tract 14, block group 2; census tract 14, block group 3; census tract 14, block group 4; census tract 14, block group 5; census tract 15, block group 1; census tract 16.01, block group 1; census tract 18, block group 3; census tract 18, block group 4; census tract 19, block group 1; census tract 19, block group 3; census tract 19, block group 4; census tract 20.01, block group 1; census tract 20.01, block group 2; census tract 20.01, block group 3; census tract 20.01, block group 4; census tract 20.01, block group 5; census tract 20.02, block group 1; census tract 20.02, block group 2; census tract 20.02, block group 3; census tract 20.02, block group 5; census tract 21, block group 1; census tract 21, block group 3; census tract 21, block group 4; census tract 21, block group 5; census tract 21, block group 7; census tract 22.01, block group 1; census tract 23.01, block group 3; census tract 23.01, block group 5; census tract 26.02, block group 4.~~

The application must be submitted by December 31, 2002, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 4. Section 290.00702, Florida Statutes, is created to read:

290.00702 Enterprise zone designation for Osceola County or Osceola County and Kissimmee.--Osceola County, or Osceola County and the City of Kissimmee jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city. The application must be submitted by December 31, 2004, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 5. Section 290.00703, Florida Statutes, is created to read:

290.00703 Enterprise zone designation for the City of South Daytona.--The City of South Daytona may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the city. The application must be submitted by December 31, 2004, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 6. Section 290.00704, Florida Statutes, is created to read:

290.00704 Enterprise zone designation for the City of Lake Wales.--The City of Lake Wales may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within the City of Lake Wales, which zone shall encompass an area up to 3 contiguous square miles. The application must be submitted by December 31, 2004, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 7. Enterprise zone designation for Walton County.--Walton County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Walton County which encompasses up to 6 square miles. The application must be submitted by December 31, 2004, and must comply with the requirements of section 290.0055, Florida Statutes, except subsection (3) thereof. Notwithstanding section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated pursuant to this section.

Section 8. Enterprise zone designation for the City of West Miami.--Miami-Dade County or Miami-Dade County, jointly with the City of West Miami, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the City of West Miami. The application must be submitted by December 31, 2004, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 9. (1) Notwithstanding the limitation in section 290.0065, Florida Statutes, on the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development shall designate, upon joint application by Miami-Dade County and the City of Hialeah, an area within the municipality of the City of Hialeah in an area bounded by 32nd Street, 21st Street, Palm Avenue, and East 4th Avenue as an enterprise zone. The application must be submitted by June 1, 2004, and must comply with the requirements of section 290.0055, Florida Statutes, except for paragraph(4)(d). The effective date of the enterprise zone is July 1, 2004.

(2) This section shall take effect upon becoming a law.

Section 10. Notwithstanding any other provision of law, a governing body located wholly within the boundaries of a consolidated government may apply to the Office of Tourism, Trade, and Economic Development to amend the boundary of its existing enterprise zone. The area proposed for addition to the enterprise zone must include the three noncontiguous areas designated as a federal empowerment zone under the 2000 Community Renewal Tax Relief Act without any limitations as to size. The Office of Tourism, Trade, and Economic Development may approve an amendment to the enterprise zone boundary lines if the application is submitted before December 31, 2004, and meets the requirements of this section.

Section 11. Notwithstanding any other provision of chapter 290, Florida Statutes, the governing body of any inland county, with a state-designated enterprise zone and a population greater than 500,000, may apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of such enterprise zone. The increased areas shall be contiguous to the existing enterprise zone. The office shall approve the application as long as the amended area does not exceed 5 square miles and is consistent with the categories, criteria, and limitations imposed by section 290.0055, Florida Statutes, upon the establishment of such enterprise zone. The enterprise zone boundary amendment application must be received before December 31, 2004.

Section 12. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain counties or municipalities to apply to the Office of Tourism, Trade,

and Economic Development to change enterprise zone boundaries; prescribing conditions and deadlines related to the boundary changes; amending s. 290.00675, F.S.; authorizing the office to approve requests to amend the boundaries of enterprise zones in two communities with specified populations; limiting the size by which the enterprise zones may be increased; requiring that the applications for enterprise zone boundaries be filed by a specified date; amending s. 290.00688, F.S.; deleting census tract provisions relating to the boundaries of an enterprise zone in Leon County; creating ss. 290.00702, 290.00703, and 290.00704, F.S.; authorizing Osceola County or Osceola County and the City of Kissimmee jointly, the City of South Daytona, and the City of Lake Wales to apply to the office for designation of enterprise zones; providing requirements and conditions with respect thereto; authorizing Walton County, Miami-Dade County or Miami-Dade County and the City of West Miami jointly, and Miami-Dade County and the City of Hialeah jointly to apply to the office for designation of enterprise zones; providing requirements and conditions with respect thereto; authorizing the governing bodies of certain counties to apply to the office to change the boundaries of enterprise zones; prescribing conditions and deadlines related to the boundary changes; authorizing the governing body of certain counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of a certain area within a certain enterprise zone; requiring the office to approve the application under certain circumstances; providing requirements; providing severability; providing effective dates.

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

Rep. Quinones moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 105** was temporarily postponed under Rule 11.10.

Subsequently, the bill was referred to the Engrossing Clerk and, in compliance with Rule 10.11, the waiting period for passage commenced.

HB 557 was taken up. On motion by Rep. Rivera, the rules were waived and CS for CS for SB 2038 was substituted for HB 557. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2038—A bill to be entitled An act relating to insurance; amending s. 20.121, F.S.; requiring the Division of Consumer Services of the Department of Financial Services to designate an employee as primary contact for consumers on issues involving sinkholes; authorizing the department to issue an order of conditional release from a stop-work order if an employer complies with coverage requirements and a penalty payment agreement; amending s. 501.137, F.S.; requiring an insurer to reinstate, under certain circumstances, an insurance policy that is cancelled due to failure of the lender to pay a premium for which sufficient escrow funds are on deposit; requiring that the lender reimburse the property owner for any penalties or fees paid for purposes of reinstating the policy; requiring the lender to pay the increased cost of insurance premiums for a specified period of time under certain conditions; amending s. 624.4622, F.S.; providing that a local government self-insurance fund must initially be organized as a commercial self-insurance fund or a group self-insurance fund and, for a specified period, must comply with the requirements for such a fund; providing that a local government self-insurance fund comply with specified provisions relating to financial statements; amending s. 624.610, F.S.; revising the requirements of a trust fund for a single assuming insurer; amending s. 625.081, F.S.; providing an exception for credit disability insurance from a health insurance active life reserve requirement; amending s. 625.121, F.S.; providing for valuation of life insurance policies; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; creating s. 626.9743, F.S., relating to claim settlement practices for motor vehicle insurance; prescribing standards to be followed by insurers; creating s. 626.9744, F.S., relating to claim settlement practices for homeowners' insurance; prescribing standards to be followed by insurers; amending s. 627.311, F.S.; allowing the automobile insurance joint underwriting plan to require additional proof from insureds regarding cancellation of coverage; allowing additional time for the investigation of claims against the plan; providing for expiration of the provision; amending s. 627.4091, F.S.; providing additional disclosure requirements with respect to a refusal to insure; amending s. 627.4133, F.S.; requiring property insurers to reinstate a canceled policy as required by s. 501.137, F.S.; restricting the use of certain claims as a cause for cancellation or nonrenewal; amending s. 627.476, F.S.; authorizing the use of certain mortality tables for purposes of the Standard Nonforfeiture Law for Life Insurance; creating s. 627.7077, F.S.; providing for a feasibility study for a proposed Florida Sinkhole Insurance Facility; amending s. 627.838, F.S.; deleting a filing fee; amending s. 627.848, F.S.; specifying provisions for cancellation of insurance contracts; amending s. 627.849, F.S., to conform to the elimination of a filing fee; providing for a study and report by the Florida State University College of Business on personal lines property and casualty insurance; repealing s. 625.131, F.S., relating to credit life and disability policies; providing for construction of the act; providing effective dates.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

Representative Troutman offered the following:

(Amendment Bar Code: 626023)

Amendment 1 (with directory and title amendments)—On page 29, line 31,
remove: all of said line

and insert:
similar occurrence of damage to the insured property.
(6) "Non-payment of premium" is as defined in s. 627.728(1)(c).

On page 29, line 18,
remove: all of said line

and insert: subsections (4), (5), and (6) are added to section 627.4133, Florida

On page 2, line 28,
remove: all of said line

and insert: nonrenewal; providing a definition; amending s. 627.476, F.S.;

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

Representative Clarke offered the following:

(Amendment Bar Code: 879557)

Amendment 2 (with directory and title amendments)—On page 29, after line 31, insert:
(6) Notwithstanding the provisions of s. 440.42(3), if cancellation of a policy providing coverage for workers' compensation and employer's liability insurance is requested by the, such cancellation shall be effective on the date the carrier sends the notice of cancellation to the insured.

On page 29, line 18,
remove: (4) and (5)

and insert: (4), (5), and (6)

On page 2, line(s) 28, before the word "amending" insert:
providing for an effective date of certain policy cancellations by insureds;

Rep. Clarke moved the adoption of the amendment.

Representative Clarke offered the following:

(Amendment Bar Code: 459673)

Amendment 1 to Amendment 2—Remove line(s) 8 and insert:
the insured, such cancellation shall be effective on the date the

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

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

Representative Rivera offered the following:

(Amendment Bar Code: 641861)

Amendment 3 (with title amendment)—On page 34, between lines 16 and 17, insert:

Section 16. Subsection (1) of section 627.7282, Florida Statutes, is amended to read:

627.7282 Notice of additional premium; cancellation upon nonpayment.--

(1) Upon a determination by an insurer that, in accordance with its rate filings and the applicable laws of this state relating to private passenger motor vehicle insurance, a policyholder has been charged a premium that is incorrect for the coverage set forth in the insurance application, the insurer shall ~~immediately~~ provide notice to the policyholder of the amount of additional premium due to the insurer. Such notice may be included with the initial policy form and state that the policyholder has the following options:

(a) The policyholder has a period of 10 days, or a longer period if specified by the insurer, from receipt of the notice within which to pay the additional amount of premium due and thereby maintain the policy in full force under its original terms.

(b) The policyholder has a period of 10 days, or a longer period if specified by the insurer, from receipt of the notice within which to cancel the policy and demand a refund of any unearned premiums.

(c) If the policyholder fails to timely respond to the notice, the insurer shall cancel the policy and return any unearned premium to the insured. The date on which the policy will be canceled shall be stated in the notice and shall in no case be less than 14 days after the date of the notice.

On page 3, between lines 2 and 3, insert:
amending s. 627.7282, F.S.; revising a provision relating to a required insurer notice to a policyholder of an incorrect premium charge;

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

Representative Benson offered the following:

(Amendment Bar Code: 576879)

Amendment 4 (with title amendment)—On page 37, between lines 29 and 30, insert:

Section 20. Paragraph (d) of subsection(2) of section 212.055, Florida Statutes, is amended to read:

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. ~~In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year.~~ Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

On page 3, between lines 10 and 11 insert:
amending s. 212.055, F.S.; deleting a limitation on authority to issue certain bonds;

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

Representative Berfield offered the following:

(Amendment Bar Code: 637361)

Amendment 5 (with title amendment)—On page 37, between lines 29 and 30, insert:

Section 20. Paragraph (a) of subsection (3) of section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education required; application; exceptions; requirements; penalties.--

(3)(a) Each person subject to the provisions of this section must, except as set forth in paragraphs (b) and (c), complete a minimum of 24 hours of continuing education courses every 2 years in basic or higher-level courses prescribed by this section or in other courses approved by the department. Each person subject to the provisions of this section must complete, as part of his or her required number of continuing education hours, 3 hours of continuing education, approved by the department, every 2 years on the subject matter of ethics ~~and a minimum of 2 hours of continuing education, approved by the department, every 2 years on the subject matter of unauthorized entities engaging in the business of insurance. The scope of the topic of unauthorized entities shall include the Florida Nonprofit Multiple Employer Welfare Arrangement Act and the Employee Retirement Income Security Act, 29 U.S.C. ss. 1001 et seq., as it relates to the provision of health insurance by employers to their employees and the regulation thereof~~.

Section 21. Present subsections (15) through (17) of section 626.015, Florida Statutes, are renumbered as subsections (16) through (18), respectively, and a new subsection (15) is added to said section to read:

626.015 Definitions.--As used in this part:

(15) "Personal lines agent" means a general lines agent who is limited to transacting business related to property and casualty insurance sold to individuals and families for noncommercial purposes.

Section 22. Subsection (3) is added to section 626.022, Florida Statutes, to read:

626.022 Scope of part.--

(3) Provisions of this part that apply to general lines agents and applicants also apply to personal lines agents and applicants, except where otherwise provided.

Section 23. Subsection (8) is added to section 626.241, Florida Statutes, to read:

626.241 Scope of examination.--

(8) An examination for licensure as a personal lines agent shall consist of 100 questions and shall be limited in scope to the kinds of business transacted under such license.

Section 24. Subsection (1) of section 626.311, Florida Statutes, is amended to read:

626.311 Scope of license.--

(1) Except as to personal lines agents and limited licenses, ~~the applicant for license as~~ a general lines agent or customer representative shall qualify for all property, marine, casualty, and surety lines except bail bonds which require a separate license under chapter 648. The license of a general lines agent may also cover health insurance if health insurance is included in the agent's appointment by an insurer as to which the licensee is also appointed as agent for property or casualty or surety insurance. The license of a customer representative shall provide, in substance, that it covers all of such classes of insurance that his or her appointing general lines agent or agency is currently so authorized to transact under the general lines agent's license and appointments. No such license shall be issued limited to particular classes of insurance except for bail bonds which require a separate license under chapter 648 or for personal lines agents. Personal lines agents are limited to transacting business related to property and casualty insurance sold to individuals and families for noncommercial purposes.

Section 25. Section 626.727, Florida Statutes, is amended to read:

626.727 Scope of this part.--This part applies only to general lines agents, customer representatives, service representatives, and managing general agents, all as defined in s. 626.015. Provisions of this part which apply to

general lines agents and applicants also apply to personal lines agents and applicants, except where otherwise provided.

Section 26. Subsection (1) of section 626.732, Florida Statutes, is amended to read:

626.732 Requirement as to knowledge, experience, or instruction.--

(1) Except as provided in subsection (3), no applicant for a license as a general lines agent or personal lines agent, except for a chartered property and casualty underwriter (CPCU), other than as to a limited license as to baggage and motor vehicle excess liability insurance, credit property insurance, credit insurance, in-transit and storage personal property insurance, or communications equipment property insurance or communication equipment inland marine insurance, shall be qualified or licensed unless within the 4 years immediately preceding the date the application for license is filed with the department the applicant has:

(a) Taught or successfully completed classroom courses in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department at a school, college, or extension division thereof, approved by the department. To qualify for licensure as a personal lines agent, the applicant must complete a total of 52 hours of classroom courses in insurance;

(b) Completed a correspondence course in insurance, 3 hours of which shall be on the subject matter of ethics, satisfactory to the department and regularly offered by accredited institutions of higher learning in this state and, except if he or she is applying for a limited license under s. 626.321, for licensure as a general lines agent, has had at least 6 months of responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance set forth in the definition of general lines agent under s. 626.015 or, for licensure as a personal lines agent, has completed at least 3 months in responsible insurance duties as a substantially full-time employee in property and casualty insurance sold to individuals and families for noncommercial purposes;

(c) For licensure as a general lines agent, completed at least 1 year in responsible insurance duties as a substantially full-time bona fide employee in all lines of property and casualty insurance, exclusive of aviation and wet marine and transportation insurances but not exclusive of boats of less than 36 feet in length or aircraft not held out for hire, as set forth in the definition of a general lines agent under s. 626.015, without the education requirement mentioned in paragraph (a) or paragraph (b) or, for licensure as a personal lines agent, has completed at least 6 months in responsible insurance duties as a substantially full-time employee in property and casualty insurance sold to individuals and families for noncommercial purposes without the education requirement in paragraph (a) or paragraph(b); ~~or~~

(d)1. For licensure as a general lines agent, completed at least 1 year of responsible insurance duties as a licensed and appointed customer representative or limited customer representative in commercial or personal lines of property and casualty insurance and 40 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance; or

2. For licensure as a personal lines agent, completed at least 6 months of responsible duties as a licensed and appointed customer representative or limited customer representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 20 hours of classroom courses approved by the department which are related to property and casualty insurance sold to individuals and families for noncommercial purposes;

(e)1.~~2.~~ For licensure as a general lines agent, completed at least 1 year of responsible insurance duties as a licensed and appointed service representative in either commercial or personal lines of property and casualty insurance and 80 hours of classroom courses approved by the department covering the areas of property, casualty, surety, health, and marine insurance; or~~.~~

2. For licensure as a personal lines agent, completed at least 6 months of responsible insurance duties as a licensed and appointed service representative in property and casualty insurance sold to individuals and families for noncommercial purposes and 40 hours of classroom courses approved by the department related to property and casualty insurance sold to individuals and families for noncommercial purposes; or

(f) For licensure as a personal lines agent, completed at least 3 years of responsible duties as a licensed and appointed customer representative in property and casualty insurance sold to individuals and families for noncommercial purposes.

Section 27. The Department of Financial Services does not have to begin issuing licenses to personal lines agents on the effective date of this act if the department has not completed the process of incorporating necessary procedures for issuing personal lines licenses into its licensing systems.

Section 28. Subsection (1) of section 626.747, Florida Statutes, is amended to read:

626.747 Branch agencies.--

(1) Each branch place of business established by an agent or agency, firm, corporation, or association shall be in the active full-time charge of a licensed general lines agent who is appointed to represent one or more insurers. Any agent or agency, firm, corporation, or association which has established one or more branch places of business shall be required to have at least one licensed general lines agent who is appointed to represent one or more insurers at each location of the agency including its headquarters location.

Section 29. Paragraph (r) is added to subsection (6) of section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(r) A salaried employee of the corporation who performs policy administration services subsequent to the effectuation of a corporation policy is not required to be licensed as an agent under the provisions of s. 626.112.

Section 30. Paragraphs (c) and (d) of subsection (1) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.--

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (c), (d), (e), and (i), a license as agent authorized to transact a limited class of business in any of the following categories:

(c) Personal accident insurance.--License covering only policies of personal accident insurance covering the risks of travel, except as provided in subparagraph 2. The license may be issued only:

1. To a full-time salaried employee of a common carrier or a full-time salaried employee or owner of a transportation ticket agency and may authorize the sale of such ticket policies only in connection with the sale of transportation tickets, or to the full-time salaried employee of such an agent. No such policy shall be for a duration of more than 48 hours or for the duration of a specified one-way trip or round trip.

2. To a full-time salaried employee of a business which offers motor vehicles for rent or lease, or to a business entity ~~office of a business~~ which offers motor vehicles for rent or lease ~~if insurance sales activities authorized by the license are limited to full-time salaried employees~~. A business office licensed or a person licensed pursuant to this subparagraph may, as an agent of an insurer, transact insurance that provides coverage for accidental personal injury or death of the lessee and any passenger who is riding or driving with the covered lessee in the rental motor vehicle if the lease or rental agreement is for not more than 30 days, or if the lessee is not provided coverage for more than 30 consecutive days per lease period; however, if the lease is extended beyond 30 days, the coverage may be extended one time only for a period not to exceed an additional 30 days.

(d) Baggage and motor vehicle excess liability insurance.--

1. License covering only insurance of personal effects except as provided in subparagraph 2. The license may be issued only:

a. To a full-time salaried employee of a common carrier or a full-time salaried employee or owner of a transportation ticket agency, which person is engaged in the sale or handling of transportation of baggage and personal effects of travelers, and may authorize the sale of such insurance only in connection with such transportation; or

b. To the full-time salaried employee of a licensed general lines agent~~, a full-time salaried employee of a business which offers motor vehicles for rent or lease,~~ or to ~~a business office of~~ a business entity that ~~which~~ offers motor vehicles for rent or lease if insurance sales activities authorized by the license are in connection with and incidental to the rental of a motor vehicle ~~limited to full-time salaried employees~~. An entity applying for a license under this sub-subparagraph:

(I) Is required to submit only one application for a license under s. 626.171. The requirements of s. 626.171(5) shall apply only to the officers and directors of the entity submitting the application.

(II) Is required to obtain a license for each office, branch office, or place of business making use of the entity's business name by applying to the department for the license on a simplified application form developed by rule of the department for this purpose.

(III) Is required to pay the applicable fees for a license as prescribed in s. 624.501, be appointed under s. 626.112, and pay the prescribed appointment fee under s. 624.501. A licensed and appointed entity shall be directly responsible and accountable for all acts of the licensee's employees.

The purchaser of baggage insurance shall be provided written information disclosing that the insured's homeowner's policy may provide coverage for loss of personal effects and that the purchase of such insurance is not required in connection with the purchase of tickets or in connection with the lease or rental of a motor vehicle.

2. A business entity that ~~office licensed pursuant to subparagraph 1., or a person licensed pursuant to subparagraph 1. who is a full-time salaried employee of a business which~~ offers motor vehicles for rent or lease, may include lessees under a master contract providing coverage to the lessor or may transact excess motor vehicle liability insurance providing coverage in excess of the standard liability limits provided by the lessor in its lease to a person renting or leasing a motor vehicle from the licensee's employer for liability arising in connection with the negligent operation of the leased or rented motor vehicle, provided that the lease or rental agreement is for not more than 30 days; that the lessee is not provided coverage for more than 30 consecutive days per lease period, and, if the lease is extended beyond 30 days, the coverage may be extended one time only for a period not to exceed an additional 30 days; that the lessee is given written notice that his or her personal insurance policy providing coverage on an owned motor vehicle may provide additional excess coverage; and that the purchase of the insurance is not required in connection with the lease or rental of a motor vehicle. The excess liability insurance may be provided to the lessee as an additional insured on a policy issued to the licensee's employer.

3. A business entity that ~~office licensed pursuant to subparagraph 1., or a person licensed pursuant to subparagraph 1. who is a full-time salaried employee of a business which~~ offers motor vehicles for rent or lease, may, as an agent of an insurer, transact insurance that provides coverage for the liability of the lessee to the lessor for damage to the leased or rented motor vehicle if:

a. The lease or rental agreement is for not more than 30 days; or the lessee is not provided coverage for more than 30 consecutive days per lease period, but, if the lease is extended beyond 30 days, the coverage may be extended one time only for a period not to exceed an additional 30 days;

b. The lessee is given written notice that his or her personal insurance policy that provides coverage on an owned motor vehicle may provide such coverage with or without a deductible; and

c. The purchase of the insurance is not required in connection with the lease or rental of a motor vehicle.

Section 31. Subsection (2) of section 628.709, Florida Statutes, is amended to read:

628.709 Formation of a mutual insurance holding company.--

(2) All of the initial shares of the capital stock of the insurance company which reorganized as a subsidiary insurance company shall be issued either to the mutual insurance holding company, or to an intermediate holding company which is wholly owned by the mutual insurance holding company. This restriction does not preclude the subsequent issuance of additional shares of stock by the subsidiary insurance company so long as the mutual insurance holding company at all times owns directly or through one or more intermediate holding companies, a majority of the voting shares of the capital stock of the subsidiary insurance company. The membership interests of the policyholders of the subsidiary insurance company shall become membership interests in the mutual insurance holding company. Policyholders of the subsidiary insurance company which was formerly the mutual insurer shall be members of the mutual insurance holding company in accordance with the articles of incorporation and bylaws of the mutual insurance holding company. At the time of formation, policyholders of any other subsidiary insurance company of the mutual insurance holding company shall not be members of the mutual insurance holding company unless:

(a) They are policyholders of a subsidiary which was a mutual insurer which merged with the holding company pursuant to s. 628.715; or

(b) They are policyholders of an affiliated stock insurance company, provided such policyholders were members of the mutual insurance company at the time the mutual insurance company policies were assumed by the affiliated stock insurance company and the assumption occurred in connection with the conversion.

Subsequent to formation, membership shall be governed by s. 628.727.

Section 32. Subsection (6) is added to section 631.021, Florida Statutes, to read:

631.021 Jurisdiction of delinquency proceeding; venue; change of venue; exclusiveness of remedy; appeal.--

(6) The domiciliary court acquiring jurisdiction over persons subject to this chapter may exercise exclusive jurisdiction to the exclusion of all other courts, except as limited by the provisions of this chapter. Upon the issuance of an order of conservation, rehabilitation, or liquidation, the Circuit Court of Leon County shall have exclusive jurisdiction with respect to assets or property of any insurer subject to such proceedings and claims against said insurer's assets or property.

Section 33. Subsection (6) is added to section 631.041, Florida Statutes, to read:

631.041 Automatic stay; relief from stay; injunctions.--

(6) The estate of an insurer in rehabilitation or liquidation which is injured by any willful violation of an applicable stay or injunction shall be entitled to actual damages, including costs and attorney's fees, and, in appropriate circumstances, the receivership court may impose additional sanctions.

Section 34. Section 631.0515, Florida Statutes, is amended to read:

631.0515 Appointment of receiver; insurance holding company.--A delinquency proceeding pursuant to this chapter constitutes the sole and exclusive method of dissolving, liquidating, rehabilitating, reorganizing, conserving, or appointing a receiver of a Florida corporation which is not insolvent as defined by s. 607.01401(16); which through its shareholders, board of directors, or governing body is deadlocked in the management of its affairs; and which directly or indirectly owns all of the stock of a Florida domestic insurer. The department may petition for an order directing it to rehabilitate such corporation if the interests of policyholders or the public will be harmed as a result of the deadlock. The department shall use due diligence to resolve the deadlock. Whether or not the department petitions for an order, the circuit court shall not have jurisdiction pursuant to s. 607.271, s. 607.274, or s. 607.277 to dissolve, liquidate, or appoint receivers with respect to, a Florida corporation which directly or indirectly owns all of the stock of a Florida domestic insurer and which is not insolvent as defined by s. 607.01401(16). However, a managing general agent or holding company with a controlling interest in a domestic insurer in this state is subject to jurisdiction of the court under the provisions of s. 631.025.

Section 35. Paragraph (a) of subsection (7) of section 631.141, Florida Statutes, is amended to read:

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

(7)(a) In connection with a delinquency proceeding, the department may appoint one or more special agents to act for it, and it may employ such counsel, clerks, and assistants as it deems necessary. The compensation of the special agents, counsel, clerks, or assistants and all expenses of taking possession of the insurer and of conducting the proceeding shall be fixed by the receiver, subject to the approval of the court, and shall be paid out of the funds or assets of the insurer. Such expenses are administrative expenses and are recoverable by the receiver in any actions in which the receiver is authorized or entitled to recover its administrative expenses. Within the limits of duties imposed upon them, special agents shall possess all the powers given to and, in the exercise of those powers, shall be subject to all duties imposed upon the receiver with respect to such proceeding.

Section 36. Section 631.205, Florida Statutes, is amended to read:

631.205 Reinsurance proceeds.--All reinsurance proceeds payable under a contract of reinsurance to which the insolvent insurer is a party are to be paid directly to the domiciliary receiver as general assets of the receivership estate unless the reinsurance contract contains a clause which specifically names the insolvent insurer's insured as a direct beneficiary of the reinsurance contract. The entry of an order of conservation, rehabilitation, or liquidation shall not be deemed an anticipatory breach of any reinsurance contract, nor shall insolvency or notice of insolvency be grounds for retroactive revocation or retroactive cancellation of any reinsurance contracts by the reinsurer.

Section 37. Section 631.206, Florida Statutes, is created to read:

631.206 Arbitration.--If an insurer in receivership has entered into an agreement containing an arbitration provision for resolution of disputes, that provision is void and shall be replaced by operation of law with the following provision:

Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration pursuant to the American Arbitration Association Commercial Arbitration Rules and chapter 682, Florida Statutes, and judgment on the award rendered by the arbitrators shall be entered by the receivership court. Venue shall be in Leon County, Florida. Disputes shall be submitted to a panel of three arbitrators, one to be chosen by each party and the third by the two so chosen. Arbitrators shall be selected from a list of potential qualified arbitrators with 10 years' experience involving the insurance industry. If the parties do not agree upon the qualifications of a mediator, each party shall select its mediator from a list of potential mediators approved by the receivership court.

Section 38. Subsection (1) of section 631.261, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

631.261 Voidable transfers.--

(1)(a) Any transfer of, or lien upon, the property of an insurer or affiliate which is made or created within 4 months prior to the commencement of any delinquency proceeding under this chapter which gives ~~with the intent of giving to~~ any creditor of the insurer a preference or enables ~~of enabling~~ the creditor to obtain a greater percentage of her or his debt than any other creditor of the same class~~, and which is accepted by such creditor having reasonable cause to believe that such preference will occur,~~ shall be voidable.

(b) Any transfer of, or lien upon, the property of an insurer or affiliate which is made or created between 4 months and 1 year prior to the commencement of any delinquency proceeding under this chapter is void if such transfer or lien inured to the benefit of a director, officer, employee, stockholder, member, subscriber, affiliate, managing general agent, or insider or any relative of any director, officer, employee, stockholder, member, subscriber, affiliate, managing general agent, or insider.

(4) For purposes of this section, a transfer is not made or created until the insurer or affiliate has acquired rights in the property transferred.

Section 39. Subsection (2) of section 631.262, Florida Statutes, is amended to read:

631.262 Transfers prior to petition.--

(2) Transfers shall be deemed to have been made or suffered, or obligations incurred, when perfected according to the following criteria:

(a) A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.;

(b) A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.;

(c) A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.;

(d) Any transfer not perfected prior to the filing of a petition in a delinquency proceeding shall be deemed to be made immediately before the filing of a successful petition.;

(e) For the purposes of this section, a transfer is not made until the insurer or affiliate has acquired rights in the property transferred.

(f)~~(e)~~ Paragraphs (a)-(e) ~~(a)-(d)~~ apply whether or not there are or were creditors who might have obtained any liens or persons who might have become bona fide purchasers.

Section 40. Subsection (6) is added to section 631.263, Florida Statutes, to read:

631.263 Transfers after petition.--

(6) For the purposes of this section, a transfer is not made until the insurer or affiliate has acquired rights in the property transferred.

Section 41. Subsection (3) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.--As used in this part:

(3) "Covered claim" means an unpaid claim, including one of unearned premiums, which arises out of, and is within the coverage, and not in excess of, the applicable limits of an insurance policy to which this part applies, issued by an insurer, if such insurer becomes an insolvent insurer ~~after October 1, 1970,~~ and the claimant or insured is a resident of this state at the time of the insured event or the property from which the claim arises is permanently located in this state. "Covered claim" shall not include:

(a) Any amount due any reinsurer, insurer, insurance pool, or underwriting association, sought directly or indirectly through a third party, as subrogation, contribution, indemnification, or otherwise; or

(b) Any claim that would otherwise be a covered claim under this part that has been rejected by any other state guaranty fund on the grounds that an insured's net worth is greater than that allowed under that state's guaranty law . Member insurers shall have no right of subrogation, contribution, indemnification, or otherwise, sought directly or indirectly through a third party, against the insured of any insolvent member.

Section 42. Subsection (2) of section 631.904, Florida Statutes, is amended to read:

631.904 Definitions.--As used in this part, the term:

(2) "Covered claim" means an unpaid claim, including a claim for return of unearned premiums, which arises out of, is within the coverage of, and is not in excess of the applicable limits of, an insurance policy to which this part applies, which policy was issued by an insurer and which claim is made on behalf of a claimant or insured who was a resident of this state at the time of the injury. The term "covered claim" does not include any amount sought as a return of premium under any retrospective rating plan; any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise; any claim that would otherwise be a covered claim that has been rejected by any other state guaranty fund on the grounds that the insured's net worth is greater than that allowed under that state's guaranty fund or liquidation law, except this exclusion from the definition of covered claim shall not apply to claims of employers who, prior to April 30, 2004, entered into an agreement with the corporation preserving the employer's right to seek coverage of claims rejected by another state's guaranty fund; or any return of premium resulting from a policy that was not in force on the date of the final order of liquidation. Member insurers have no right of subrogation against the insured of any insolvent insurer. This provision shall be applied retroactively to cover claims of an insolvent self-insurance fund resulting from accidents or losses incurred prior to January 1, 1994, regardless of the date the petition in circuit court was filed alleging insolvency and the date the court entered an order appointing a receiver.

Section 43. Section 634.1815, Florida Statutes, is created to read:

634.1815 Rebating; when allowed.--

(1) No salesperson shall rebate any portion of his or her commission except as follows:

(a) The rebate shall be available to all consumers in the same actuarial class.

(b) The rebate shall be in accordance with a rebating schedule filed by the salesperson with the service agreement company issuing the service agreement to which the rebate applies. The service agreement company shall maintain a copy of all rebating schedules for a period of 3 years.

(c) The rebating schedule shall be uniformly applied so all consumers who purchase the same service agreement through the salesperson for the same coverage shall receive the same percentage rebate.

(d) The rebate schedule shall be prominently displayed in public view in the salesperson's place of business, and a copy shall be made available to consumers on request at no charge.

(e) The age, sex, place of residence, race, nationality, ethnic origin, marital status, or occupation of the consumer shall not be used in determining the percentage of the rebate or whether a rebate is available.

(2) No rebate shall be withheld or limited in amount based on factors which are unfairly discriminatory.

(3) No rebate shall be given which is not reflected on the rebate schedule.

(4) No rebate shall be refused or granted based upon the purchase of or failure to purchase collateral business.

Section 44. Section 634.3205, Florida Statutes, is created to read:

634.3205 Rebating; when allowed.--

(1) No sales representative shall rebate any portion of his or her commission except as follows:

(a) The rebate shall be available to all consumers in the same actuarial class.

(b) The rebate shall be in accordance with a rebating schedule filed by the sales representative with the home warranty association issuing the home warranty to which the rebate applies. The home warranty association shall maintain a copy of all rebating schedules for a period of 3 years.

(c) The rebating schedule shall be uniformly applied so all consumers who purchase the same home warranty through the sales representative for the same coverage shall receive the same percentage rebate.

(d) The rebate schedule shall be prominently displayed in public view in the sales representative's place of business, and a copy shall be made available

to consumers on request at no charge.

(e) The age, sex, place of residence, race, nationality, ethnic origin, marital status, or occupation of the consumer shall not be used in determining the percentage of the rebate or whether a rebate is available.

(2) No rebate shall be withheld or limited in amount based on factors which are unfairly discriminatory.

(3) No rebate shall be given which is not reflected on the rebate schedule.

(4) No rebate shall be refused or granted based upon the purchase of or failure to purchase collateral business.

Section 45. Subsection (8) is added to section 634.406, Florida Statutes, to read:

634.406 Financial requirements.--

(8) An association licensed under this part and holding no other license under part I or part II of this chapter is not required to establish an unearned premium reserve or maintain contractual liability insurance and may allow its premiums to exceed the ratio to net assets limitation of this section if the association complies with the following:

(a) The association or, if the association is a direct or indirect wholly owned subsidiary of a parent corporation, its parent corporation has, and maintains at all times, a minimum net worth of at least $100 million and provides the office with the following:

1. A copy of the association's annual audited financial statements or the audited consolidated financial statements of the association's parent corporation, prepared by an independent certified public accountant in accordance with generally accepted accounting principles, which clearly demonstrate the net worth of the association or its parent corporation to be $100 million and a quarterly written certification to the office that such entity continues to maintain the net worth required under this paragraph.

2. The association's, or its parent corporation's, Form 10K, Form 10Q, or Form 20F as filed with the United States Securities and Exchange Commission or such other documents required to be filed with a recognized stock exchange, which shall be provided on a quarterly and annual basis within 10 days after the last date each such report must be filed with the Securities and Exchange Commission, the National Association of Security Dealers Automated Quotation system, or other recognized stock exchange.

Failure to timely file the documents required under this paragraph may, at the discretion of the office, subject the association to suspension or revocation of its license under this part. An association or parent corporation demonstrating compliance with subparagraph 1. and subparagraph 2. must maintain outstanding debt obligations, if any, rated in the top four rating categories by a recognized rating service.

(b) If the net worth of a parent corporation is used to satisfy the net worth provisions of paragraph (a), the following provisions must be met:

1. The parent corporation must guarantee all service warranty obligations of the association, wherever written, on a form approved in advance by the office. No cancellation, termination, or modification of the guarantee shall become effective unless the parent corporation provides the office written notice at least 90 days before the effective date of the cancellation, termination, or modification and the office approves the request in writing. Prior to the effective date of cancellation, termination, or modification of the guarantee, the association must demonstrate to the satisfaction of the office compliance with all applicable provisions of this part, including whether the association will meet the requirements of this section by the purchase of contractual liability insurance, establishing required reserves, or other method allowed under this section. If the association or parent corporation does not demonstrate to the satisfaction of the office compliance with all applicable provisions of this part, it shall immediately cease writing new and renewal business upon the effective date of the cancellation, termination, or modification.

2. The association must maintain at all times net assets of at least $750,000.

Section 46. Section 634.4225, Florida Statutes, is created to read:

634.4225 Rebating; when allowed.--

(1) No sales representative shall rebate any portion of his or her commission except as follows:

(a) The rebate shall be available to all consumers in the same actuarial class.

(b) The rebate shall be in accordance with a rebating schedule filed by the sales representative with the association issuing the service warranty to which the rebate applies. The association shall maintain a copy of all rebating schedules for a period of 3 years.

(c) The rebating schedule shall be uniformly applied so all consumers who purchase the same service warranty through the sales representative for the same coverage shall receive the same percentage rebate.

(d) The rebate schedule shall be prominently displayed in public view in the sales representative's place of business, and a copy shall be made available to consumers on request at no charge.

(e) The age, sex, place of residence, race, nationality, ethnic origin, marital status, or occupation of the consumer shall not be used in determining the percentage of the rebate or whether a rebate is available.

(2) No rebate shall be withheld or limited in amount based on factors which are unfairly discriminatory.

(3) No rebate shall be given which is not reflected on the rebate schedule.

(4) No rebate shall be refused or granted based upon the purchase of or failure to purchase collateral business.

Section 47. Subsection (2) of section 624.4072, Florida Statutes, is amended to read:

624.4072 Minority-owned property and casualty insurers; limited exemption for taxation and assessments.--

(2) Subsection (1) applies only to personal lines and commercial lines residential property insurance policies as defined in s. 627.4025, and applies only to an insurer that has employees in this state and has a home office or a regional office in this state. With respect to any tax year or assessment year, beginning with the original enactment of this section, the exemptions provided by subsection (1) apply only if during the year ~~an average of at least 10 percent of~~ the insurer's Florida residential property policies in force included coverage of ~~covered~~ properties located in enterprise zones designated pursuant to s. 290.0065.

Section 48. Subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.--

(1)(a) Effective June 1, 2002, a rate filing for residential property insurance must include actuarially reasonable discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The fixtures or construction techniques shall include, but not be limited to, fixtures or construction techniques which enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques which meet the minimum requirements of the Florida Building Code must be included in the rate filing. All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials by February 28, 2003.

(b) An insurer may petition the office for a hardship exemption from the requirements of this section. In applying for such an exemption, the insurer must demonstrate:

1.a. That the number of policies written is insufficient or of insufficient size to determine the appropriate credit, discount, or other rate differential or reduction in deductibles; or

b. That the premium derived from the number of policies written is so low as to render any credit, discount, or other rate differential or appropriate reduction in deductibles not cost-effective;

3. That the cost of complying is greater to the insurer than the resultant likely savings by virtue of any such credit, discount, or other rate differential or appropriate reduction in deductibles due to the actuarially demonstrated or actual small number of policyholders likely to qualify for or qualifying for the discount, credit, or other rate differential or appropriate reduction in deductibles;

4. That the type and condition of the market generally and specifically to the insurer is such that the discount, credit, or other rate differential or appropriate reduction in deductibles is not actuarially justified;

5. That granting the exemption is in the best interest of the insurer; and

6. That granting the exemption will not place the insurer in an unfair competitive position with respect to other insurers in the marketplace.

The office may grant the exemption upon its determination that the conditions and standards set forth in this paragraph have been met. The exemption is

valid for 3 years after the date granted. With respect to any petition for renewal of the exemption, the chief executive officer of the insurer must certify that there has been no material change in the conditions under which the exemption was granted.

Section 49. Section 627.066, Florida Statutes, is repealed.

Section 50. Paragraph (d) of subsection (2) of section 627.0651, Florida Statutes, is amended to read:

627.0651 Making and use of rates for motor vehicle insurance.--

(2) Upon receiving notice of a rate filing or rate change, the office shall review the rate or rate change to determine if the rate is excessive, inadequate, or unfairly discriminatory. In making that determination, the office shall in accordance with generally accepted and reasonable actuarial techniques consider the following factors:

(d) Investment income reasonably expected by the insurer, consistent with the insurer's investment practices, from investable premiums anticipated in the filing, plus any other expected income from currently invested assets representing the amount expected on unearned premium reserves and loss reserves. Such investment income shall not include income from invested surplus. The commission may adopt rules utilizing reasonable techniques of actuarial science and economics to specify the manner in which insurers shall calculate investment income attributable to motor vehicle insurance policies written in this state and the manner in which such investment income is used in the calculation of insurance rates. Such manner shall contemplate the use of a positive underwriting profit allowance in the rates that will be compatible with a reasonable rate of return plus provisions for contingencies. ~~The total of the profit and contingency factor as specified in the filing shall be utilized in computing excess profits in conjunction with s. 627.066.~~ In adopting such rules, the commission shall in all instances adhere to and implement the provisions of this paragraph.

Section 51. Subsection (4) of section 628.6017, Florida Statutes, is amended to read:

628.6017 Converting assessable mutual insurer.--

(4) An assessable mutual insurer becoming a stock insurer or a nonassessable mutual insurer shall not be subject to ~~s. 627.215 or~~ s. 627.351(5) for 5 years following authorization of the conversion by the office. ~~However, the converted stock insurer or nonassessable mutual insurer shall file all necessary data required by s. 627.215. Such amounts otherwise subject to s. 627.215(10) shall be maintained as surplus as to policyholders and not be available for dividends for a period of 5 years.~~

Section 52. Effective upon this act becoming a law, and contingent upon the enactment of SB 2910, HB 1629, or similar legislation, subsection (20) of section 627.64872, Florida Statutes, is created to read:

627.64872 Florida Health Insurance Plan.--

(20) COMBINING MEMBERSHIP OF THE FLORIDA COMPREHENSIVE HEALTH ASSOCIATION.--

(a)1. Upon implementation of the Florida Health Insurance Plan, the Florida Comprehensive Health Association, as specified in s. 627.6488, is abolished as a separate nonprofit entity and shall be subsumed under the Board of Directors of the Florida Health Insurance Plan. All individuals actively enrolled in the Florida Comprehensive Health Association shall be enrolled in the plan subject to its rules and requirements, except as otherwise specified in this section. Maximum lifetime benefits paid to an individual in the plan may not exceed the amount established under subsection (16), and benefits previously paid for any individual by the Florida Comprehensive Health Association shall be used in the determination of the total lifetime benefits paid under the plan.

2. All persons enrolled in the Florida Comprehensive Health Association upon implementation of the Florida Health Insurance Plan are eligible only for the benefits authorized under subsection (16). Persons identified by this section shall convert to the benefits authorized under subsection (16) no later than January 1, 2005.

3. Except as otherwise provided in this section, the Florida Comprehensive Health Association shall operate under the existing plan of operation without modification until the adoption of the new plan of operation for the Florida Health Insurance Plan.

(b) As a condition of doing business in this state, an insurer shall pay an assessment to the board in the amount prescribed by this paragraph. For operating losses incurred on or after July 1, 2004, by persons previously enrolled in the Florida Comprehensive Health Association, each insurer shall annually be assessed by the board in the following calendar year a portion of such incurred operating losses of the plan. Such portion shall be determined by multiplying such operating losses by a fraction, the numerator of which equals the insurer's earned premium pertaining to direct writings of health insurance in the state during the calendar year proceeding that for which the assessment is levied, and the denominator of which equals the total of all such premiums earned by participating insurers in the state during such calendar year. For the purposes of this section only, the term "health insurance" means any hospital and medical expense incurred policy, minimum premium plan, stop-loss coverage, health maintenance organization contract, prepaid health clinic contract, multiple-employer welfare arrangement contract, or fraternal benefit society health benefits contract, whether sold as an individual or group policy or contract. The term does not include any policy covering medical payment coverage or personal injury protection coverage in a motor vehicle policy, coverage issued as a supplement to liability insurance, or workers' compensation.

Section 53. Section 624.428, Florida Statutes, is amended to read:

624.428 Licensed agent law, life and health insurances.--

(1) No ~~life~~ insurer shall deliver or issue for delivery in this state any policy of life insurance, master group life insurance contract, master credit life policy or agreement, annuity contract, or contract or policy of health insurance, unless the application for such policy or contract is taken by, and the delivery of such policy or contract is made through, a resident or nonresident ~~an~~ insurance agent of the insurer duly licensed and appointed under the law of this state, who shall receive the usual commission due to an agent from such insurer.

(2) Each such insurer shall maintain a licensed and appointed resident or nonresident agent at all times for the purpose of and through whom policies or contracts issued or delivered in this state shall be serviced.

(3) This section does not apply to policies of insurance or annuity contracts on nonresidents which are applied for outside, and delivered in, the state or to reissuance of insurance policies or endorsements thereto which are part of a mass reissuance of such policies or endorsements and do not involve a change of premium or payment of agent's commissions.

Section 54. Section 627.0915, Florida Statutes, is amended to read:

627.0915 Rate filings; workers' compensation, drug-free workplace, and safe employers.—

(1) The office shall approve rating plans for workers' compensation and employer's liability insurance that give specific identifiable consideration in the setting of rates to employers that either implement a drug-free workplace program pursuant to s. 440.102 and rules adopted under such section ~~by the commission~~ or implement a safety program pursuant to provisions of the rating plan or implement both a drug-free workplace program and a safety program. The plans must be actuarially sound and must state the savings anticipated to result from such drug-testing and safety programs.

(2) An insurer offering a rate plan approved under this section shall notify the employer at the time of a written offer of insurance and at the time of each renewal of the policy of the availability of the premium discount where a drug fee workplace plan is used by the employer pursuant to s. 440.102 and related rules. The Financial Services Commission may adopt rules to implement the provisions of this subsection.

On page 3, between lines 10 and 11, insert:

amending s. 626.2815, F.S.; deleting certain minimum continuing education requirements; amending s. 626.015, F.S.; defining the term "personal lines agent"; amending s. 626.022, F.S.; providing for application; amending s. 626.241, F.S.; limiting the scope of personal lines agent examinations; amending s. 626.311, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 626.727, F.S.; providing that certain provisions apply to personal lines agents; amending s. 626.732, F.S.; revising certain education and experience requirements for personal lines agents; amending s. 626.747, F.S.; requiring branch agencies to have certain licensed agents at each location; amending s. 627.351, F.S.; providing that certain employees of the Citizens' Property Insurance Corporation need not be licensed as agents; providing that the act does not require the Department of Financial Services to begin issuing certain licenses by the effective date of the act, under specified conditions; amending s. 626.321, F.S.; limiting the types of business that may be transacted by personal lines agents; amending s. 628.709, F.S.; revising membership criteria for mutual insurance holding companies relating to policyholders of subsidiary insurance companies; amending s. 631.021, F.S.; authorizing certain domiciliary courts to exercise

exclusive jurisdiction over certain persons under certain circumstances; specifying the Circuit Court of Leon County as having exclusive jurisdiction over certain proceedings and claims; amending s. 631.041, F.S.; entitling the estates of certain injured insurers to actual damages; authorizing a receivership court to impose additional sanctions; amending s. 631.0515, F.S.; subjecting certain managing general agents or holding companies to court jurisdiction under certain circumstances; amending s. 631.141, F.S.; specifying certain expenses as administrative and recoverable by a receiver in certain proceedings; amending s. 631.205, F.S.; specifying that entry of certain orders does not constitute anticipatory breach of certain contracts or serve as grounds for certain adverse contract actions by a reinsurer; creating s. 631.206, F.S.; voiding certain contractual arbitration provisions by insurers in receivership; specifying a replacement arbitration provision; amending s. 631.261, F.S.; voiding certain transfers or liens made by certain persons prior to certain delinquency proceedings; specifying a criterion for making certain transfers; amending ss. 631.262 and 631.263, F.S.; specifying a criterion for making certain transfers; amending ss. 631.54 and 631.904, F.S.; revising the definition of covered claim; excluding certain claims rejected by another state's guaranty fund under certain circumstances; providing an exception; denying member insurers any right to indemnification or contribution sought through third parties; creating s. 634.1815, F.S.; providing conditions under which a salesperson of a motor vehicle service agreement company may rebate his or her commission; creating s. 634.3205, F.S.; providing conditions under which a sales representative of a home warranty association may rebate his or her commission; amending s. 634.406, F.S.; providing conditions under which a service warranty association is exempt from certain premium reserve and liability insurance requirements and may allow premiums to exceed certain limits; creating s. 634.4225, F.S.; providing conditions under which a sales representative of a service warranty association may rebate his or her commission; amending s. 624.4072, F.S.; specifying applicability of certain exemptions for minority-owned property and casualty insurers; amending s. 627.0629, F.S.; authorizing an exemption for certain insurers under certain circumstances; repealing s. 627.066, F.S., relating to insurance profits; amending ss. 627.0651 and 628.6017, F.S., to conform; creating s. 627.64872(20), F.S.; defining the term "health insurance" for purposes of this section; creating s. 17.0416, F.S.; amending s. 624.428, F.S.; clarifying provisions relating to resident agent requirements for insurers issuing specified types of life insurance policies; amending s. 627.0915, F.S.; providing for notice by insurers to employers of the availability of premium discounts where drug free workplace programs are used; authorizing the Financial Services Commission to adopt rules;

Rep. Berfield moved the adoption of the amendment.

Further consideration of **CS for CS for SB 2038**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 109—A bill to be entitled An act relating to the community contribution tax credit; amending ss. 212.08, 220.03, 220.183, and 624.5105, F.S.; deleting provisions providing for a June 30, 2005, expiration date; providing an effective date.

—was read the second time by title.

Representative Goodlette offered the following:

(Amendment Bar Code: 658001)

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

Section 1. Paragraph (q) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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

(5) EXEMPTIONS; ACCOUNT OF USE.--

(q) *Community contribution tax credit for donations.*--

1. Authorization.--Beginning July 1, 2001, persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution;

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26;

c. No person shall receive more than $200,000 in annual tax credits for all approved community contributions made in any one year;

d. All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development;

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $15 ~~$10~~ million annually; and

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.--

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone as referenced in s. 290.00675. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. ~~The Office of Tourism, Trade, and Economic Development may reserve up to 50 percent of the available annual tax credits for housing for very-low-income households pursuant to s. 420.9071(28) for the first 6 months of the fiscal year.~~ With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose

mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 14.2015(9)(b), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.0971(19) and (28) is exempt from the area requirement of this sub-subparagraph.

e.(I) The Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities to low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 months of the fiscal year. If less than 80 percent of the annual tax credits for donations made to eligible sponsors for projects for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households.

(II) The office shall reserve 20 percent of the available annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 months of the fiscal year. If less than 20 percent of the annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.

(III) If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 80 percent of available annual tax credits from eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits for such applications as follows:

(A) If an eligible sponsor submits tax credit applications which in total do not exceed $200,000, the credits shall be granted in full if the tax credit applications are approved and subject to the provisions of sub-sub-subparagraph (I).

(B) If an eligible sponsor submits tax credit applications which, in total, equal or exceed $200,000, the amount of tax credit granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits pursuant to sub-sub-subparagraph (I), and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(C) If, after the first 2 months of the fiscal year, additional credits become available pursuant to sub-sub-subparagraph (II), the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

(IV) If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 20 percent of available annual tax credits from eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits to each approved tax credit application on a pro rata basis. If, after the first 2 months of the fiscal year, additional credits become available pursuant to sub-sub-subparagraph (I), the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

3. Application requirements.--

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Office of Tourism, Trade, and Economic Development that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.--

a. The Office of Tourism, Trade, and Economic Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Office of Tourism, Trade, and Economic Development must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.--This paragraph expires June 30, 2005; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 2. Paragraph (t) of subsection (1) of section 220.03, Florida Statutes, is amended to read:

220.03 Definitions.--

(1) SPECIFIC TERMS.--When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(t) "Project" means any activity undertaken by an eligible sponsor, as defined in s. 220.183(2)(c), which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-

speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone as referenced in s. 290.00675. This paragraph does not preclude projects that propose to construct or rehabilitate low-income or very-low-income housing on scattered sites. ~~The Office of Tourism, Trade, and Economic Development may reserve up to 50 percent of the available annual tax credits under s. 220.181 for housing for very low income households pursuant to s. 420.9071(28) for the first 6 months of the fiscal year.~~ With respect to housing, contributions may be used to pay the following eligible project-related activities:

1. Project development, impact, and management fees for low-income or very-low-income housing projects;

2. Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

3. Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

4. Removal of liens recorded against residential property by municipal, county, or special-district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

The provisions of this paragraph shall expire and be void on June 30, 2005.

Section 3. Paragraph (c) of subsection (1) and paragraph (b) of subsection (2) of section 220.183, Florida Statutes, are amended to read:

220.183 Community contribution tax credit.--

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.--

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(q), and s. 624.5105 is $15 ~~$10~~ million annually.

(2) ELIGIBILITY REQUIREMENTS.--

(b)1. All community contributions must be reserved exclusively for use in projects as defined in s. 220.03(1)(t).

2. The Office of Tourism, Trade, and Economic Development shall ~~may~~ reserve 80 ~~up to 50~~ percent of the available annual tax credits for housing for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 ~~6~~ months of the fiscal year. If less than 80 percent of the annual tax credits for donations made to eligible sponsors for projects for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households.

3. The office shall reserve 20 percent of the available annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 months of the fiscal year. If less than 20 percent of the annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.

4. If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 80 percent of available annual tax credits from eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits to such applications as follows:

a. If an eligible sponsor submits tax credit applications which in total do not exceed $200,000, the credits shall be granted in full if the tax credit applications are approved and subject to the provisions of subparagraph 2.

b. If an eligible sponsor submits tax credit applications which in total equal or exceed $200,000, the amount of tax credits granted pursuant to sub-subparagraph a. shall be subtracted from the amount of available tax credits pursuant to subparagraph 2., and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

c. If, after the first 2 months of the fiscal year, additional credits become available pursuant to subparagraph 3., the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

5. If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 20 percent of available annual tax credits from eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits to each approved tax credit application on a pro rata basis. If, after the first 2 months of the fiscal year, additional credits become available pursuant to subparagraph 2., the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

Section 4. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended, and paragraph (e) is added to subsection (2) of said section, to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.--

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.--

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(q) and ~~s.~~ 220.183 is $15 ~~$10~~ million annually.

(2) ELIGIBILITY REQUIREMENTS.--

(e)1. The Office of Tourism, Trade, and Economic Development shall reserve 80 percent of the available annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 months of the fiscal year. If less than 80 percent of the annual tax credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households.

2. The office shall reserve 20 percent of the available annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households pursuant to s. 420.9071(19) and (28) for the first 2 months of the fiscal year. If less than 20 percent of the annual tax credits for donations made to eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households are approved within the first 2 months of the fiscal year, the office may approve the balance of available credits for donations made to eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households.

3. If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 80 percent of available annual tax credits from eligible sponsors for projects that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits to such applications as follows:

a. If an eligible sponsor submits tax credit applications which in total do not exceed $200,000, the credits shall be granted in full if the tax credit applications are approved and subject to the provisions of subparagraph 1.

b. If an eligible sponsor submits tax credit applications which in total equal or exceed $200,000, the amount of tax credits granted pursuant to sub-subparagraph a. shall be subtracted from the amount of available tax credits pursuant to subparagraph 1., and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

c. If, after the first 2 months of the fiscal year, additional credits become available pursuant to subparagraph 2., the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if

there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

4. If, during the first 10 business days of the state fiscal year, tax credit applications are received for more than 20 percent of available annual tax credits from eligible sponsors for projects other than those that provide homeownership opportunities for low-income or very-low-income households, the office shall grant the tax credits to each approved tax credit application on a pro rata basis. If, after the first 2 months of the fiscal year, additional credits become available pursuant to subparagraph 1., the office shall grant the tax credits by first increasing the credit of those who received a pro rata reduction and, if there are remaining credits, granting credits to those who applied on or after the 11th business day of the state fiscal year on a first-come, first-served basis.

Section 5. Paragraph (e) of subsection (2) of section 212.055, Florida Statutes, as amended by section 91 of chapter 2003-402, Laws of Florida, is amended to read:

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

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. ~~In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year~~. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

Section 6. This act shall take effect July 1, 2004.

Remove the entire title, and insert:

A bill to be entitled

An act relating to the community contribution tax credit program; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for certain low-income housing purposes; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 212.055, F.S., relating to the local government infrastructure surtax; deleting a limitation on issuing bonds; providing an effective date.

Rep. Goodlette moved the adoption of the amendment.

Representative Rivera offered the following:

(Amendment Bar Code: 382687)

Amendment 1 to Amendment 1 (with title amendment)—Between lines 480 and 481, insert:

Section 6. Sections 6 through 20 of this act may be referred to by the popular name the "Florida Homeownership Act of 2004."

Section 7. Section 193.017, Florida Statutes, is created to read:

193.017 Low-income housing tax credit.--Property used for affordable housing which has received a low-income housing tax credit from the Florida Housing Finance Corporation, as authorized by s. 420.5099, shall be assessed under s. 193.011 and consistent with s. 420.5099(5) and (6), pursuant to this section.

(1) The tax credits and the financing generated by the tax credits may not be considered as income to the property.

(2) The actual rental income from rent-restricted units in such a property shall be recognized by the property appraiser.

(3) Any costs paid for by tax credits and costs paid for by additional financing proceeds received under chapter 420 may not be included in the valuation of the property.

(4) If an extended low-income housing agreement is filed in the official public records of the county in which the property is located, the agreement and any recorded amendment or supplement thereto shall be considered a land use regulation and a limitation on the highest and best use of the property during the term of the agreement, amendment, or supplement.

Section 8. Paragraph (f) of subsection (6) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.--

(6) The Board of Trustees of the Internal Improvement Trust Fund shall determine which lands, the title to which is vested in the board, may be surplused. For conservation lands, the board shall make a determination that the lands are no longer needed for conservation purposes and may dispose of them by an affirmative vote of at least three members. In the case of a land exchange involving the disposition of conservation lands, the board must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all other lands, the board shall make a determination that the lands are no longer needed and may dispose of them by an affirmative vote of at least three members.

(f) In reviewing lands owned by the board, the council shall consider whether such lands would be more appropriately owned or managed by the county or other unit of local government in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; ~~and~~ governmental, judicial, or recreational centers; and affordable housing. County or local government requests for surplus lands shall be expedited throughout the surplusing process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

Section 9. Subsection (5) is added to section 420.0003, Florida Statutes, to read:

420.0003 State housing strategy.--

(5) HOUSING OPTIONS.--The affordable housing delivery system shall provide for a variety of housing options as appropriate, including, but not limited to, single family and multifamily housing built according to chapter 553, manufactured housing as defined in s. 320.01(2)(b), and housing coordinated with services for special needs populations.

Section 10. Subsection (2) and paragraph (a) of subsection (22) of section 420.507, Florida Statutes, are amended, and subsections (42), (43), and (44) are added to said section, to read:

420.507 Powers of the corporation.--The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(2) To undertake and carry out studies and analyses of housing needs within the state and ways of meeting those needs, to determine whether supplies of affordable housing in various markets may exceed future demands.

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(a) Make first, second, and other subordinated mortgage loans including variable or fixed rate loans subject to contingent interest for all State Apartment Incentive Loans provided for in this chapter based upon available cash flow of the projects. The corporation shall make loans exceeding 25 percent of project cost available only to nonprofit organizations and public bodies which are able to secure grants, donations of land, or contributions from other sources and to projects meeting the criteria of subparagraph 1. Mortgage loans shall be made available at the following rates of interest:

1. Zero to 3 percent interest for sponsors of projects that set aside at least ~~maintain an~~ 80 percent ~~occupancy~~ of their total units for residents qualifying as farmworkers as defined in s. 420.503(18)~~,~~ or commercial fishing workers as defined in s. 420.503(5)~~, or the homeless as defined in s. 420.621(4)~~ over the life of the loan.

2. Zero to 3 percent interest for projects that set aside at least 80 percent of the project's total units for the homeless as defined in s. 420.621(4), provided the board may set the interest rate based on the pro rata share of units set aside for homeless residents if the total of such units is less than 80 percent of the units in the borrower's project.

3.~~2.~~ Three to 9 percent interest for sponsors of projects targeted at populations other than farmworkers, commercial fishing workers, and the homeless.

(42) To establish procedures by rule whereby the corporation may intervene, negotiate terms, or undertake other actions which the corporation deems necessary to avoid default of a program loan. Such procedures must be fiscally responsible and designed to maximize returns to the state.

(43) To promote single family homeownership in this state and develop and implement a marketing plan in consultation with local governments and state and federal agencies that includes strategies such as advertising, homebuyer fairs, and homebuyer education.

(44) To establish by rule requirements for periodic reporting of data, including, but not limited to, financial data, housing market data, detailed economic and physical occupancy on multifamily projects, and demographic data on all housing financed through corporation programs.

Section 11. Subsection (8) is added to section 420.508, Florida Statutes, to read:

420.508 Special powers; multifamily and single-family projects.--The corporation shall have the special power to:

(8) Provide by rule for master lease agreements for farmworker housing developments when and where appropriate to ensure continuity and stability of housing for farmworker populations.

Section 12. Subsection (3) and paragraph (m) of subsection (6) of section 420.5087, Florida Statutes, are amended to read:

420.5087 State Apartment Incentive Loan Program.--There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be reserved for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The reservation of funds to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The reservation of funds within each notice of fund availability to the tenant groups in paragraphs (a), (b), and (d) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the 10-percent minimum shall be taken from the tenant group that has the largest reservation. The reservation of funds within each notice of fund availability to the tenant group in paragraph (c) may not be less than 5 percent of the funds available at that time. The tenant groups are:

(a) Commercial fishing workers and farmworkers;

(b) Families;

(c) Persons who are homeless; and

(d) Elderly persons. Ten percent of the amount reserved for the elderly shall be reserved to provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. Such a loan may not exceed $500,000 ~~$200,000~~ per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 15 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years. The term of the loan shall be established on the basis of a credit analysis of the applicant. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(m) Sponsors shall ~~annually~~ certify, according to requirements provided by the corporation by rule, the adjusted gross income of all persons or families qualified under subsection (2) at the time of initial occupancy, who are residing in a project funded by this program. All persons or families qualified under subsection (2) may continue to qualify under subsection (2) in a project funded by this program if the adjusted gross income of those persons or families at the time of annual recertification meets the requirements established in s. 142(d)(3)(B) of the Internal Revenue Code of 1986, as amended. If the annual recertification of persons or families qualifying under subsection (2) results in noncompliance with income occupancy requirements, the next available unit must be rented to a person or family qualifying under subsection (2) in order to ensure continuing compliance of the project.

Section 13. Subsection (3) of section 420.511, Florida Statutes, is amended to read:

420.511 Business plan; strategic plan; annual report.--

(3) The corporation shall submit to the Governor and the presiding officers of each house of the Legislature, within 2 months after the end of its fiscal year, a complete and detailed report setting forth:

(a) Its operations and accomplishments.~~;~~

(b) Changes made to the rules of the corporation pursuant to s. 120.54.

(c)~~(b)~~ Its receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the corporation for its operating and capital outlay purposes.~~;~~

(d)~~(c)~~ Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.~~;~~

(e)~~(d)~~ A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year.~~; and~~

(f)~~(e)~~ Information relating to the corporation's activities in implementing the provisions of ss. 420.5087 and 420.5088. The report required by this subsection shall include, but not be limited to:

1. The number of people served, delineated by income, age, family size, and racial characteristics.

2. The number of units produced under each program.

3. The average cost of producing units under each program.

4. The average sales price of single-family units financed under s. 420.5088.

5. The average amount of rent charged based on unit size on units financed under s. 420.5087.

6. The number of persons in rural communities served under each program.

7. The number of farmworkers served under each program.

8. The number of homeless persons served under each program.

9. The number of elderly persons served under each program.

10. The extent to which geographic distribution has been achieved in accordance with the provisions of s. 420.5087.

11. Any other information the corporation deems appropriate.

(g) Information relating to the corporation's Florida Affordable Housing Guarantee Program as created by s. 420.5092. The report required by this subsection shall include, but not be limited to:

1. A status at the end of the most recently completed fiscal year of the total amount of revenue bonds issued by the corporation under s. 420.5092, the

principal and interest due on such bonds for the reporting period, the total amount of such bonds redeemed during the reporting period, and the interest earned by the investment of the funds from such revenue bonds during the reporting period.

2. A list of all stabilized properties at the end of the most recently completed fiscal year guaranteed by the Florida Affordable Housing Guarantee Program, which includes the city and county, the total number of units constructed, the quarterly occupancy rates expressed as percentages for the fiscal year, the total principal and interest due for the fiscal year, the principal and interest paid for the fiscal year, and the Florida Affordable Housing Guarantee Program's total outstanding obligation at the end of the fiscal year.

Section 14. Paragraph (a) of subsection (1) of section 420.9072, Florida Statutes, is amended to read:

420.9072 State Housing Initiatives Partnership Program.--The State Housing Initiatives Partnership Program is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

(1)(a) In addition to the legislative findings set forth in s. 420.6015, the Legislature finds that affordable housing is most effectively provided by combining available public and private resources to conserve and improve existing housing and provide new housing for very-low-income households, low-income households, and moderate-income households. The Legislature intends to encourage partnerships in order to secure the benefits of cooperation by the public and private sectors and to reduce the cost of housing for the target group by effectively combining all available resources and cost-saving measures. The Legislature further intends that local governments achieve this combination of resources by encouraging active partnerships between government, lenders, builders and developers, real estate professionals, advocates for low-income persons, and community groups to produce affordable housing and provide related services. Extending the partnership concept to encompass cooperative efforts among small counties as defined in s. 120.52(17), and among counties and municipalities is specifically encouraged. Local governments are also intended to establish and retain an affordable housing advisory committee to recommend monetary and nonmonetary incentives for affordable housing as provided in s. 420.9076.

Section 15. Subsection (2) of section 420.9076, Florida Statutes, is amended, present subsections (3) through (7) of said section are renumbered as subsections (4) through (8), respectively, new subsections (3) and (9) are added to said section, and paragraphs (k) and (l) are added to present subsection (4) of said section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees.--

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee by resolution. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee to prepare a joint plan. The ordinance adopted pursuant to s. 420.9072 which creates the advisory committee or the resolution appointing the advisory committee members must provide for a minimum of nine committee members and their terms. The committee must include:

(a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) One citizen who is actively engaged as a for-profit provider of affordable housing.

(f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) One citizen who actively serves on the local planning agency pursuant to s. 163.3174.

(i) One citizen who resides within the jurisdiction of the local governing body making the appointments.

Any additional committee members must be citizens within the jurisdiction of the local governing body making the appointments. If a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

(3) Each county or eligible municipality participating in the State Housing Initiatives Partnership Program must maintain an operational affordable housing advisory committee.

(5)~~(4)~~ The advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. Such recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions. At a minimum, each advisory committee shall make recommendations on affordable housing incentives in the following areas:

(k) The review of the housing element of the local government comprehensive plan pursuant to chapter 163 and the Local Housing Assistance Plan.

(l) Actions as liaison between local governing councils and commissions and the general public.

The advisory committee recommendations must also include other affordable housing incentives identified by the advisory committee.

(9) The advisory committee shall have a continuing function as an oversight committee for the implementation of the local housing assistance plan and incentive strategies. The advisory committee shall meet no less than annually to review the local housing assistance plan and incentive strategies to provide recommendations to the appointing local government in regard to its housing strategies and incentives.

Section 16. Subsection (2) of section 421.02, Florida Statutes, is amended to read:

421.02 Finding and declaration of necessity.--It is hereby declared that:

(2) Blighted ~~Slum~~ areas in the state cannot be revitalized ~~cleared~~, nor can the shortage of safe and sanitary dwellings for persons of low income be relieved, through the operation of private enterprise~~, and that the construction of housing projects for persons of low income, as herein defined, would therefore not be competitive with private enterprise~~.

Section 17. Subsection (8) of section 421.08, Florida Statutes, is renumbered as subsection (10), and new subsections (8) and (9) are added to said section, to read:

421.08 Powers of authority.--An authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this chapter, and having all the powers necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others herein granted:

(8) To create for-profit and not-for-profit corporations, limited liability companies, and such other business entities pursuant to the laws of this state in which housing authorities may hold an ownership interest or participate in their governance to engage in the development, acquisition, leasing, construction, rehabilitation, management, or operation of multifamily and single-family residential projects. These projects may include nonresidential uses and may use public and private funds to serve individuals or families who meet the applicable income requirements of the state or federal program involved, whose income does not exceed 150 percent of the applicable Area Median Income as established by the United States Department of Housing and Urban Development, and who, in the determination of the housing authority, lack sufficient income or assets to enable them to purchase or rent decent, safe, and sanitary dwelling. These corporations, limited liability companies, or other business entities are authorized and empowered to join partnerships, joint ventures, or limited liability companies or to otherwise engage with business entities in the development, acquisition, leasing,

construction, rehabilitation, management, or operation of such projects. The creation of such corporations, limited liability companies, or other business entities by housing authorities for the purposes set forth in this chapter together with all proceedings, acts, and things theretofor undertaken, performed, or done are hereby validated, ratified, confirmed, approved, and declared legal in all respects.

(9) Notwithstanding the provisions for per diem and travel expenses of public officers, employees, and authorized persons set forth in s. 112.061, the governing board of an authority may approve and implement policies for per diem, travel, and other expenses of its officials, officers, board members, employees, and authorized persons in a manner consistent with federal guidelines.

Section 18. Section 421.09, Florida Statutes, is amended to read:

421.09 Operation not for profit.--It is the policy of this state that each housing authority shall manage and operate its housing projects in an efficient manner so as to enable it to fix the rentals for dwelling accommodations at the lowest possible rates consistent with its providing decent, safe and sanitary dwelling accommodations, and that no housing authority shall construct or operate any such project for profit, or as a source of revenue to the city. To this end an authority shall fix the rentals for dwellings in its project at no higher rate than it shall find to be necessary in order to produce revenues which, together with all other available moneys, revenue, income and receipts of the authority from whatever sources derived, will be sufficient:

(1) To pay, as the same shall become due, the principal and interest on the debentures of the authority;

(2) To meet the cost of, and to provide for, maintaining and operating the projects, including the cost of any insurance, and the administrative expenses of the authority; and

(3) To create, during not less than the 6 years immediately succeeding its issuance of any debentures, a reserve sufficient to meet the largest principal and interest payments which will be due on such debentures in any one year thereafter, and to maintain such reserve.

This section shall in no way prohibit or restrict the activities or operations of the business entities created pursuant to s. 421.08(8).

Section 19. Section 421.23, Florida Statutes, is amended to read:

421.23 Liabilities of authority.--In no event shall the liabilities, whether ex contractu or ex delicto, of an authority arising from the operation of its housing projects, be payable from any funds other than the rents, fees, or revenues of such projects and any grants or subsidies paid to such authority by the Federal Government, unless such other funds are lawfully pledged by the authority's governing board.

Section 20. Section 421.54, Florida Statutes, is repealed.

Remove the entire title and insert:

An act relating to the community contribution tax credit program and affordable housing; amending s. 212.08, F.S.; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 220.03, F.S.; revising a definition to delete a provision authorizing the office to reserve certain portions of available annual tax credits for certain low-income housing purposes; amending s. 220.183, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 624.5105, F.S.; increasing the amount of available annual community contribution tax credits; revising eligibility criteria; requiring the Office of Tourism, Trade, and Economic Development to reserve portions of certain annual tax credits for eligible sponsors of certain low-income housing projects; providing requirements, criteria, and limitations; amending s. 212.055, F.S., relating to the local government infrastructure surtax; deleting a limitation on issuing bonds; providing a popular name; creating s. 193.017, F.S.; providing for a low-income housing tax credit for certain property used for affordable housing; providing criteria, restrictions, and limitations; amending s. 253.034, F.S.; including affordable housing under provisions governing permittable uses of certain surplus state-owned lands; amending s. 420.0003, F.S.; providing additional criteria for the affordable housing delivery system under the state housing strategy; amending s. 420.507, F.S.; revising powers of the Florida Housing Finance Corporation to provide additional criteria and requirements for certain housing projects; providing additional powers to promote single family homeownership and establish requirements for reporting certain information relating to programs of the corporation; amending s. 420.508, F.S.; providing the corporation with special powers to provide for master lease agreements for farmworker housing developments for certain purposes; amending s. 420.5087, F.S.; increasing a cap for loans per housing community for the elderly; revising a criterion for state apartment incentive loans; amending s. 420.511, F.S.; providing additional requirements for an annual report by the corporation; amending s. 420.9072, F.S.; providing additional legislative intent relating to local government affordable housing advisory committees; amending s. 420.9076, F.S.; providing for a minimum number of affordable housing advisory committee members; providing a criterion for additional members; requiring counties and municipalities participating in the State Housing Initiative Partnership Program to maintain an operational advisory committee; providing additional recommendation requirements for such advisory committees; providing additional duties of the advisory committees; amending s. 421.02, F.S.; revising a legislative declaration relating to blighted areas; amending s. 421.08, F.S.; authorizing certain housing authorities to create business entities for certain purposes; providing requirements and limitations; authorizing such authorities to provide for per diem, travel, and other expenses; amending s. 421.09, F.S.; providing construction; amending s. 421.23, F.S.; revising a limitation on financial liabilities of such authorities; repealing s. 421.54, F.S., relating to housing authorities in Orange County and Seminole County; providing an effective date.

Rep. Rivera 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.

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

HB 505 was taken up. On motion by Rep. Joyner, the rules were waived and CS for SB 444 was substituted for HB 505. Under Rule 5.13, the House bill was laid on the table.

CS for SB 444—A bill to be entitled An act relating to abrogating offensive or derogatory place names; creating s. 267.0625, F.S.; providing legislative findings that certain place names are offensive or derogatory; providing definitions; requiring the Florida Historical Commission and the Division of Historic Resources to aid state agencies and local governments in identifying geographic sites having offensive or derogatory place names; directing state agencies and local governments to identify geographic sites having offensive or derogatory place names by a specified date; directing the commission to recommend to the division replacement names; directing the division to select replacement names by a specified date; requiring state and local governments to update maps and markers with the new place names; directing the division to notify the United States Board of Geographic Names of name changes; providing specified exceptions to the act; providing an effective date.

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

HB 583—A bill to be entitled An act relating to the tax refund program for qualified target industry businesses; amending s. 288.106, F.S.; prohibiting certification of applicants after a certain date; providing for continued effect of certain tax refund agreements; deleting an expiration date; providing an effective date.

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

On motion by Rep. Baker, the House returned to consideration of HB 1283.

HB 1283—A bill to be entitled An act relating to the electronic monitoring of probationers and community controllees; amending s. 948.03, F.S.; requiring the court to order the electronic monitoring of certain sex offenders whose crime is committed on or after a specified date; amending s. 948.11, F.S.; requiring the Department of Corrections to use an electronic monitoring system that reports the location of a monitored offender and correlates that information with other crime data; providing requirements for the capacity of the monitoring system; requiring a statewide steering committee to oversee and evaluate the system; providing an appropriation; reenacting ss. 948.001(5) and 958.03(4), F.S.; relating to the definition of probation, for the purpose of incorporating the amendment to s. 948.03, F.S., in references thereto; providing an effective date.

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

Reconsideration

On motion by Rep. Baker, the House reconsidered the vote by which **Amendment 1** was adopted.

The question recurred on the adoption of the amendment.

Rep. Baker moved that a late-filed amendment to the amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **HB 1283**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 705 was taken up. On motion by Rep. Evers, the rules were waived and CS for CS for SB 1604 was substituted for HB 705. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 1604—A bill to be entitled An act relating to military affairs; creating s. 163.3175, F.S.; providing legislative findings on the compatibility of development with military installations; providing for the exchange of information relating to proposed land use decisions between counties and local governments and military installations; providing for responsive comments by the commanding officer or his or her designee; providing for the county or affected local government to take such comments into consideration; providing for a representative of the military installation to be an ex-officio, nonvoting member of the county's or local government's land planning or zoning board; encouraging the commanding officer to provide information on community planning assistance grants; providing definitions; amending s. 163.3177, F.S.; providing for the future land use plan element of comprehensive plans to include compatibility with military installations; requiring the inclusion of criteria; requiring local governments to update or amend their comprehensive plan by a certain date; providing for the coordination by the state land planning agency and the Department of Defense on compatibility issues for military installations; amending s. 163.3187, F.S.; providing that amendments to address compatibility or include criteria do not count toward the limitation on frequency of amending comprehensive plans; amending s. 163.3191, F.S.; providing that evaluations of comprehensive plans include whether such criteria were successful in resolving land use compatibility uses with military installations; amending s. 288.980, F.S.; creating the Defense Infrastructure Grant Program; providing the purpose and for implementation of the program; amending s. 295.01, F.S.; revising certain requirements relating to scholarships for children of deceased veterans; amending s. 443.101, F.S.; providing eligibility for unemployment compensation benefits for the spouses of a member of the military under certain circumstances beginning on a date certain; amending s. 445.007, F.S.; providing for the appointment of a military representative to certain regional workforce boards; amending s. 464.009, F.S.; removing a scheduled repeal of provisions; providing for licensure by endorsement of certain nurses licensed in another state that is a member of the Nurse Licensure Compact; amending s. 464.022, F.S.; providing that certain nurses relocating to this state may perform nursing services for a period of 120 days after submitting application for licensure; amending s. 1002.39, F.S.; revising eligibility requirements for military dependents applying for a John M. McKay Scholarship; requiring the State Board of Education to adopt rules; amending s. 1003.05, F.S.; directing the Department of Education to assist in the development of memoranda of agreement between school districts and military installations; providing that qualifying military dependents receive priority admission to certain special academic programs; creating s. 1008.221, F.S.; providing for alternate assessments for the grade 10 FCAT for certain military dependents; amending s. 1009.21, F.S.; classifying dependents of active duty members of the armed forces and certain liaison officers and their spouses and dependent children as residents for tuition purposes; directing Workforce Florida, Inc., to establish an employment advocacy and assistance program targeting military spouses and dependents; directing the Florida Housing Finance Corporation to assess the housing needs of Florida's military families; requiring a report; providing an effective date.

—was read the second time by title.

Rep. Evers moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **CS for CS for SB 1604** was temporarily postponed under Rule 11.10.

HB 805 was taken up. On motion by Rep. Dean, the rules were waived and CS for SB 1934 was substituted for HB 805. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Dean, the rules were waived and—

CS for SB 1934—A bill to be entitled An act relating to state vehicles; amending s. 287.17, F.S.; providing that the term "official state business" shall be construed to permit the use of state vehicles by law enforcement officers for going to and from lunch breaks and incidental stops for personal errands; creating s. 284.311, F.S.; providing reimbursement for certain off-duty use; providing for rules; providing an effective date.

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

HB 583 was taken up. On motion by Rep. Detert, the rules were waived and CS for SB 1494 was substituted for HB 583. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Detert, the rules were waived and—

CS for SB 1494—A bill to be entitled An act relating to tax refund programs for qualified target industry businesses and qualified defense contractors; amending s. 288.095, F.S.; requiring the Office of Tourism, Trade, and Economic Development to pay claims for tax refunds in the order approved; authorizing certain tax refunds to be paid from an appropriation in a subsequent fiscal year; requiring the Office of Tourism, Trade, and Economic Development to provide notice of an anticipated shortfall in the amount necessary to satisfy tax refund claims; eliminating a requirement for prorating of tax refunds; requiring Enterprise Florida, Inc., to report on the efforts of the Office of Tourism, Trade, and Economic Development to amend tax refund agreements; requiring Enterprise Florida, Inc., to report the name and tax refund amount paid to each business under the programs; amending s. 288.1045, F.S.; defining the term "jobs" to include new and retained jobs; requiring applications for certification to include the number of jobs retained; providing that new applicants may not be certified for the tax refund program for qualified defense contractors after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; amending s. 288.106, F.S.; providing that new applicants may not be certified for the tax refund program for qualified target industry businesses after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend certain tax refund agreements, to conform; providing an effective date.

—was read the second time by title.

Representative Kyle offered the following:

(Amendment Bar Code: 768817)

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

Section 1. Paragraphs (b) and (c) of subsection (3) of section 288.095, Florida Statutes, are amended to read:

288.095 Economic Development Trust Fund.--

(3)

(b) The total amount of tax refund claims approved for payment by the Office of Tourism, Trade, and Economic Development based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the Office of Tourism, Trade, and Economic Development. In the event the Legislature does not appropriate an amount sufficient to satisfy the ~~estimates by the office for~~ tax refunds under ss. 288.1045 and 288.106 in a fiscal year, the unsatisfied tax refunds shall have first claim to any appropriations made for the following fiscal year. By March 1 of each year, the Office of Tourism, Trade, and Economic Development shall notify the legislative appropriations committees of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year ~~Office of Tourism, Trade, and Economic Development shall, not later than July 15 of such year, determine the proportion of each refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the estimated total of refund claims for the fiscal year. The amount of each claim for a tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly~~.

(c) By December 31 of each year, Enterprise Florida, Inc., shall submit a complete and detailed report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the director of the Office of Tourism, Trade, and Economic Development of all applications received, recommendations made to the Office of Tourism, Trade, and Economic Development, final decisions issued, tax refund agreements executed, and tax refunds paid or other payments made under all programs funded out of the Economic Development Incentives Account, including analyses of benefits and costs, types of projects supported, and employment and investment created. Enterprise Florida, Inc., shall also include a separate analysis of the impact of such tax refunds on state enterprise zones designated pursuant to s. 290.0065, rural communities, brownfield areas, and distressed urban communities. The report must discuss whether the authority and moneys appropriated by the Legislature to the Economic Development Incentives Account were managed and expended in a prudent, fiducially sound manner. The report shall also discuss the efforts made by the Office of Tourism, Trade, and Economic Development to amend tax refund agreements to require tax refund claims to be submitted by January 31 for the net new full-time equivalent Florida jobs as of December 31 of the preceding calendar year. The Office of Tourism, Trade, and Economic Development shall assist Enterprise Florida, Inc., in the collection of data related to business performance and incentive payments.

Section 2. Paragraph (g) of subsection (1), paragraphs (b), (c), and (d) of subsection (3), and subsection (7) of section 288.1045, Florida Statutes, are amended to read:

288.1045 Qualified defense contractor tax refund program.--

(1) DEFINITIONS.--As used in this section:

(g) "Jobs" means full-time equivalent positions, consistent with the use of such terms by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, created or retained as a direct result of ~~resulting directly from~~ a project in this state. This number does not include temporary construction jobs involved with the construction of facilities for the project.

(3) APPLICATION PROCESS; REQUIREMENTS; AGENCY DETERMINATION.--

(b) Applications for certification based on the consolidation of a Department of Defense contract or a new Department of Defense contract must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract to be consolidated, the new Department of Defense contract number, or the "RFP" number of a proposed Department of Defense contract.

4. The date the contract was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

5. The commencement date for project operations under the contract in this state.

6. The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

7. The number of full-time equivalent Florida jobs to be retained by the project.

8.~~7.~~ The total number of full-time equivalent employees employed by the applicant in this state.

9.~~8.~~ The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately preceding the date the application is submitted.

10.~~9.~~ The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

11.~~10.~~ The estimated amount of tax refunds to be claimed for each fiscal year.

12.~~11.~~ A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

13.~~12.~~ A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

14.~~13.~~ Any additional information requested by the office.

(c) Applications for certification based on the conversion of defense production jobs to nondefense production jobs must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's federal employer identification number, the applicant's Florida sales tax registration number, and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The Department of Defense contract numbers of the contract under which the defense production jobs will be converted to nondefense production jobs.

4. The date the contract was executed, and the date the contract is due to expire or is expected to expire, or was canceled.

5. The commencement date for the nondefense production operations in this state.

6. The number of net new full-time equivalent Florida jobs included in the nondefense production project as of December 31 of each year and the average wage of such jobs.

7. The number of full-time equivalent Florida jobs to be retained by the project.

8.~~7.~~ The total number of full-time equivalent employees employed by the applicant in this state.

9.~~8.~~ The percentage of the applicant's gross receipts derived from Department of Defense contracts during the 5 taxable years immediately

preceding the date the application is submitted.

10.~~9.~~ The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;

b. Corporate income taxes paid pursuant to chapter 220;

c. Intangible personal property taxes paid pursuant to chapter 199;

d. Emergency excise taxes paid pursuant to chapter 221;

e. Excise taxes paid on documents pursuant to chapter 201; and

f. Ad valorem taxes paid

during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

11.~~10.~~ The estimated amount of tax refunds to be claimed for each fiscal year.

12.~~11.~~ A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

13.~~12.~~ A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

14.~~13.~~ Any additional information requested by the office.

(d) Applications for certification based on a contract for reuse of a defense-related facility must be submitted to the office as prescribed by the office and must include, but are not limited to, the following information:

1. The applicant's Florida sales tax registration number and a notarized signature of an officer of the applicant.

2. The permanent location of the manufacturing, assembling, fabricating, research, development, or design facility in this state at which the project is or is to be located.

3. The business entity holding a valid Department of Defense contract or branch of the Armed Forces of the United States that previously occupied the facility, and the date such entity last occupied the facility.

4. A copy of the contract to reuse the facility, or such alternative proof as may be prescribed by the office that the applicant is seeking to contract for the reuse of such facility.

5. The date the contract to reuse the facility was executed or is expected to be executed, and the date the contract is due to expire or is expected to expire.

6. The commencement date for project operations under the contract in this state.

7. The number of full-time equivalent Florida jobs to be retained by the project.

8.~~7.~~ The number of net new full-time equivalent Florida jobs included in the project as of December 31 of each year and the average wage of such jobs.

9.~~8.~~ The total number of full-time equivalent employees employed by the applicant in this state.

10.~~9.~~ The amount of:

a. Taxes on sales, use, and other transactions paid pursuant to chapter 212.

b. Corporate income taxes paid pursuant to chapter 220.

c. Intangible personal property taxes paid pursuant to chapter 199.

d. Emergency excise taxes paid pursuant to chapter 221.

e. Excise taxes paid on documents pursuant to chapter 201.

f. Ad valorem taxes paid during the 5 fiscal years immediately preceding the date of the application, and the projected amounts of such taxes to be due in the 3 fiscal years immediately following the date of the application.

11.~~10.~~ The estimated amount of tax refunds to be claimed for each fiscal year.

12.~~11.~~ A brief statement concerning the applicant's need for tax refunds, and the proposed uses of such refunds by the applicant.

13.~~12.~~ A resolution adopted by the county commissioners of the county in which the project will be located, which recommends the applicant be approved as a qualified applicant, and which indicates that the necessary commitments of local financial support for the applicant exist. Prior to the adoption of the resolution, the county commission may review the proposed public or private sources of such support and determine whether the proposed sources of local financial support can be provided or, for any applicant whose project is located in a county designated by the Rural Economic Development Initiative, a resolution adopted by the county commissioners of such county requesting that the applicant's project be exempt from the local financial support requirement.

14.~~13.~~ Any additional information requested by the office.

(7) EXPIRATION.--An applicant may not be certified as qualified under this section after June 30, 2007 ~~2004~~.

Section 3. Subsection (7) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.--

(7) EXPIRATION.--This section expires January 1, 2007 ~~June 30, 2004~~.

Section 4. The Office of Tourism, Trade, and Economic Development shall attempt to amend existing tax refund agreements created under s. 288.106, Florida Statutes, to require tax refund claims to be submitted by January 31 for the net new full-time equivalent Florida jobs as of December 31 of the preceding calendar year.

Section 5. The Office of Program Policy Analysis and Government Accountability shall conduct a thorough review of the programs set forth in ss. 288.1045 and 288.106, Florida Statutes. The review should include, at a minimum, an evaluation of the benefits that accrue to the state from the programs; an evaluation of the program's administration, including whether the program could be administered more efficiently under a different administrative structure; and an evaluation of whether the Legislature's oversight responsibilities would be better served if the program was structured as a tax credit program instead of as a tax refund program. The review shall include an assessment of the fiscal or administrative benefits of the potential structures reviewed. The review shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate by December 31, 2004.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to the tax refund program for qualified defense contractors and qualified target industry businesses; amending s. 288.095, F.S.; requiring payment of claims for tax refunds in the order approved by the Office of Tourism, Trade, and Economic Development; specifying that unsatisfied tax refunds have first claim to certain subsequent year appropriations under certain circumstances; requiring the office to notify legislative appropriations committees of certain funds shortfalls; requiring Enterprise Florida, Inc., to report on the efforts of the Office of Tourism, Trade, and Economic Development to amend tax refund agreements; amending s. 288.1045, F.S.; defining the term "jobs" to include new and retained jobs; requiring applications for certification to include the number of jobs retained; providing that new applicants may not be certified for the tax refund program for qualified defense contractors after June 30, 2007; amending s. 288.106, F.S.; revising an expiration date for the tax refund program for qualified target industry businesses; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend certain tax refund agreements, to conform; requiring the Office of Program Policy Analysis and Government Accountability to review certain programs; providing review criteria; requiring a report to the Governor and Legislature; providing an effective date.

Rep. Kyle moved the adoption of the amendment.

Further consideration of **CS for SB 1494**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 935 was taken up. On motion by Rep. Benson, the rules were waived and CS for CS for SB 2372 was substituted for HB 935. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2372—A bill to be entitled An act relating to physical fitness and health; requiring the Department of Health to undertake certain actions to promote healthy lifestyles and body weight; authorizing the department to adopt rules; providing that the act is contingent on an appropriation; amending s. 320.08058, F.S.; requiring the Florida Sports

Foundation to allocate certain proceeds from the sale of license plates for additional purposes; providing an effective date.

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

HB 1115—A bill to be entitled An act relating to providing nutrition to children; providing a popular name; requiring the Food and Nutrition Management Office of the Department of Education to develop a plan for providing, in each school district, summer food programs that serve children who qualify for free or reduced-price lunches during the school year; providing requirements of the department and of the superintendent of schools; requiring the school districts to report to the department annually; providing an effective date.

The Committee on Education K-20 recommended the following:

HB 1115 CS—A bill to be entitled An act relating to providing nutrition to children; providing a popular name; requiring the Food and Nutrition Management Office of the Department of Education to develop a plan for providing, in each school district, summer food programs that serve children who qualify for free or reduced-price school meals during the school year; providing requirements of the department and of the superintendent of schools; requiring the school districts to report to the department annually; providing an effective date.

—was read the second time by title.

Representative Greenstein offered the following:

(Amendment Bar Code: 342987)

Amendment 1 (with title amendment)—Remove the entire body and insert:

Section 1. Children's summer nutrition program.--

(1) This section may be referred to by the popular name the "Ms. Willie Ann Glenn Act."

(2) By May 1, 2005, each school district shall develop a plan to sponsor at least one summer nutrition program to operate in the school district for at least 40 consecutive days during the summer months. The summer nutrition program shall operate to the extent possible within 5 miles of an elementary school at which 50 percent or more of the students are eligible for free or reduced-price school meals, unless the school board requests an exemption.

(3)(a) If a school board intends to be exempt from the requirement to operate a summer nutrition program, it must include the issue on an agenda at a regular or special school board meeting that is publicly noticed, provide residents an opportunity to participate in the discussion, and vote on whether to be exempt from this section. The school board shall notify the Commissioner of Education within 10 days after it decides to become exempt from this section.

(b) Each year the school board shall reconsider its decision and shall vote on whether to continue the exemption from sponsoring a summer nutrition program. The school board shall notify the Commissioner of Education within 10 days after each subsequent year's decision whether to continue the exemption.

(c) If a school board elects to be exempt from sponsoring a summer nutrition program under this section, the school board may encourage not-for-profit entities to sponsor the program. If a not-for-profit entity chooses to sponsor the summer nutrition program but fails to perform with regard to the program, the district school board, the district, and the Department of Education are not required to continue the program and shall be held harmless from any liability arising from the discontinuation of the summer food program.

(4) The superintendent of schools may collaborate with municipal and county governmental agencies and private, nonprofit leaders in implementing the plan. Although schools have proven to be the optimal site for a summer food program, any nonprofit organization may serve as a site or sponsor. By April 15 of each year, each participating school district shall report to the department the district's summer food sites in compliance with this section.

(5) The department shall provide to each school district by February 15 of each year a list of local organizations that have filed letters of intent to participate, so that a school district can determine how many sites are needed to serve the children and where to place each site.

Section 2. This act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to children's summer nutrition program; providing a popular name; requiring each school district to develop a plan to sponsor at least one summer nutrition program by a specified date; providing for criteria for the summer nutrition program; providing that a school board may choose to be exempt from operating a summer nutrition program; providing procedures for the school district to become exempt; directing the school board to notify the Commissioner of Education of its decision; requiring a school board to reconsider its decision each year; authorizing a not-for-profit entity to sponsor the summer nutrition program; providing that a superintendent of schools may collaborate with specified agencies to implement a summer food nutrition program; directing the Department of Education to provide each school district with a list of organizations intending to participate by a specified date; providing an effective date.

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

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

CS for SB 1494—A bill to be entitled An act relating to tax refund programs for qualified target industry businesses and qualified defense contractors; amending s. 288.095, F.S.; requiring the Office of Tourism, Trade, and Economic Development to pay claims for tax refunds in the order approved; authorizing certain tax refunds to be paid from an appropriation in a subsequent fiscal year; requiring the Office of Tourism, Trade, and Economic Development to provide notice of an anticipated shortfall in the amount necessary to satisfy tax refund claims; eliminating a requirement for prorating of tax refunds; requiring Enterprise Florida, Inc., to report on the efforts of the Office of Tourism, Trade, and Economic Development to amend tax refund agreements; requiring Enterprise Florida, Inc., to report the name and tax refund amount paid to each business under the programs; amending s. 288.1045, F.S.; defining the term "jobs" to include new and retained jobs; requiring applications for certification to include the number of jobs retained; providing that new applicants may not be certified for the tax refund program for qualified defense contractors after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; amending s. 288.106, F.S.; providing that new applicants may not be certified for the tax refund program for qualified target industry businesses after June 30, 2009; specifying that tax refund agreements existing on that date continue in effect; requiring the Office of Tourism, Trade, and Economic Development to attempt to amend certain tax refund agreements, to conform; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Kyle to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**.

Further consideration of **CS for SB 1494**, with pending amendment, was temporarily postponed under Rule 11.10.

HB 1169 was taken up. On motion by Rep. Dean, the rules were waived and SB 2132 was substituted for HB 1169. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Dean, the rules were waived and—

SB 2132—A bill to be entitled An act relating to the Florida Construction Industries Recovery Fund; amending s. 489.140, F.S.; renaming the fund as the Florida Homeowners' Construction Recovery Fund; creating s. 489.1401, F.S.; declaring legislative intent with respect to use of the fund; creating s. 489.1402, F.S.; defining terms; amending s. 489.141, F.S.; revising conditions for recovery from the fund; amending s. 489.142, F.S.; providing for hearings

and for service of notice; amending s. 489.1425, F.S.; conforming to changes in terminology; amending s. 489.143, F.S.; providing a limit on disbursements with respect to a single contract; revising guidelines for making payments from the fund; providing criminal penalties for specified fraudulent acts; amending ss. 489.144, 489.13, 489.131, F.S.; conforming terminology to the changes made by the act; amending s. 468.631, F.S.; requiring certain information relating to building permits to be reported to the Department of Business and Professional Regulation; providing an effective date.

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

HB 1379 was taken up. On motion by Rep. Cretul, the rules were waived and CS for CS for SB 2262 was substituted for HB 1379. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2262—A bill to be entitled An act relating to the prescription of psychotropic medications to dependent minors; amending s. 743.0645, F.S.; defining the term "psychotropic medication"; creating the Center for Juvenile Psychotropic Studies within the Department of Psychiatry of the College of Medicine of the University of Florida; providing the purpose of the center; providing for the appointment of a director; creating an advisory board; providing for board membership; requiring the center to work with the Department of Children and Family Services, the Department of Juvenile Justice, the Agency for Health Care Administration, and the Department of Health; requiring certain data relating to dependent minors for whom psychotropic medications have been prescribed to be made available to the center, as legally allowed; requiring the center to report to legislative leaders by a specified date; providing for future repeal; amending s. 39.401, F.S.; providing that the refusal of a parent, legal guardian, or other person responsible for a child's welfare to administer or consent to the administration of a psychotropic medication does not by itself constitute grounds for taking the child into custody; providing an exception; creating s. 402.3127, F.S.; prohibiting the unauthorized administration of medication by personnel associated with child care entities; providing an exception for emergency medical conditions when the child's parent or legal guardian is unavailable; defining the term "emergency medical condition"; providing penalties for violations; amending s. 1006.062, F.S.; requiring district school boards to adopt rules prohibiting district school board personnel from recommending the use of psychotropic medications for any student; allowing such personnel to recommend that a medical practitioner evaluate a student and to consult with such practitioners; providing an effective date.

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

HB 267 was taken up. On motion by Rep. Murman, the rules were waived and CS for SB 1062 was substituted for HB 267. Under Rule 5.13, the House bill was laid on the table.

CS for SB 1062—A bill to be entitled An act relating to health care facilities; creating s. 400.0712, F.S.; authorizing the Agency for Health Care Administration to issue inactive licenses to nursing homes for all or a portion of their beds under certain circumstances; providing requirements for application for and issuance of such licenses; providing rulemaking authority; amending s. 400.071, F.S.; deleting a provision relating to issuance of inactive licenses, to conform; 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 must be promptly updated to 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. 464.203, F.S.; providing that a person must pass the required background screening as a part of the certification process for certified nursing assistants; revising the requirements for conducting the background screening; requiring the Agency for Health Care Administration to post information relating to background screening in its database, after January 1, 2005; requiring that the database be available to employers and prospective employers; amending s. 400.215, F.S.; providing that a person who has been screened under certain provisions of law is not required to be rescreened to be employed in a nursing home; amending s. 400.441, F.S.; requiring facilities to conduct a minimum number of resident elopement prevention and response drills annually; amending s. 400.619, F.S.; removing the requirement that moneys collected by the Department of Elderly Affairs be used for training and education of adult family-care home providers; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the agency by rule to include a goal of maintaining a specified subdistrict average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; subjecting certain projects relating to replacement of a nursing home and relocation of nursing home beds to expedited review; revising requirements for certain projects relating to the addition of nursing home beds which are exempt from review; exempting from review certain projects relating to replacement of a licensed nursing home bed on the same site or nearby and consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict; providing rulemaking authority; providing for assessment of exemption-request fees; amending s. 52, ch. 2001-45, Laws of Florida; specifying nonapplication of a moratorium on 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. 651.118, F.S.; revising provisions relating to use of sheltered nursing home beds at a continuing care facility by persons who are not residents of the continuing care facility; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 430.701, F.S.; authorizing the agency to seek federal approval to limit new enrollment to the diversion provider network under certain circumstances; providing that the Department of Elderly Affairs is not constrained from approving certain service expansion by an approved provider; amending s. 400.9935, F.S.; providing for posting of signs in health care facilities relating to rewards for information concerning specified crimes investigated by the Division of Insurance Fraud; providing for inspections by an employee of the division; creating s. 395.1053, F.S.; providing for posting of signs in hospitals relating to rewards for information concerning specified crimes investigated by the Division of Insurance Fraud; providing for inspections by an employee of the division; providing for posting of signs in physician-operated walk-in clinics relating to rewards for information concerning specified crimes investigated by the Division of Insurance Fraud; providing for inspections by an employee of the division; amending s. 400.9905, F.S.; revising the definitions of "clinic" and "medical director" and defining "mobile clinic" and "portable equipment provider" for purposes of the Health Care Clinic Act; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; amending s. 400.991, F.S.; requiring each mobile clinic to obtain a health care clinic license; requiring a portable equipment provider to obtain a health care clinic license for a single office and exempting such a provider from submitting certain information to the Agency for Health Care Administration; revising the date by which an initial application for a health care clinic license must be filed with the agency; revising the definition of "applicant"; amending s. 400.9935, F.S.; providing that an exemption from licensure is not transferable; providing that the agency may charge a fee of applicants for certificates of exemption; providing that the agency may deny an application or revoke a license under certain circumstances; amending s. 400.995, F.S.; providing that the agency may deny, revoke, or suspend specified licenses and impose fines for certain violations; providing that a temporary license expires after a notice of intent to deny an application is issued by the agency; providing that persons or entities made exempt under the act and which have paid the clinic licensure fee to the agency are entitled to a partial refund from the agency; providing that certain persons or entities are not in violation of part XIII of ch. 400, F.S., due to failure to apply for a clinic license by a specified date; providing that certain payments may not be denied to such persons or entities for failure to apply for or obtain a clinic license before a specified date; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to

prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants; providing an effective date.

—was read the second time by title.

Representative Murman offered the following:

(Amendment Bar Code: 964733)

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

Section 1. Section 400.0712, Florida Statutes, is created to read:

400.0712 Application for inactive license.--

(1) As specified in this section, the agency may issue an inactive license to a nursing home facility for all or a portion of its beds. Any request by a licensee that a nursing home or portion of a nursing home become inactive must be submitted to the agency in the approved format. The facility may not initiate any suspension of services, notify residents, or initiate facility closure before receiving approval from the agency; and a facility that violates this provision shall not be issued an inactive license. Upon agency approval of an inactive license, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.

(2) The agency may issue an inactive license to a nursing home that chooses to use an unoccupied contiguous portion of the facility for an alternative use to meet the needs of elderly persons through the use of less restrictive, less institutional services.

(a) An inactive license issued under this subsection may be granted for a period not to exceed 12 months but may be renewed annually by the agency for 12 months.

(b) A request to extend the inactive license must be submitted to the agency in the approved format and approved by the agency in writing.

(c) Nursing homes that receive an inactive license to provide alternative services shall not receive preference for participation in the Assisted Living for the Elderly Medicaid waiver.

(3) The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but is reasonably expected to resume services.

(a) An inactive license issued under this subsection may be issued for a period not to exceed 12 months and may be renewed by the agency for an additional 6 months upon demonstration of progress toward reopening.

(b) All licensure fees must be current and paid in full, and may be prorated as provided by agency rule, before the inactive license is issued.

(c) Reactivation of an inactive license requires that the applicant pay all licensure fees and be inspected by the agency to confirm that all of the requirements of this part and applicable rules are met.

(4) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement this section.

Section 2. Subsections (10), (11), and (12) of section 400.071, Florida Statutes, are amended to read:

400.071 Application for license.--

~~(10) The agency may issue an inactive license to a nursing home that will be temporarily unable to provide services but that is reasonably expected to resume services. Such designation may be made for a period not to exceed 12 months but may be renewed by the agency for up to 6 additional months. Any request by a licensee that a nursing home become inactive must be submitted to the agency and approved by the agency prior to initiating any suspension of service or notifying residents. Upon agency approval, the nursing home shall notify residents of any necessary discharge or transfer as provided in s. 400.0255.~~

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

(11)~~(12)~~ The applicant must provide the agency with proof of a legal right to occupy the property before a license may be issued. Proof may include, but is not limited to, copies of warranty deeds, lease or rental agreements, contracts for deeds, or quitclaim deeds.

Section 3. Subsection (17) of section 400.021, Florida Statutes, is amended to read:

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

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

Section 4. Subsection (10) is added to section 400.23, Florida Statutes, to read:

400.23 Rules; evaluation and deficiencies; licensure status.--

(10) Agency records, reports, ranking systems, Internet information, and publications must be promptly updated to reflect the most current agency actions.

Section 5. Subsection (4) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.--

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

(a) Be sufficient to ensure the continuing competence of nursing assistants and must meet the standard specified in s. 464.203(7)~~, must be at least 18 hours per year, and may include hours accrued under s. 464.203(8)~~;

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; and

5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and

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

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 6. Paragraph (a) of subsection (1) of section 400.441, Florida Statutes, is amended to read:

400.441 Rules establishing standards.--

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

(a) The requirements for and maintenance of facilities, not in conflict with the provisions of chapter 553, relating to plumbing, heating, cooling, lighting, ventilation, living space, and other housing conditions, which will ensure the health, safety, and comfort of residents and protection from fire hazard, including adequate provisions for fire alarm and other fire protection suitable to the size of the structure. Uniform firesafety standards shall be established and enforced by the State Fire Marshal in cooperation with the agency, the department, and the Department of Health.

1. Evacuation capability determination.--

a. The provisions of the National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, shall be used for determining the ability of the residents, with or without staff assistance, to relocate from or within a licensed facility to a point of safety as provided in the fire codes adopted herein. An evacuation capability evaluation for initial licensure shall be conducted within 6 months after the date of licensure. For existing licensed facilities that are not equipped with an automatic fire sprinkler system, the administrator shall evaluate the evacuation capability of residents at least annually. The evacuation capability evaluation for each facility not equipped with an automatic fire sprinkler system shall be validated, without liability, by the State Fire Marshal, by the local fire marshal, or by the local authority having jurisdiction over firesafety, before the license renewal date. If the State Fire Marshal, local fire marshal, or local authority having jurisdiction over firesafety has reason to believe that the evacuation capability of a facility as reported by the administrator may have changed, it may, with assistance from the facility administrator, reevaluate the evacuation capability through timed exiting drills. Translation of timed fire exiting drills to evacuation capability may be determined:

(I) Three minutes or less: prompt.

(II) More than 3 minutes, but not more than 13 minutes: slow.

(III) More than 13 minutes: impractical.

b. The Office of the State Fire Marshal shall provide or cause the provision of training and education on the proper application of Chapter 5, NFPA 101A, 1995 edition, to its employees, to staff of the Agency for Health Care Administration who are responsible for regulating facilities under this part, and to local governmental inspectors. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

c. The Office of the State Fire Marshal, in cooperation with provider associations, shall provide or cause the provision of a training program designed to inform facility operators on how to properly review bid documents relating to the installation of automatic fire sprinklers. The Office of the State Fire Marshal shall provide or cause the provision of this training within its existing budget, but may charge a fee for this training to offset its costs. The initial training must be delivered within 6 months after July 1, 1995, and as needed thereafter.

d. The administrator of a licensed facility shall sign an affidavit verifying the number of residents occupying the facility at the time of the evacuation capability evaluation.

2. Firesafety requirements.--

a. Except for the special applications provided herein, effective January 1, 1996, the provisions of the National Fire Protection Association, Life Safety Code, NFPA 101, 1994 edition, Chapter 22 for new facilities and Chapter 23 for existing facilities shall be the uniform fire code applied by the State Fire Marshal for assisted living facilities, pursuant to s. 633.022.

b. Any new facility, regardless of size, that applies for a license on or after January 1, 1996, must be equipped with an automatic fire sprinkler system. The exceptions as provided in section 22-2.3.5.1, NFPA 101, 1994 edition, as adopted herein, apply to any new facility housing eight or fewer residents. On July 1, 1995, local governmental entities responsible for the issuance of permits for construction shall inform, without liability, any facility whose permit for construction is obtained prior to January 1, 1996, of this automatic fire sprinkler requirement. As used in this part, the term "a new facility" does not mean an existing facility that has undergone change of ownership.

c. Notwithstanding any provision of s. 633.022 or of the National Fire Protection Association, NFPA 101A, Chapter 5, 1995 edition, to the contrary, any existing facility housing eight or fewer residents is not required to install an automatic fire sprinkler system, nor to comply with any other requirement in Chapter 23, NFPA 101, 1994 edition, that exceeds the firesafety requirements of NFPA 101, 1988 edition, that applies to this size facility, unless the facility has been classified as impractical to evacuate. Any existing facility housing eight or fewer residents that is classified as impractical to evacuate must install an automatic fire sprinkler system within the timeframes granted in this section.

d. Any existing facility that is required to install an automatic fire sprinkler system under this paragraph need not meet other firesafety requirements of Chapter 23, NFPA 101, 1994 edition, which exceed the provisions of NFPA 101, 1988 edition. The mandate contained in this paragraph which requires certain facilities to install an automatic fire sprinkler system supersedes any other requirement.

e. This paragraph does not supersede the exceptions granted in NFPA 101, 1988 edition or 1994 edition.

f. This paragraph does not exempt facilities from other firesafety provisions adopted under s. 633.022 and local building code requirements in effect before July 1, 1995.

g. A local government may charge fees only in an amount not to exceed the actual expenses incurred by local government relating to the installation and maintenance of an automatic fire sprinkler system in an existing and properly licensed assisted living facility structure as of January 1, 1996.

h. If a licensed facility undergoes major reconstruction or addition to an existing building on or after January 1, 1996, the entire building must be equipped with an automatic fire sprinkler system. Major reconstruction of a building means repair or restoration that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before reconstruction. Multiple reconstruction projects within a 5-year period the total costs of which exceed 50 percent of the initial value of the building at the time the first reconstruction project was permitted are to be considered as major reconstruction. Application for a permit for an automatic fire sprinkler system is required upon application for a permit for a reconstruction project that creates costs that go over the 50-percent threshold.

i. Any facility licensed before January 1, 1996, that is required to install an automatic fire sprinkler system shall ensure that the installation is completed

within the following timeframes based upon evacuation capability of the facility as determined under subparagraph 1.:

(I) Impractical evacuation capability, 24 months.

(II) Slow evacuation capability, 48 months.

(III) Prompt evacuation capability, 60 months.

The beginning date from which the deadline for the automatic fire sprinkler installation requirement must be calculated is upon receipt of written notice from the local fire official that an automatic fire sprinkler system must be installed. The local fire official shall send a copy of the document indicating the requirement of a fire sprinkler system to the Agency for Health Care Administration.

j. It is recognized that the installation of an automatic fire sprinkler system may create financial hardship for some facilities. The appropriate local fire official shall, without liability, grant two 1-year extensions to the timeframes for installation established herein, if an automatic fire sprinkler installation cost estimate and proof of denial from two financial institutions for a construction loan to install the automatic fire sprinkler system are submitted. However, for any facility with a class I or class II, or a history of uncorrected class III, firesafety deficiencies, an extension must not be granted. The local fire official shall send a copy of the document granting the time extension to the Agency for Health Care Administration.

k. A facility owner whose facility is required to be equipped with an automatic fire sprinkler system under Chapter 23, NFPA 101, 1994 edition, as adopted herein, must disclose to any potential buyer of the facility that an installation of an automatic fire sprinkler requirement exists. The sale of the facility does not alter the timeframe for the installation of the automatic fire sprinkler system.

l. Existing facilities required to install an automatic fire sprinkler system as a result of construction-type restrictions in Chapter 23, NFPA 101, 1994 edition, as adopted herein, or evacuation capability requirements shall be notified by the local fire official in writing of the automatic fire sprinkler requirement, as well as the appropriate date for final compliance as provided in this subparagraph. The local fire official shall send a copy of the document to the Agency for Health Care Administration.

m. Except in cases of life-threatening fire hazards, if an existing facility experiences a change in the evacuation capability, or if the local authority having jurisdiction identifies a construction-type restriction, such that an automatic fire sprinkler system is required, it shall be afforded time for installation as provided in this subparagraph.

Facilities that are fully sprinkled and in compliance with other firesafety standards are not required to conduct more than one of the required fire drills between the hours of 11 p.m. and 7 a.m., per year. In lieu of the remaining drills, staff responsible for residents during such hours may be required to participate in a mock drill that includes a review of evacuation procedures. Such standards must be included or referenced in the rules adopted by the State Fire Marshal. Pursuant to s. 633.022(1)(b), the State Fire Marshal is the final administrative authority for firesafety standards established and enforced pursuant to this section. All licensed facilities must have an annual fire inspection conducted by the local fire marshal or authority having jurisdiction.

3. Resident elopement requirements.--Facilities are required to conduct a minimum of two resident elopement prevention and response drills per year. All administrators and direct care staff must participate in the drills which shall include a review of procedures to address resident elopement. Facilities must document the implementation of the drills and ensure that the drills are conducted in a manner consistent with the facility's resident elopement policies and procedures.

Section 7. Subsection (13) of section 400.619, Florida Statutes, is amended to read:

400.619 Licensure application and renewal.--

(13) All moneys collected under this section must be deposited into the Department of Elderly Affairs Administrative Trust Fund ~~and used to offset the expenses of departmental training and education for adult family care home providers~~.

Section 8. Subsection (5) of section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.--

(5) The agency shall establish by rule a nursing-home-bed-need methodology that has a goal of maintaining a subdistrict average occupancy rate of 94 percent and that reduces the community nursing home bed need for the areas of the state where the agency establishes pilot community diversion programs through the Title XIX aging waiver program.

Section 9. Paragraphs (g) and (h) are added to subsection (2) of section 408.036, Florida Statutes, paragraph (p) of subsection (3) is amended, paragraphs (u) and (v) are added to subsection (3) of said section, and subsection (4) is reenacted to read:

408.036 Projects subject to review; exemptions.--

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.--Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(g) Replacement of a nursing home within the same district, provided the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

(h) Relocation of a portion of a nursing home's licensed beds to a facility within the same district, provided the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

The agency shall develop rules to implement the provisions for expedited review, including time schedule, application content which may be reduced from the full requirements of s. 408.037(1), and application processing.

(3) EXEMPTIONS.--Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(p) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater, or for the addition of nursing home beds licensed under chapter 400 at a facility that has been designated as a Gold Seal nursing home under s. 400.235 in a number not exceeding 20 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater.

1. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

a. ~~Effective until June 30, 2001,~~ Certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

~~b. Effective on July 1, 2001, certify that the facility has been designated as a Gold Seal nursing home under s. 400.235.~~

b.~~c.~~ Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent.

c.~~d.~~ Certify that any beds authorized for the facility under this paragraph before the date of the current request for an exemption have been licensed and operational for at least 12 months.

2. The timeframes and monitoring process specified in s. 408.040(2)(a)-(c) apply to any exemption issued under this paragraph.

3. The agency shall count beds authorized under this paragraph as approved beds in the published inventory of nursing home beds until the beds are licensed.

(u) For replacement of a licensed nursing home on the same site, or within 3 miles of the same site, provided the number of licensed beds does not increase.

(v) 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 10. Section 52 of chapter 2001-45, Laws of Florida, as amended by section 1693 of chapter 2003-261, 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 former Department of Insurance or by the Office of Insurance Regulation pursuant to chapter 651, Florida Statutes.

(4)(a) The moratorium on certificates of need does 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; and

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.

This subsection shall be repealed upon the expiration of the moratorium established in subsection (1).

(5) The moratorium on certificates of need does not apply for the addition of nursing home beds licensed under chapter 400, Florida Statutes, to a nursing home located in a county having up to 50,000 residents, in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being expanded, whichever is greater. In addition to any other documentation required by the agency, a request submitted under this subsection must:

(a) Certify that the facility has not had any class I or class II deficiencies within the 30 months preceding the request for addition.

(b) Certify that the prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 94 percent.

(c) For a facility that has been licensed for less than 24 months, certify that the prior 6-month average occupancy rate for the nursing home beds at the facility meets or exceeds 94 percent and that the facility has not had any class I or class II deficiencies since its initial licensure.

This subsection shall be repealed upon the expiration of the moratorium established in subsection (1).

Section 11. Subsection (7) of section 651.118, Florida Statutes, is amended to read:

651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds.--

(7) Notwithstanding the provisions of subsection (2), at the discretion of the continuing care provider, sheltered nursing home beds may be used for persons who are not residents of the continuing care facility and who are not parties to a continuing care contract for a period of up to 5 years after the date of issuance of the initial nursing home license. A provider whose 5-year period has expired or is expiring may request the Agency for Health Care Administration for an extension, not to exceed 30 percent of the total sheltered nursing home beds, if the utilization by residents of the nursing home facility in the sheltered beds will not generate sufficient income to cover nursing home facility expenses, as evidenced by one of the following:

(a) The nursing home facility has a net loss for the most recent fiscal year as determined under generally accepted accounting principles, excluding the effects of extraordinary or unusual items, as demonstrated in the most recently audited financial statement; or

(b) The nursing home facility would have had a pro forma loss for the most recent fiscal year, excluding the effects of extraordinary or unusual items, if revenues were reduced by the amount of revenues from persons in sheltered beds who were not residents, as reported on by a certified public accountant.

The agency shall be authorized to grant an extension to the provider based on the evidence required in this subsection. The agency may request a continuing care facility to use up to 25 percent of the patient days generated by new admissions of nonresidents during the extension period to serve Medicaid recipients for those beds authorized for extended use if there is a demonstrated need in the respective service area and if funds are available. A provider who obtains an extension is prohibited from applying for additional sheltered beds under the provision of subsection (2), unless additional residential units are built or the provider can demonstrate need by continuing care facility residents to the Agency for Health Care Administration. The 5-year limit does not apply to up to five sheltered beds designated for inpatient hospice care as part of a contractual arrangement with a hospice licensed under part VI of chapter 400. A continuing care facility that uses such beds after the 5-year period shall report such use to the Agency for Health Care Administration. For purposes of this subsection, "resident" means a person who, upon admission to the continuing care facility, initially resides in a part of the continuing care facility not licensed under part II of chapter 400.

Section 12. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to health care facilities; creating s. 400.0712, F.S.; authorizing the Agency for Health Care Administration to issue inactive licenses to nursing homes for all or a portion of their beds under certain circumstances; providing requirements for application for and issuance of such licenses; providing rulemaking authority; amending s. 400.071, F.S.; deleting a provision relating to issuance of inactive licenses, to conform; 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 must be promptly updated to 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. 400.441, F.S.; requiring facilities to conduct resident elopement prevention and response drills; providing documentation thereof; amending s. 400.619, F.S.; removing the requirement that certain moneys deposited into the Department of Elderly Affairs Administrative Trust Fund be used to offset the expenses of departmental training and education for adult family-care home providers; amending s. 408.034, F.S.; requiring the nursing-home-bed-need methodology established by the agency by rule to include a goal of maintaining a specified subdistrict average occupancy rate; amending s. 408.036, F.S., relating to health-care-related projects subject to review for a certificate of need; subjecting certain projects relating to replacement of a nursing home and relocation of nursing home beds to expedited review; revising requirements for certain projects relating to the addition of nursing home beds which are exempt from review; exempting from review certain projects relating to replacement of a licensed nursing home bed on the same site or nearby and consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict; providing rulemaking authority; providing for assessment of exemption-request fees; amending s. 52, ch. 2001-45, Laws of Florida; specifying nonapplication of a moratorium on certificates of need and authorizing approval of certain certificates of need for certain counties; specifying nonapplication of the moratorium for the addition of nursing home beds in certain counties; providing requirements and limitations; providing for repeal upon expiration of the moratorium; amending s. 651.118, F.S.; revising provisions relating to use of sheltered nursing home beds at a continuing care facility by persons who are not residents of the continuing care facility; providing an effective date.

Rep. Murman moved the adoption of the amendment.

Representative Farkas offered the following:

(Amendment Bar Code: 441253)

Amendment 1 to Amendment 1 (with title amendment)—Between lines 544 and 545 insert:

Section 12. Subsections (3) and (4) of section 400.9905, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and amended, and new subsections (3), (6), and (7) are added to said section, to read:

400.9905 Definitions.--

(3) "Chief financial officer" means an individual who has a bachelor's

degree from an accredited university in accounting or finance, or a related field, and who is the person responsible for the preparation of a clinic's billing.

(4)~~(3)~~ "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under s. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~chapter 480~~, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under s. 383.30-383.335, chapter 390, chapter 394, chapter 395, chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~chapter 480~~, chapter 484, ~~or~~ chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under s. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~chapter 480~~, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under s. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~480~~, chapter 484, ~~or~~ chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U; or providers certified under 42 C.F.R. part 485, subpart B or subpart H or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or s. 501(c)(4) and any community college or university clinic, and any entity owned or operated by federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, child, or sibling of that physician.

(g)~~(f)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more ~~a~~ licensed health care practitioners ~~practitioner~~, or the licensed health care practitioners set forth in this paragraph ~~practitioner~~ and the spouse, parent, ~~or~~ child, or sibling of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the business activities ~~services performed therein~~ and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h)~~(g)~~ Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or chapter 459.

(5)~~(4)~~ "Medical director" means a physician who is employed or under contract with a clinic and who maintains a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461. However, if the clinic does not provide services pursuant to the respective physician practices acts listed in this subsection, it ~~is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic~~ may appoint a Florida-licensed health care practitioner who does not provide services pursuant to the respective physician practices acts listed in this subsection ~~licensed under that chapter~~ to serve as a clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license, except that a licensee specified in s. 456.053(3)(b) who provides only services authorized pursuant to s. 456.053(3)(b) may serve as clinic director of an entity providing services as specified in s. 456.053(3)(b).

(6) "Mobile clinic" means a movable or detached self-contained health care unit within or from which direct health care services are provided to individuals and which otherwise meets the definition of a clinic in subsection (4).

(7) "Portable equipment provider" means an entity that contracts with or employs persons to provide portable equipment to multiple locations performing treatment or diagnostic testing of individuals, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (4).

Section 13. The creation of s. 400.9905(4)(i), Florida Statutes, by this act is intended to clarify the legislative intent of this provision as it existed at the time the provisions initially took effect as ss. 456.0375(1)(b) and 400.9905(4)(i), Florida Statutes, as created by this act, shall operate retroactively to October 1, 2001. Nothing in this section shall be construed as amending, modifying, limiting, or otherwise affecting in any way the legislative intent, scope, terms, prohibition, or requirements of s. 456.053, Florida Statutes.

Section 14. Effective upon this act becoming a law and applicable retroactively to March 1, 2004, subsections (1), (2), and (3) and paragraphs (a) and (b) of subsection (7) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.--

(1)(a) Each clinic, as defined in s. 400.9905, must be licensed and shall at all times maintain a valid license with the agency. Each clinic location shall be licensed separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(b) Each mobile clinic must obtain a separate health care clinic license and ~~clinics~~ must provide to the agency, at least quarterly, its ~~their~~ projected street location ~~locations~~ to enable the agency to locate and inspect such clinic ~~clinics~~. A portable equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(2) The initial clinic license application shall be filed with the agency by all clinics, as defined in s. 400.9905, on or before July ~~March~~ 1, 2004. A clinic license must be renewed biennially.

(3) Applicants that submit an application on or before July ~~March~~ 1, 2004, which meets all requirements for initial licensure as specified in this section shall receive a temporary license until the completion of an initial inspection verifying that the applicant meets all requirements in rules authorized in s. 400.9925. However, a clinic engaged in magnetic resonance imaging services may not receive a temporary license unless it presents evidence satisfactory to the agency that such clinic is making a good faith effort and substantial

progress in seeking accreditation required under s. 400.9935.

(7) Each applicant for licensure shall comply with the following requirements:

(a) As used in this subsection, the term "applicant" means individuals owning or controlling, directly or indirectly, 5 percent or more of an interest in a clinic; the medical or clinic director, or a similarly titled person who is responsible for the day-to-day operation of the licensed clinic; the financial officer or similarly titled individual who is responsible for the financial operation of the clinic; and licensed health care practitioners ~~medical providers~~ at the clinic.

(b) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of this paragraph. Applicants who own less than 10 percent of a health care clinic are not required to submit fingerprints under this section.

Section 15. Paragraph (g) of subsection (1), subsection (9), and paragraph (b) of subsection (11) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.--

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Accreditation Association for Ambulatory Health Care and the American College of Radiology, and if, in the preceding quarter, the percentage of scans performed by that clinic that were billed to a personal injury protection insurance carrier was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(9) Any person or entity providing health care services which is not a clinic, as defined under s. 400.9905, may voluntarily apply for a certificate of exemption from licensure under its exempt status with the agency on a form that sets forth its name or names and addresses, a statement of the reasons why it cannot be defined as a clinic, and other information deemed necessary by the agency. An exemption is not transferable. The agency may charge an applicant for a certificate of exemption in an amount equal to $100 or the actual cost of processing the certificate, whichever is less.

(11)

(b) The agency may deny ~~disallow~~ the application or revoke the license of any entity formed for the purpose of avoiding compliance with the accreditation provisions of this subsection and whose principals were previously principals of an entity that was unable to meet the accreditation requirements within the specified timeframes. The agency may adopt rules as to the accreditation of magnetic resonance imaging clinics.

Section 16. Subsections (1) and (3) of section 400.995, Florida Statutes, are amended, and a new subsection (10) is added to said section, to read:

400.995 Agency administrative penalties.--

(1) The agency may deny the application for a license renewal, revoke or suspend the license, and impose administrative fines ~~penalties against clinics~~ of up to $5,000 per violation for violations of the requirements of this part or rules of the agency. In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

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

(b) Actions taken by the owner, medical director, or clinic director to correct violations.

(c) Any previous violations.

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

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

(10) If the agency issues a notice of intent to deny a license application after a temporary license has been issued pursuant to s. 400.991(3), the temporary license shall expire on the date of the notice and may not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.

Section 17. The Agency for Health Care Administration is directed to make refunds to applicants that submitted their health care clinic licensure fees and applications but were subsequently exempted from licensure by this act as follows:

(1) Seventy-five percent of the application fee if the temporary license has not been issued;

(2) Fifty percent of the application fee if the temporary license has been issued but the inspection has not been completed; or

(3) No refund if the inspection has been completed.

Section 18. Any person or entity defined as a clinic under s. 400.9905, Florida Statutes, shall not be in violation of part XIII of chapter 400, Florida Statutes, due to failure to apply for a clinic license by March 1, 2004, as previously required by s. 400.991, Florida Statutes. Payment to any such person or entity by an insurer or other person liable for payment to such person or entity may not be denied on the grounds that the person or entity failed to apply for or obtain a clinic license before March 1, 2004.

Remove line 600 and insert:
facility; amending s. 400.9905, F.S.; revising and providing definitions; amending s. 400.991, F.S.; revising health care clinic licensing requirements; requiring separate licenses for each mobile clinic; providing licensing requirements for portable equipment providers; providing for retroactive effect; amending s. 400.9935, F.S.; providing that a chief financial officer may assume responsibility for clinic billings under certain circumstances; providing that an exemption is not transferable; authorizing a fee for a certificate of exemption; allowing the agency to deny or revoke a license; amending s. 400.995, F.S.; allowing the agency to deny the renewal of a license or to revoke or suspend a license; prohibiting extension of a temporary license under certain circumstances; requiring the Agency for Health Care Administration to refund certain application fees; providing exceptions for certain late filed applications; providing an effective date.

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

Representative Littlefield offered the following:

(Amendment Bar Code: 239801)

Amendment 2 to Amendment 1 (with title amendment)—Between lines 129 and 130, insert:

Section 6. Subsection (5) of section 400.235, Florida Statutes, is amended to read:

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

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

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

(b) Evidence financial soundness and stability according to standards adopted by the agency in administrative rule. Such standards must include, but not be limited to, criteria for the use of financial statements that are prepared in accordance with generally accepted accounting principles and that are reviewed or audited by certified public accountants. A nursing home that is part of the same corporate entity as a continuing care facility licensed under chapter 651 which meets the minimum liquid reserve requirements specified in s. 651.035 and is accredited by a recognized accrediting organization under s. 651.028 and rules of the Office of Insurance Regulation satisfies this

requirement as long as the accreditation is not provisional. Facilities operated by a federal or state agency are deemed to be financially stable for purposes of applying for the Gold Seal.

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

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

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

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

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

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

Between lines 565 and 566, insert:
amending s. 400.235, F.S.; providing for financial stability for Gold Seal for certain nursing facilities;

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

Representative Farkas offered the following:

(Amendment Bar Code: 264723)

Amendment 3 to Amendment 1 (with title amendment)—Between lines 435 and 436 insert:

Section 10. Section 430.701, Florida Statutes, is amended to read:

430.701 Legislative findings and intent.--

(1) The Legislature finds that state expenditures for long-term care services continue to increase at a rapid rate and that Florida faces increasing pressure in its efforts to meet the long-term care needs of the public. It is the intent of the Legislature that the Department of Elderly Affairs, in consultation with the Agency for Health Care Administration, implement long-term care community diversion pilot projects to test the effectiveness of managed care and outcome-based reimbursement principles when applied to long-term care.

(2) The agency may seek federal approval in advance of its formal waiver application to limit the diversion provider network by freezing enrollment of providers at current levels when an area already has three or more providers or, in an expansion area, when enrollment reaches a level of three providers. This subsection does not prevent the department from approving a provider to expand service to additional counties within a planning and service area for which the provider is already approved to serve.

Remove line 589 and insert:
assessment of exemption-request fees; amending s. 430.701, F.S.; authorizing the agency to seek federal approval prior to seeking a certain waiver relating to the long-term care diversion provider network; amending s. 52, ch.

Rep. Farkas 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.

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

HB 913 was taken up. On motion by Rep. Homan, the rules were waived and CS for CS for SB 2216 was substituted for HB 913. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Homan, the rules were waived and—

CS for CS for SB 2216—A bill to be entitled An act relating to public health care; amending s. 381.0012, F.S.; expanding the environmental health enforcement authority of the Department of Health; authorizing the department to issue citations or order payment of fines; providing requirements and limitations; providing a criminal penalty; providing for deposit and use of fines; amending s. 381.004, F.S.; providing additional criteria for release of HIV preliminary test results; amending s. 381.0065, F.S.; modifying standards for rulemaking applicable to regulation of onsite sewage treatment and disposal systems; revising research award qualifications; providing for an extended right of entry; amending s. 381.0101, F.S.; revising definitions; revising environmental health professional certification requirements; clarifying exemptions; creating s. 381.104, F.S.; creating an employee health and wellness program; providing requirements; authorizing state agencies to undertake certain activities relating to agency resources for program purposes; requiring each participating agency to make an annual report; providing duties of the department; amending s. 384.25, F.S.; revising reporting requirements for sexually transmissible diseases; authorizing the department to adopt rules; amending s. 384.31, F.S.; revising sexually transmissible disease testing requirements for pregnant women; providing notice requirements; creating s. 385.104, F.S.; establishing the Health Promotion and Health Education Statewide Initiative for certain purposes; providing requirements; authorizing the department to award funding to county health departments for certain purposes; providing funding requirements; providing participation requirements for county health departments; amending s. 945.601, F.S.; revising a cross-reference, to conform; creating s. 945.6038, F.S.; authorizing the State of Florida Correctional Medical Authority to enter into agreements with other state agencies to provide additional medical services; providing a limitation; amending s. 381.005, F.S.; requiring hospitals licensed under ch. 395, F.S., to implement a program offering immunizations against the influenza virus and pneumococcal bacteria to all patients who have attained a specified age; providing an effective date.

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

HB 1703 was taken up. On motion by Rep. Goodlette, the rules were waived and CS for SB 2674 was substituted for HB 1703. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Goodlette, the rules were waived and—

CS for SB 2674—A bill to be entitled An act relating to the statewide and local advocacy councils; amending s. 402.164, F.S.; providing definitions; amending s. 402.165, F.S.; requiring the Florida Statewide Advocacy Council to be located in the Executive Office of the Governor; removing the requirement for the Department of Children and Family Services to provide administrative support; revising the membership of the statewide advocacy council; providing priority consideration for certain candidates for the statewide council; requiring the Governor to select an executive director; providing that such director shall serve at the pleasure of the Governor; removing a restriction on the preparation of the annual budget; requiring the council to consult with the Governor before generating a complaint; revising council duties and responsibilities; directing the council to establish interagency agreements with certain state agencies; requiring copies of certain files, records, and reports to be provided to the council at the agency's expense; amending s. 402.166, F.S.; deleting references to administration by the department; providing clarification for duties performed by a local council; revising the period in which the Governor may approve or disapprove an appointment; removing authority to review certain programs; providing that the local council has the same authority to access records from facilities, programs, and clients as does the statewide advocacy council; amending s. 402.167, F.S.; directing each state agency that provides client services to provide certain information about the statewide advocacy and local councils;

transferring the Florida Statewide Advocacy Council, certain positions, local councils, and a toll-free complaint line by a type two transfer from the Department of Children and Family Services to the Florida Statewide Advocacy Council; directing the department to identify positions to be transferred by a type two transfer to the Florida Statewide Advocacy Council for support of the local councils; providing an effective date.

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

HB 1921 was taken up. On motion by Rep. Farkas, the rules were waived and CS for CS for SB 2170 was substituted for HB 1921. Under Rule 5.13, the House bill was laid on the table.

CS for CS for SB 2170—A bill to be entitled An act relating to human health; amending s. 381.005, F.S.; requiring hospitals to offer immunizations against the influenza virus and pneumococcal bacteria to all patients 65 years of age or older during specified time periods, subject to the availability of the vaccines; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 395.003, F.S.; providing additional conditions for the licensure or relicensure of hospitals; exempting currently licensed hospitals; amending s. 395.0193, F.S., relating to disciplinary powers; correcting references to the Division of Medical Quality Assurance and the department; amending s. 395.0197, F.S.; requiring the Agency for Health Care Administration to forward reports of adverse incidents to the division; amending s. 395.3025, F.S.; providing requirements for a facility administrator or records custodian with respect to the certification of patient records; specifying the charges for reproducing records; revising purposes for which patient records may be used; amending s. 395.7015, F.S., relating to annual assessments; correcting cross-references; amending s. 400.141, F.S.; providing requirements for the production of records by nursing home facilities; amending s. 400.145, F.S.; providing requirements for a facility administrator or records custodian with respect to the certification of patient records; allowing facilities to charge a reasonable fee for certain copies of documents which are provided to the department; amending s. 400.147, F.S.; requiring the Agency for Health Care Administration to provide certain reports to the division; amending s. 400.211, F.S.; revising inservice training requirements for nursing assistants; correcting a cross-reference; revising qualifications for nursing assistants; correcting a cross-reference; amending s. 400.215, F.S.; providing that a person who has been screened under certain provisions of law is not required to be rescreened to be employed in a nursing home; amending s. 400.423, F.S.; requiring the Agency for Health Care Administration to forward reports of adverse incidents to the division; creating s. 400.455, F.S.; providing requirements for the production of records by assisted living facilities; amending s. 440.13, F.S.; correcting a cross-reference; amending s. 456.005, F.S.; requiring the department to obtain input from licensees in developing long-range plans; amending s. 456.011, F.S.; providing procedures for resolving a conflict between two or more boards; authorizing the Secretary of Health to resolve certain conflicts between boards; amending s. 456.012, F.S.; limiting challenges by a board to a declaratory statement; amending s. 456.013, F.S.; increasing the period of validity of a temporary license; authorizing a rule allowing coursework to be completed by certain teaching activities; revising requirements for wall certificates; amending s. 381.00593, F.S., relating to the public school volunteer program; correcting a cross-reference; amending s. 456.017, F.S.; revising requirements for examinations; authorizing the department to post scores on the Internet; creating s. 456.0195, F.S.; requiring continuing education concerning domestic violence, and HIV and AIDS; specifying course content; providing for disciplinary action for failure to comply with the requirements; amending s. 456.025, F.S.; revising reporting requirements for the department concerning management of the boards; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; creating s. 456.0251, F.S.; providing for enforcement of continuing education requirements required for license renewal; authorizing citations and fines to be imposed for failure to comply with required continuing education requirements; amending s. 456.031, F.S.; revising requirements for continuing education concerning domestic violence; deleting a reporting requirement; amending ss. 456.036 and 456.037, F.S.; authorizing the board or department to require the display of a license; amending s. 456.039, F.S., relating to designated health care professionals; correcting a cross-reference; amending s. 456.057, F.S.; specifying the charges for healthcare practitioners to reproduce records for the Department of Health; amending s. 456.063, F.S.; authorizing the board or the department to adopt rules to determine the sufficiency of an allegation of sexual misconduct; amending s. 456.072, F.S.; revising certain grounds for disciplinary action; prohibiting the provision of a drug if the patient does not have a valid professional relationship with the prescribing practitioner; providing for disciplinary action against an impaired practitioner who is terminated from an impaired practitioner program for failure to comply, without good cause, with the terms of his or her monitoring or treatment contract; requiring disclosure of licensure to patients; authorizing the department to impose a fee to defray the costs of monitoring a licensee's compliance with an order; amending s. 456.073, F.S.; revising certain procedures for investigations concerning a disciplinary proceeding; amending s. 457.105, F.S.; revising requirements for licensure to practice acupuncture; amending s. 457.107, F.S.; removing certain education programs as eligible for continuing education credit; authorizing the Board of Acupuncture to adopt rules for establishing standards for providers of continuing education activities; amending s. 457.109, F.S.; clarifying circumstances under which the department may take disciplinary action; amending s. 458.303, F.S., relating to certain exceptions to the practice acts; correcting cross-references; amending s. 458.311, F.S.; revising licensure requirements for physicians; amending s. 458.3124, F.S., relating to restricted licenses; correcting a cross-reference; amending s. 458.315, F.S.; revising requirements for issuing a limited license to practice as a physician; providing for waiver of fees and assessments; amending s. 458.319, F.S., relating to continuing education; conforming provisions; amending s. 458.320, F.S., relating to financial responsibility; correcting a cross-reference; amending s. 458.331, F.S.; revising requirements for a physician in responding to a complaint or other document; amending s. 458.345, F.S., relating to the registration of residents, interns, and fellows; correcting a cross-reference; amending s. 458.347, F.S.; revising requirements for licensure as a physician assistant; revising requirements for temporary licensure; authorizing the board to mandate requirements for continuing medical education, including alternative methods for obtaining credits; amending s. 459.008, F.S.; authorizing the board to require by rule continuing medical education and approve alternative methods of obtaining credits; amending s. 459.015, F.S.; revising requirements for an osteopathic physician in responding to a complaint or other document; amending s. 459.021, F.S.; revising certain requirements for registration as a resident, intern, or fellow; amending s. 460.406, F.S., relating to the licensure of chiropractic physicians; correcting a reference; revising requirements for chiropractic physician licensure to allow a student in his or her final year of an accredited chiropractic school to apply for licensure; amending ss. 460.413 and 461.013, F.S.; revising requirements for a chiropractic physician and podiatric physician in responding to a complaint or other document; amending s. 461.014, F.S.; revising the interval at which hospitals with podiatric residency programs submit lists of podiatric residents; amending s. 463.006, F.S., relating to optometry; correcting a reference; amending and reenacting s. 464.009, F.S.; amending s. 464.0205, F.S., relating to volunteer nurses; correcting a cross-reference; amending s. 464.201, F.S.; defining the term "practice of a certified nursing assistant"; amending s. 464.202, F.S.; requiring rules for practice as a certified nursing assistant which specify the scope of authorized practice and level of supervision required; amending s. 464.203, F.S.; revising screening requirements for certified nursing assistants; revising the requirements for conducting the background screening; requiring the Agency for Health Care Administration to post information relating to background screening in its database after January 1, 2005; requiring that the database be available to employers and prospective employers; amending s. 464.204, F.S., relating to disciplinary actions; clarifying a cross-reference; amending s. 465.0075, F.S.; clarifying requirements for certain continuing education for pharmacists; amending s. 465.022, F.S.; requiring that a pharmacy permit be issued only to a person or corporate officers who are 18 years of age or older and of good moral character; requiring that certain persons applying for a pharmacy permit submit fingerprints for a criminal history check; amending s. 465.023, F.S.; authorizing the department to deny a pharmacy permit application for specified reasons; specifying additional criteria for denying, revoking or suspending a pharmacy permit; amending s. 465.025, F.S.; revising requirements for the substitution of drugs; deleting

requirements that a pharmacy establish a formulary of generic and brand name drugs; amending s. 465.0251, F.S., relating to generic drugs; correcting a cross-reference; amending s. 465.0265, F.S.; providing requirements for central fill pharmacies that prepare prescriptions on behalf of pharmacies; amending s. 465.026, F.S.; authorizing a community pharmacy to transfer a prescription for certain controlled substances; amending s. 466.007, F.S.; revising requirements for dental hygienists in qualifying for examination; amending s. 466.021, F.S.; revising records requirements concerning unlicensed persons employed by a dentist; amending s. 467.009, F.S., relating to midwifery programs; correcting references; amending s. 467.013, F.S.; providing for placing a midwife license on inactive status pursuant to rule of the department; deleting requirements for reactivating an inactive license; amending s. 467.0135, F.S.; revising requirements for fees, to conform; amending s. 467.017, F.S.; revising requirements for the emergency care plan; amending s. 468.1155, F.S., relating to the practice of speech-language pathology and audiology; correcting references; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 468.509, F.S., relating to dietitian/nutritionists; correcting references; amending s. 468.707, F.S., relating to licensure as an athletic trainer; conforming provisions to changes made by the act; amending s. 480.041, F.S.; revising requirements for licensure as a massage therapist; requiring the department to provide for a written examination for the practice of colonic irrigation; amending s. 486.021, F.S., relating to the practice of physical therapy; redefining the term "direct supervision"; amending s. 486.031, F.S., relating to licensure requirements; correcting references; amending s. 486.051, F.S.; revising examination requirements; amending s. 486.081, F.S.; providing for licensure by endorsement for physical therapists licensed in another jurisdiction; amending s. 486.102, F.S.; revising requirements for licensure; correcting reference; amending s. 486.104, F.S.; revising examination requirements for a physical therapist assistant; amending s. 486.107, F.S.; providing for licensure by endorsement for physical therapist assistants licensed in another jurisdiction; amending s. 486.109, F.S.; revising requirements for continuing education; amending s. 486.161, F.S.; providing an exemption from licensure for certain physical therapists affiliated with a team or organization temporarily located in the state; amending s. 486.172, F.S.; clarifying provisions governing the qualifications of immigrants for examination; amending s. 490.005, F.S., relating to psychological services; correcting references; amending s. 490.014, F.S.; providing a salaried employee of a private provider who contracts with a governmental agency to provide certain services the exemption from licensing requirements which a salaried employee of the governmental agency receives; amending s. 491.005, F.S., relating to clinical, counseling, and psychotherapy services; revising licensure requirements; correcting references; amending s. 491.006, F.S.; providing requirements for licensure by endorsement as a mental health counselor; amending s. 491.014, F.S.; providing a salaried employee of a private provider who contracts with a governmental agency to provide certain services the exemption from licensing requirements which a salaried employee of the governmental agency receives; amending ss. 491.009 and 491.0145, F.S.; clarifying provisions governing the discipline of a certified master social worker; creating s. 491.0146, F.S.; providing for the validity of certain licenses to practice as a certified master social worker; amending s. 491.0147, F.S.; providing an exemption from liability for disclosure of confidential information under certain circumstances; creating s. 514.0305, F.S.; requiring the pools to be enclosed by a barrier; establishing additional safety requirements; requiring inspections; providing penalties for violations; providing that attorney's fees and costs be awarded to the Department of Health at a hearing at which the department prevails; providing definitions and for application; providing for exceptions; amending s. 514.0115, F.S.; providing that certain condominiums and cooperatives must comply with specified requirements of law; amending s. 766.314, F.S.; correcting a cross-reference; amending s. 817.505, F.S.; clarifying provisions prohibiting actions that constitute patient brokering; amending s. 817.567, F.S., relating to making false claims of a degree or title; correcting a reference; amending s. 1009.992, F.S., relating to the Florida Higher Education Loan Authority Act; correcting a reference; amending s. 468.711, F.S.; deleting the requirement that continuing education for athletic trainers include first aid; amending s. 468.723, F.S.; revising exemptions from licensure requirements; amending s. 1012.46, F.S.; providing that a first responder for a school district may not represent himself or herself as an athletic trainer; providing for reactivation of a license to practice medicine by certain retired practitioners; providing conditions on such reactivation; providing for a fee; providing powers, including rulemaking powers, of the Board of Medicine; providing for future review and expiration; amending s. 466.0135, F.S.; providing additional requirements for continuing education for dentists; amending s. 480.034, F.S.; exempting certain massage therapists from premises licensure; amending s. 400.9905, F.S.; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; repealing ss. 456.033, 456.034, 458.313, 458.3147, 458.316, 458.3165, 458.317, 468.711(3), and 480.044(1)(h), F.S., relating to instruction concerning HIV and AIDS, licensure by endorsement of physicians, medical school eligibility, public health and public psychiatry certificates, limited licenses, and examination fees; amending s. 466.006, F.S.; allowing certain dental students to take the examinations required to practice dentistry in this state under specified conditions; providing a prerequisite to licensure of such students; creating s. 466.0065, F.S.; allowing certain dental students to take regional licensure examinations under specified conditions; restricting the applicability of examination results to licensing in other jurisdictions; requiring approval by the Board of Dentistry and providing prerequisites to such approval; amending s. 456.048, F.S.; requiring the Board of Medicine and the Board of Osteopathic Medicine to require medical malpractice insurance or proof of financial responsibility as a condition of licensure or licensure renewal for licensed anesthesiologist assistants; amending ss. 458.331, 459.015, F.S.; revising grounds for which a physician may be disciplined for failing to provide adequate supervision; creating ss. 458.3475, 459.023, F.S.; providing definitions; providing performance standards for anesthesiologist assistants and supervising anesthesiologists; providing for the approval of training programs and for services authorized to be performed by trainees; providing licensing procedures; providing for fees; providing for additional membership, powers, and duties of the Board of Medicine and the Board of Osteopathic Medicine; providing penalties; providing for disciplinary actions; providing for the adoption of rules; prescribing liability; providing for the allocation of fees; amending s. 400.506, F.S.; revising duties of nurse registries with respect to advising patients and their families or representatives with respect to home visits; revising requirements for plans of treatment; amending s. 400.487, F.S.; revising home health agency service agreements and treatment orders; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric

specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of a public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; amending s. 400.9905, F.S.; revising the definitions of "clinic" and "medical director" and defining "mobile clinic" and "portable equipment provider" for purposes of the Health Care Clinic Act; providing that certain entities providing oncology or radiation therapy services are exempt from the licensure requirements of part XIII of ch. 400, F.S.; providing legislative intent with respect to such exemption; providing for retroactive application; amending s. 400.991, F.S.; requiring each mobile clinic to obtain a health care clinic license; requiring a portable equipment provider to obtain a health care clinic license for a single office and exempting such a provider from submitting certain information to the Agency for Health Care Administration; revising the date by which an initial application for a health care clinic license must be filed with the agency; revising the definition of "applicant"; amending s. 400.9935, F.S.; assigning responsibilities for ensuring billing; providing that an exemption from licensure is not transferable; providing that the agency may charge a fee of applicants for certificates of exemption; providing that the agency may deny an application or revoke a license under certain circumstances; amending s. 400.995, F.S.; providing that the agency may deny, revoke, or suspend specified licenses and impose fines for certain violations; providing that a temporary license expires after a notice of intent to deny an application is issued by the agency; amending s. 456.025, F.S.; deleting requirements for the Department of Health to administer an electronic continuing education tracking system for health care practitioners; amending s. 456.072, F.S.; providing for discipline of licensees who fail to meet continuing education requirements as a prerequisite for license renewal three or more times; creating s. 381.03015, F.S.; providing legislative intent with respect to a health care practitioner workforce database; providing definitions; creating the Florida Health Care Practitioner Workforce Database within the Department of Health; authorizing the database to be implemented in stages; giving priority in the database for information concerning allopathic and osteopathic physicians; specifying data elements of allopathic and osteopathic physicians for inclusion in the database; requiring that data for the health care practitioner workforce database be gathered from existing data sources; requiring certain entities to provide data elements to the department; authorizing the department to create an advisory committee; requiring the department to adopt rules; providing that the act will not take effect unless funds are specifically appropriated for this purpose; prohibiting the use of a specified trust fund to administer the act; amending s. 456.039, F.S.; revising the requirements for updating the information submitted by designated health care professionals for licensure and license renewal; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; amending s. 456.0391, F.S.; revising the requirements for information submitted by advanced registered nurse practitioners for certification; authorizing the Department of Health to receive automated criminal arrest information concerning health care professionals who are subject to the profiling requirements; requiring certain health professionals to submit fingerprints to the Department of Health and to pay fees for a criminal history records check; requiring applications for a physician license and license renewal to be submitted electronically by a specified date; amending s. 456.042, F.S.; requiring designated health care practitioners to electronically submit updates of required information for compilation into practitioner profiles; amending s. 456.051, F.S.; revising requirements for the Department of Health to publish reports of claims or actions for damages for certain health care practitioners on the practitioner profiles; amending ss. 458.319, 459.008, 460.407, and 461.007, F.S.; revising requirements for physician licensure renewal; authorizing the Department of Health to gain access to renewal applicants' records in an automated system maintained by the Department of Law Enforcement; amending s. 461.014, F.S.; providing that each hospital annually provide a list of podiatric residents; providing an appropriation; providing that persons or entities made exempt under the act and which have paid the clinic licensure fee to the agency are entitled to a partial refund from the agency; providing that certain persons or entities are not in violation of part XIII of ch. 400, F.S., due to failure to apply for a clinic license by a specified date; providing that certain payments may not be denied to such persons or entities for failure to apply for or obtain a clinic license before a specified date; providing effective dates.

—was read the second time by title.

Representative Farkas offered the following:

(Amendment Bar Code: 954111)

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

Section 1. Paragraph (a) of subsection (4) of section 381.00593, Florida Statutes, is amended to read:

381.00593 Public school volunteer health care practitioner program.--

(4)(a) Notwithstanding any provision of chapter 458, chapter 459, chapter 460, chapter 461, chapter 463, part I of chapter 464, chapter 465, chapter 466, chapter 467, part I of chapter 468, or chapter 486 to the contrary, any health care practitioner who participates in the program established in this section and thereby agrees to provide his or her services, without compensation, in a public school for at least 80 hours a year for each school year during the biennial licensure period, or, if the health care practitioner is retired, for at least 400 hours a year for each school year during the licensure period, upon providing sufficient proof from the applicable school district that the health care practitioner has completed such hours at the time of license renewal under procedures specified by the Department of Health, shall be eligible for the following:

1. Waiver of the biennial license renewal fee for an active license; and

2. Fulfillment of a maximum of 25 percent of the continuing education hours required for license renewal, pursuant to s. 456.013(7)~~(9)~~.

The school district may establish a schedule for health care practitioners who participate in the program.

Section 2. Subsection (4) of section 395.0193, Florida Statutes, is amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.--

(4) Pursuant to ss. 458.337 and 459.016, any disciplinary actions taken under subsection (3) shall be reported in writing to the Division of Medical ~~Health~~ Quality Assurance of the Department of Health ~~agency~~ within 30 working days after its initial occurrence, regardless of the pendency of appeals to the governing board of the hospital. The notification shall identify the disciplined practitioner, the action taken, and the reason for such action. All final disciplinary actions taken under subsection (3), if different from those which were reported to the department ~~agency~~ within 30 days after the initial occurrence, shall be reported within 10 working days to the Division of Medical ~~Health~~ Quality Assurance of the department ~~agency~~ in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. 456.073 shall apply. The reports are not subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

Section 3. Subsection (7) of section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.--

(7) Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, shall be reported by the facility to the agency within 15 calendar days after its occurrence:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

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

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

(e) The performance of a wrong surgical procedure;

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

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

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

The agency may grant extensions to this reporting requirement for more than 15 days upon justification submitted in writing by the facility administrator to the agency. The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall forward a copy of a report of ~~review~~ each incident to the Division of Medical Quality Assurance of the Department of Health to ~~and~~ determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

Section 4. Paragraphs (a) and (e) of subsection (4) and paragraph (b) of subsection (7) of section 395.3025, Florida Statutes, are amended, and paragraph (l) is added to subsection (4) of said section, to read:

395.3025 Patient and personnel records; copies; examination.--

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(a) ~~Licensed~~ Facility personnel and all other licensed health care practitioners ~~attending physicians~~ for use in connection with the treatment of the patient.

(e) The Department of Health ~~agency~~ upon subpoena issued pursuant to s. 456.071, but the records obtained thereby must be used solely for the purpose of the department ~~agency~~ and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. The administrator or records custodian in a facility licensed under this chapter shall certify that a true and complete copy of the records requested pursuant to a subpoena or patient release has been provided to the department or shall otherwise identify those documents that have not been provided. If the department ~~agency~~ requests copies of the records, the facility may charge the department the reasonable costs of reproducing the records ~~shall charge no more than its actual copying costs, including reasonable staff time~~. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department ~~agency~~ or the appropriate regulatory board. However, the department ~~agency~~ must make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause.

1. The reasonable cost charged for reproducing copies of written or typed documents or reports shall not exceed:

a. For the first 25 pages, $1 per page.

b. For each page in excess of 25 pages, 25 cents.

2. The reasonable cost charged for reproducing x-rays and such other special kinds of records shall not exceed the actual cost. "Actual costs" means the cost of the material and supplies used to duplicate the record, as well as the labor costs associated with such duplication.

(l) Researchers or facility personnel for research purposes, provided that such researchers or facility personnel demonstrate compliance with the requirements of 45 C.F.R. s. 164.512(i).

(7)

(b) Absent a specific written release or authorization permitting utilization of patient information for ~~solicitation or~~ marketing the sale of goods or services, any use of such ~~that~~ information for such purpose ~~those purposes~~ is prohibited. For purposes of this paragraph, "marketing" has the same meaning as set forth in 45 C.F.R. s. 164.501.

Section 5. Paragraph (b) of subsection (2) of section 395.7015, Florida Statutes, is amended to read:

395.7015 Annual assessment on health care entities.--

(2) There is imposed an annual assessment against certain health care entities as described in this section:

(b) For the purpose of this section, "health care entities" include the following:

1. Ambulatory surgical centers and mobile surgical facilities licensed under s. 395.003. This subsection shall only apply to mobile surgical facilities operating under contracts entered into on or after July 1, 1998.

2. Clinical laboratories licensed under s. 483.091, excluding any hospital laboratory defined under s. 483.041(6), any clinical laboratory operated by the state or a political subdivision of the state, any clinical laboratory which qualifies as an exempt organization under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which receives 70 percent or more of its gross revenues from services to charity patients or Medicaid patients, and any blood, plasma, or tissue bank procuring, storing, or distributing blood, plasma, or tissue either for future manufacture or research or distributed on a nonprofit basis, and further excluding any clinical laboratory which is wholly owned and operated by 6 or fewer physicians who are licensed pursuant to chapter 458 or chapter 459 and who practice in the same group practice, and at which no clinical laboratory work is performed for patients referred by any health care provider who is not a member of the same group.

3. Diagnostic-imaging centers that are freestanding outpatient facilities that provide specialized services for the identification or determination of a disease through examination and also provide sophisticated radiological services, and in which services are rendered by a physician licensed by the Board of Medicine under s. 458.311 or s. 458.315~~, s. 458.313, or s. 458.317~~, or by an osteopathic physician licensed by the Board of Osteopathic Medicine under s. 459.006, s. 459.007, or s. 459.0075. For purposes of this paragraph, "sophisticated radiological services" means the following: magnetic resonance imaging; nuclear medicine; angiography; arteriography; computed tomography; positron emission tomography; digital vascular imaging; bronchography; lymphangiography; splenography; ultrasound, excluding ultrasound providers that are part of a private physician's office practice or when ultrasound is provided by two or more physicians licensed under chapter 458 or chapter 459 who are members of the same professional association and who practice in the same medical specialties; and such other sophisticated radiological services, excluding mammography, as adopted in rule by the board.

Section 6. Subsection (24) of section 397.311, Florida Statutes, is amended to read:

397.311 Definitions.--As used in this chapter, except part VIII:

(24) "Qualified professional" means a physician licensed under chapter 458 or chapter 459; a professional licensed under chapter 490 or chapter 491; an advanced registered nurse practitioner licensed under part I of chapter 464; or a person who is certified through a department-recognized certification process for substance abuse treatment services and who holds, at a minimum, a bachelor's degree. A person who is certified in substance abuse treatment services by a state-recognized certification process in another state at the time of employment with a licensed substance abuse provider in this state may perform the functions of a qualified professional as defined in this chapter but must meet certification requirements contained in this subsection no later than 1 year after his or her date of employment.

Section 7. Subsection (10) of section 400.141, Florida Statutes, is amended to read:

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

(10) Keep full records of resident admissions and discharges; medical and general health status, including medical records, personal and social history, and identity and address of next of kin or other persons who may have

responsibility for the affairs of the residents; and individual resident care plans including, but not limited to, prescribed services, service frequency and duration, and service goals. The records shall be open to inspection by the agency. A certified true and complete copy of the records shall be provided to the Department of Health upon subpoena issued pursuant to s. 456.057 or s. 456.071.

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

Section 8. Subsection (3) is added to section 400.145, Florida Statutes, to read:

400.145 Records of care and treatment of resident; copies to be furnished.--

(3) The administrator or records custodian in a facility licensed under this chapter shall certify that a true and complete copy of the records requested pursuant to a subpoena or patient release has been provided to the department or shall identify those documents for which a copy has not been provided. The department may be charged the reasonable costs of reproducing copies of written or typed documents or reports in accordance with subsection (1).

Section 9. Subsection (7) and paragraph (b) of subsection (8) of section 400.147, Florida Statutes, are amended to read:

400.147 Internal risk management and quality assurance program.--

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

(8)

(b) A copy of the report submitted ~~The information reported~~ to the agency pursuant to paragraph (a) which relates to health care practitioners as defined in s. 456.001 shall be forwarded by the agency to the Division of Medical Quality Assurance of the Department of Health for review ~~persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency~~. The division ~~agency~~ shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

Section 10. Paragraph (a) of subsection (4) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.--

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

(a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 12 ~~18~~ hours per year, and may include hours accrued under s. 464.203(7)~~(8)~~;

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 11. Subsection (7) of section 400.423, Florida Statutes, is amended to read:

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

(7) A copy of the report submitted ~~The information reported~~ to the agency pursuant to subsection (3) which relates to health care practitioners as defined in s. 456.001 ~~persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465~~ shall be forwarded to ~~reviewed by~~ the Division of Medical Quality Assurance of the Department of Health for review ~~agency~~. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The division ~~agency~~ shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

Section 12. Section 400.455, Florida Statutes, is created to read:

400.455 Certified copy of subpoenaed records.--Upon a subpoena being issued by the Department of Health pursuant to s. 456.057 or s. 456.071, a certified true and complete copy of the requested records shall be provided.

Section 13. Subsections (3) and (4) of section 400.9905, Florida Statutes, are renumbered as subsections (4) and (5), and amended, and new subsections (3), (6), and (7) are added to said section, to read:

400.9905 Definitions.--

(3) "Chief financial officer" means an individual who has a bachelor's degree from an accredited university in accounting or finance, or a related field, and who is the person responsible for the preparation of a clinic's billing.

(4)~~(3)~~ "Clinic" means an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. For purposes of this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395; or entities licensed or registered by the state and providing only health care services within the scope of services authorized under their respective licenses granted under s. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~480~~, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395; or entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~480~~, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395; or entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~480~~, chapter 484, or chapter 651, end-stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395; or entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to its respective licenses granted under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this chapter except part XIII, chapter 463, chapter 465, chapter 466, chapter 478, part I of chapter 483 ~~480~~, chapter 484, or chapter 651, end-

stage renal disease providers authorized under 42 C.F.R. part 405, subpart U, or providers certified under 42 C.F.R. part 485, subpart B or subpart H, or any entity that provides neonatal or pediatric hospital-based healthcare services by licensed practitioners solely within a hospital licensed under chapter 395.

(e) An entity that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or s. 501(c)(4), ~~and~~ any community college or university clinic, and any entity owned or operated by federal or state government, including agencies, subdivisions, or municipalities thereof.

(f) A sole proprietorship, group practice, partnership, or corporation that provides health care services by physicians covered by s. 627.419, that is directly supervised by one or more of such physicians, and that is wholly owned by one or more of those physicians or by a physician and the spouse, child, or sibling of that physician.

(g)~~(f)~~ A sole proprietorship, group practice, partnership, or corporation that provides health care services by licensed health care practitioners under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 480, chapter 484, chapter 486, chapter 490, chapter 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by one or more ~~a~~ licensed health care practitioners ~~practitioner~~, or the licensed health care practitioners set forth in this paragraph ~~practitioner~~ and the spouse, parent, ~~or~~ child, or sibling of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the business activities ~~services performed therein~~ and is legally responsible for the entity's compliance with all federal and state laws. However, a health care practitioner may not supervise services beyond the scope of the practitioner's license, except that, for the purposes of this part, a clinic owned by a licensee in s. 456.053(3)(b) that provides only services authorized pursuant to s. 456.053(3)(b) may be supervised by a licensee specified in s. 456.053(3)(b).

(h)~~(g)~~ Clinical facilities affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows.

(i) Entities that provide only oncology or radiation therapy services by physicians licensed under chapter 458 or 459.

(5)~~(4)~~ "Medical director" means a physician who is employed or under contract with a clinic and who maintains a full and unencumbered physician license in accordance with chapter 458, chapter 459, chapter 460, or chapter 461. However, if the clinic does not provide services pursuant to the respective physician practices acts listed in this subsection, the clinic ~~is limited to providing health care services pursuant to chapter 457, chapter 484, chapter 486, chapter 490, or chapter 491 or part I, part III, part X, part XIII, or part XIV of chapter 468, the clinic~~ may appoint a Florida-licensed health care practitioner who does not provide services pursuant to the respective physician practices acts listed in this subsection ~~licensed under that chapter~~ to serve as a clinic director who is responsible for the clinic's activities. A health care practitioner may not serve as the clinic director if the services provided at the clinic are beyond the scope of that practitioner's license, except that a licensee specified in s. 456.053(3)(b) who provides only services authorized pursuant to s. 456.053(3)(b) may serve as clinic director of an entity providing services as specified in s. 456.053(3)(b).

(6) "Mobile clinic" means a movable or detached self-contained health care unit within or from which direct health care services are provided to individuals and which otherwise meets the definition of a clinic in subsection (4).

(7) "Portable equipment provider" means an entity that contracts with or employs persons to provide portable equipment to multiple locations performing treatment or diagnostic testing of individuals, that bills third-party payors for those services, and that otherwise meets the definition of a clinic in subsection (4).

Section 14. The creation of s. 400.9905(4)(i), Florida Statutes, by this act is intended to clarify the legislative intent of this provision as it existed at the time the provisions initially took effect as s. 456.0375(1)(b), Florida Statutes, and s. 400.9905(4)(i), Florida Statutes, as created by this act, shall operate retroactively to October 1, 2001. Nothing in this section shall be construed as amending, modifying, limiting, or otherwise affecting in any way the legislative intent, scope, terms, prohibition, or requirements of section 456.053, Florida Statutes.

Section 15. Effective upon this act becoming a law and operating retroactively to March 1, 2004, subsections (1), (2), and (3) and paragraphs (a) and (b) of subsection (7) of section 400.991, Florida Statutes, are amended to read:

400.991 License requirements; background screenings; prohibitions.--

(1)(a) Each clinic, as defined in s. 400.9905, must be licensed and shall at all times maintain a valid license with the agency. Each clinic location shall be licensed separately regardless of whether the clinic is operated under the same business name or management as another clinic.

(b) Each mobile clinic must obtain a separate health care clinic license and ~~clinics~~ must provide to the agency, at least quarterly, the clinic's ~~their~~ projected street location ~~locations~~ to enable the agency to locate and inspect such clinic ~~clinics~~. A portable equipment provider must obtain a health care clinic license for a single administrative office and is not required to submit quarterly projected street locations.

(2) The initial clinic license application shall be filed with the agency by all clinics, as defined in s. 400.9905, on or before July ~~March~~ 1, 2004. A clinic license must be renewed biennially.

(3) Applicants that submit an application on or before July ~~March~~ 1, 2004, which meets all requirements for initial licensure as specified in this section shall receive a temporary license until the completion of an initial inspection verifying that the applicant meets all requirements in rules authorized by s. 400.9925. However, a clinic engaged in magnetic resonance imaging services may not receive a temporary license unless it presents evidence satisfactory to the agency that such clinic is making a good faith effort and substantial progress in seeking accreditation required under s. 400.9935.

(7) Each applicant for licensure shall comply with the following requirements:

(a) As used in this subsection, the term "applicant" means individuals owning or controlling, directly or indirectly, 5 percent or more of an interest in a clinic; the medical or clinic director, or a similarly titled person who is responsible for the day-to-day operation of the licensed clinic; the financial officer or similarly titled individual who is responsible for the financial operation of the clinic; and licensed health care practitioner ~~medical providers~~ at the clinic.

(b) Upon receipt of a completed, signed, and dated application, the agency shall require background screening of the applicant, in accordance with the level 2 standards for screening set forth in chapter 435. Proof of compliance with the level 2 background screening requirements of chapter 435 which has been submitted within the previous 5 years in compliance with any other health care licensure requirements of this state is acceptable in fulfillment of this paragraph. Applicants who own less than 10 percent of a health care clinic are not required to submit fingerprints under this section.

Section 16. Paragraph (g) of subsection (1), subsection (9), and paragraph (b) of subsection (11) of section 400.9935, Florida Statutes, are amended to read:

400.9935 Clinic responsibilities.--

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(g) Conduct systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful. Upon discovery of an unlawful charge, the medical director or clinic director shall take immediate corrective action. If the clinic performs only the technical component of magnetic resonance imaging, static radiographs, computed tomography, or positron emission tomography and provides the professional interpretation of such services, in a fixed facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or the Accreditation Association for Ambulatory Health Care and the American College of Radiology, and if, in the preceding quarter, the percentage of scans performed by that clinic that were billed to a personal injury protection insurance carrier was less than 15 percent, the chief financial officer of the clinic may, in a written acknowledgment provided to the agency, assume the responsibility for the conduct of the systematic reviews of clinic billings to ensure that the billings are not fraudulent or unlawful.

(9) Any person or entity providing health care services which is not a clinic, as defined under s. 400.9905, may voluntarily apply for a certificate of exemption from licensure under its exempt status with the agency on a form that sets forth its name or names and addresses, a statement of the reasons why it cannot be defined as a clinic, and other information deemed necessary by the agency. An exemption is not transferable. The agency may charge an applicant for a certificate of exemption in an amount equal to $100 or the actual cost of processing the certificate, whichever is less, for processing the certificate.

(11)

(b) The agency may deny ~~disallow~~ the application or revoke the license of any entity formed for the purpose of avoiding compliance with the accreditation provisions of this subsection and whose principals were previously principals of an entity that was unable to meet the accreditation requirements within the specified timeframes. The agency may adopt rules as to the accreditation of magnetic resonance imaging clinics.

Section 17. Subsections (1) and (3) of section 400.995, Florida Statutes, are amended, and subsection (10) is added to said section, to read:

400.995 Agency administrative penalties.--

(1) The agency may deny the application for a license renewal, revoke or suspend the license and impose administrative fines ~~penalties against clinics~~ of up to $5,000 per violation for violations of the requirements of this part or rules of the agency. In determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

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

(b) Actions taken by the owner, medical director, or clinic director to correct violations.

(c) Any previous violations.

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

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

(10) If the agency issues a notice of intent to deny a license application after a temporary license has been issued pursuant to s. 400.991(3), the temporary license shall expire on the date of the notice and may not be extended during any proceeding for administrative or judicial review pursuant to chapter 120.

Section 18. The Agency for Health Care Administration is directed to make refunds to applicants that submitted their health care clinic licensure fees and applications but were subsequently exempted from licensure by this act as follows:

(1) Seventy-five percent of the application fee if the temporary license has not been issued;

(2) Fifty percent of the application fee if the temporary license has been issued but the inspection has not been completed; or

(3) No refund if the inspection has been completed.

Section 19. Any person or entity defined as a clinic under s. 400.9905, Florida Statutes, shall not be in violation of part XIII of chapter 400, Florida Statutes, due to failure to apply for a clinic license by March 1, 2004, as previously required by s. 400.991, Florida Statutes. Payment to any such person or entity by an insurer or other person liable for payment to such person or entity may not be denied on the grounds that the person or entity failed to apply for or obtain a clinic license before March 1, 2004.

Section 20. Paragraph (m) of subsection (1) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.--

(1) DEFINITIONS.--As used in this section, the term:

(m) "Medicine" means a drug prescribed by an authorized health care provider and includes only generic drugs or single-source patented drugs for which there is no generic equivalent, unless the authorized health care provider writes or states that the brand-name drug as defined in s. 465.025 is medically necessary, or is a drug appearing on the schedule of drugs created pursuant to s. 465.025(5)~~(6)~~, or is available at a cost lower than its generic equivalent.

Section 21. Section 456.005, Florida Statutes, is amended to read:

456.005 Long-range policy planning; plans, reports, and recommendations.--To facilitate efficient and cost-effective regulation, the department and the board, where appropriate, shall develop and implement a long-range policy planning and monitoring process to include recommendations specific to each profession. Such process shall include estimates of revenues, expenditures, cash balances, and performance statistics for each profession. The period covered shall not be less than 5 years. The department, with input from the boards and licensees, shall develop the long-range plan and must obtain the approval of the secretary. The department shall monitor compliance with the approved long-range plan and, with input from the boards, shall annually update the plans for approval by the secretary. The department shall provide concise management reports to the boards quarterly. As part of the review process, the department shall evaluate:

(1) Whether the department, including the boards and the various functions performed by the department, is operating efficiently and effectively and if there is a need for a board or council to assist in cost-effective regulation.

(2) How and why the various professions are regulated.

(3) Whether there is a need to continue regulation, and to what degree.

(4) Whether or not consumer protection is adequate, and how it can be improved.

(5) Whether there is consistency between the various practice acts.

(6) Whether unlicensed activity is adequately enforced.

Such plans should include conclusions and recommendations on these and other issues as appropriate. Such plans shall be provided to the Governor and the Legislature by November 1 of each year.

Section 22. Subsection (5) of section 456.011, Florida Statutes, is amended to read:

456.011 Boards; organization; meetings; compensation and travel expenses.--

(5) Notwithstanding the provisions of chapter 120, when two or more boards have identified a conflict in the interpretation or application of their respective practice acts ~~differences between them~~, the following administrative remedies shall be employed:

(a) One board ~~boards may elect to,~~ or the secretary shall ~~may~~ request that the boards~~,~~ establish a special committee to resolve the conflict ~~settle those differences~~. The special committee shall consist of two ~~three~~ members designated by each board, who may be members of the designating board or other experts designated by the board, and of three ~~one~~ additional persons appointed by the secretary who are not members of either profession and who do not have an interest in either profession ~~person designated and agreed to by the members of the special committee. In the event the special committee cannot agree on the additional designee, upon request of the special committee, the secretary may select the designee~~. The committee shall, by majority vote, make such recommendations as the committee deems necessary, including, but not limited to, rules ~~recommend rules necessary~~ to resolve the differences.

(b) Matters that cannot be resolved through the special committee may be resolved by the department or agent of the department through informal mediation. If the committee reaches a resolution of their differences during mediation, the mediator shall notify the department of the terms of the resolution. The committee shall be provided the opportunity to record with the department an acknowledgment of satisfaction of the terms of mediation within 60 days after such notification. A mediated settlement shall be binding on the two applicable boards as a decision of the special committee.

(c) In the event the boards cannot resolve their conflict through the means established in paragraphs (a) and (b), the secretary shall have the authority to resolve the differences through rulemaking or, in the case of a declaratory statement, the boards shall have standing to petition the department to issue an order ~~If a rule adopted pursuant to this provision is challenged, the participating boards shall share the costs associated with defending the rule or rules. The department shall provide legal representation for any special committee established pursuant to this section~~.

Section 23. Subsection (3) of section 456.012, Florida Statutes, is amended to read:

456.012 Board rules; final agency action; challenges.--

(3) No board created within the department shall have standing to challenge a rule, ~~or~~ proposed rule, or declaratory statement of another board. However, if there is a dispute between boards concerning a rule, ~~or~~ proposed rule, or declaratory statement, the boards may avail themselves of the provisions of s. 456.011(5).

Section 24. Section 456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.--

(1)(a) Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department. The application form must be available on

the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application shall require the social security number of the applicant, except as provided in paragraph (b). The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a nonelectronic format. An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

(b) If an applicant has not been issued a social security number by the Federal Government at the time of application because the applicant is not a citizen or resident of this country, the department may process the application using a unique personal identification number. If such an applicant is otherwise eligible for licensure, the board, or the department when there is no board, may issue a temporary license, as established by rule of the board or the department, if there is no board, to the applicant, which shall expire 90 ~~30~~ days after issuance unless a social security number is obtained and submitted in writing to the department. Upon receipt of the applicant's social security number, the department shall issue a new license, which shall expire at the end of the current biennium.

(2) The board or the department, if there is no board, may adopt a rule allowing an applicant for licensure to complete the coursework requirements for licensure by completing successfully the required courses as a student, or by teaching the required graduate course as an instructor or professor in an accredited institution.

(3)~~(2)~~ Before the issuance of any license, the department shall charge an initial license fee as determined by the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card and a wall card measuring $6^1/_2$ inches by 5 inches. In addition to the two-part license, the department, at the time of initial licensure, if the board has a positive cash balance and if specified by board rule, or department rule if there is no board, shall issue a wall certificate suitable for conspicuous display~~, which shall be no smaller than $8^1/_2$ inches by 14 inches~~. The licensee shall surrender to the department the wallet-size identification card, the wall card, and the wall certificate, if one has been issued by the department, if the licensee's license was issued in error or is revoked.

(4)~~(3)~~(a) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete, and the time period in which the licensure application must be granted or denied shall be tolled until 15 days after the receipt of the final results of the investigation or prosecution.

(b) If an applicant has been convicted of a felony related to the practice or ability to practice any health care profession, the board, or the department when there is no board, may require the applicant to prove that his or her civil rights have been restored.

(c) In considering applications for licensure, the board, or the department when there is no board, may require a personal appearance of the applicant. If the applicant is required to appear, the time period in which a licensure application must be granted or denied shall be tolled until such time as the applicant appears. However, if the applicant fails to appear before the board at either of the next two regularly scheduled board meetings, or fails to appear before the department within 30 days if there is no board, the application for licensure shall be denied.

(5)~~(4)~~ When any administrative law judge conducts a hearing pursuant to the provisions of chapter 120 with respect to the issuance of a license by the department, the administrative law judge shall submit his or her recommended order to the appropriate board, which shall thereupon issue a final order. The applicant for licensure may appeal the final order of the board in accordance with the provisions of chapter 120.

(6)~~(5)~~ A privilege against civil liability is hereby granted to any witness for any information furnished by the witness in any proceeding pursuant to this section, unless the witness acted in bad faith or with malice in providing such information.

~~(6) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years. The boards may require by rule that up to 1 hour of the required 40 or more hours be in the area of risk management or cost containment. This provision shall not be construed to limit the number of hours that a licensee may obtain in risk management or cost containment to be credited toward satisfying the 40 or more required hours. This provision shall not be construed to require the boards to impose any requirement on licensees except for the completion of at least 40 hours of continuing education every 2 years. Each of such boards shall determine whether any specific continuing education requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any continuing education mandated by such board. Notwithstanding any other provision of law, the board, or the department when there is no board, may approve by rule alternative methods of obtaining continuing education credits in risk management. The alternative methods may include attending a board meeting at which another licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, or serving as a member of a probable cause panel following the expiration of a board member's term. Other boards within the Division of Medical Quality Assurance, or the department if there is no board, may adopt rules granting continuing education hours in risk management for attending a board meeting at which another licensee is disciplined, for serving as a volunteer expert witness for the department in a disciplinary case, or for serving as a member of a probable cause panel following the expiration of a board member's term.~~

~~(7) The boards, or the department when there is no board, shall require the completion of a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The 2-hour course shall count towards the total number of continuing education hours required for the profession. The course shall be approved by the board or department, as appropriate, and shall include a study of root cause analysis, error reduction and prevention, and patient safety. In addition, the course approved by the Board of Medicine and the Board of Osteopathic Medicine shall include information relating to the five most misdiagnosed conditions during the previous biennium, as determined by the board. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.~~

~~(8) The respective boards within the jurisdiction of the department, or the department when there is no board, may adopt rules to provide for the use of approved videocassette courses, not to exceed 5 hours per subject, to fulfill the continuing education requirements of the professions they regulate. Such rules shall provide for prior approval of the board, or the department when there is no board, of the criteria for and content of such courses and shall provide for a videocassette course validation form to be signed by the vendor and the licensee and submitted to the department, along with the license renewal application, for continuing education credit.~~

(7)~~(9)~~ Any board that currently requires continuing education for renewal of a license, or the department if there is no board, shall adopt rules to establish the criteria for continuing education courses. The rules may provide that up to a maximum of 25 percent of the required continuing education hours can be fulfilled by the performance of pro bono services to the indigent or to underserved populations or in areas of critical need within the state where the licensee practices. The board, or the department if there is no board, must require that any pro bono services be approved in advance in order to receive credit for continuing education under this subsection. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services. The rules may provide for approval by the board, or the department if there is no board, that a part of the continuing education hours can be

fulfilled by performing research in critical need areas or for training leading to advanced professional certification. The board, or the department if there is no board, may make rules to define underserved and critical need areas. The department shall adopt rules for administering continuing education requirements adopted by the boards or the department if there is no board.

(8)~~(10)~~ Notwithstanding any law to the contrary, an elected official who is licensed under a practice act administered by the Division of Medical Quality Assurance may hold employment for compensation with any public agency concurrent with such public service. Such dual service must be disclosed according to any disclosure required by applicable law.

(9)~~(11)~~ In any instance in which a licensee or applicant to the department is required to be in compliance with a particular provision by, on, or before a certain date, and if that date occurs on a Saturday, Sunday, or a legal holiday, then the licensee or applicant is deemed to be in compliance with the specific date requirement if the required action occurs on the first succeeding day which is not a Saturday, Sunday, or legal holiday.

(10)~~(12)~~ Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

Section 25. Paragraph (c) of subsection (1) and subsection (2) of section 456.017, Florida Statutes, are amended, and subsection (7) is added to said section, to read:

456.017 Examinations.--

(1)

(c)1. The board, or the department when there is no board, shall approve by rule the use of one or more national examinations which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

2. The board, or the department when there is no board, shall approve and begin administering a national examination no later than December 31, 2001. Neither the board nor the department may administer a state-developed written examination, except for physician assistants, after December 31, 2001, notwithstanding any other provision of law, provided a national examination has been certified by the department. For physician assistants, beginning August 1, 2004, the board or the department shall administer a state-developed written examination at least three times. The examination dates shall be offered not less than 9 months apart and not more than 12 months apart. The examination may be administered electronically if adequate security measures are used, as determined by rule of the department.

3. The board, or the department when there is no board, may administer a state-developed practical or clinical examination, as required by the applicable practice act, if all costs of development, purchase, validation, administration, review, and defense are paid by the examination candidate prior to the administration of the examination. If a national practical or clinical examination is available and certified by the department pursuant to this section, the board, or the department when there is no board, may administer the national examination.

4. It is the intent of the Legislature to reduce the costs associated with state examinations and to encourage the use of national examinations whenever possible.

(2) For each examination developed by the department or a contracted vendor, the board, or the department when there is no board, shall adopt rules providing for reexamination of any applicants who failed an examination developed by the department or a contracted vendor. If both a written and a practical examination are given, an applicant shall be required to retake only the portion of the examination on which the applicant failed to achieve a passing grade, if the applicant successfully passes that portion within a reasonable time, as determined by rule of the board, or the department when there is no board, of passing the other portion. Except for national examinations approved and administered pursuant to this section, the department shall provide procedures for applicants who fail an examination developed by the department or a contracted vendor to review their examination questions, answers, papers, grades, and grading key for the questions the candidate answered incorrectly or, if not feasible, the parts of the examination failed. Applicants shall bear the actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing the confidentiality of the applicant's examination grades. Notwithstanding any other provisions, only candidates who fail an examination with a score that is ~~by~~ less than 10 percent below the minimum score required to pass the examination shall be entitled to challenge the validity of the examination at hearing.

(7) The department may post examination scores electronically on the Internet in lieu of mailing the scores to each applicant. Such electronic posting of the examination scores meets the requirements of chapter 120 if the department also posts with the examination scores a notification of rights as set forth in chapter 120. The date of receipt for purposes of chapter 120 shall be the date the examination scores are posted electronically. The department shall also notify the examinee when scores are posted electronically of the availability of a postexamination review, if applicable.

Section 26. Section 456.020, Florida Statutes, is created to read:

456.020 Continuing education; instruction on domestic violence; instruction on HIV/AIDS; instruction on prevention of medical errors.--

(1) It is the declared purpose of this section to encourage the completion of continuing education courses in specified subject areas as a condition of license renewal, when applicable to the practice, by health care practitioners as defined in s. 456.001. The board or the department, when there is no board, may require the completion of courses, including, but not limited to, the following subject areas, as defined by board or department rule:

(a) Domestic violence as defined in s. 741.28. Such course shall include information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to resources in the local community that provide, legal aid, shelter, victim counseling, batterer counseling, or child protection services.

(b) HIV/AIDS. Such course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of HIV/AIDS. Such course shall include information on current state law on AIDS and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to HIV counseling and testing, reporting, the offering of testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

(c) Prevention of medical errors. Such course shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the board may approve up to 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in such facility.

(2) Proof of completion of continuing education courses shall be defined by board rule, or department rule if there is no board.

(3) Courses completed in the specified subject areas shall count towards the total number of continuing education hours required for license renewal for the profession.

(4) Any person holding two or more licenses subject to the provisions of this section shall only be required to complete the requirement for one license.

(5) Failure to comply with courses required by the board or the department, if there is no board, shall constitute grounds for disciplinary action under each respective practice act and under s. 456.072(1)(k).

Section 27. Subsections (4) and (9) of section 456.025, Florida Statutes, are amended to read:

456.025 Fees; receipts; disposition.--

(4) Each board, or the department if there is no board, may charge a fee not to exceed $25, as determined by rule, for the issuance of a wall certificate pursuant to s. 456.013(3)~~(2)~~ requested by a licensee who was licensed prior to

July 1, 1998, or for the issuance of a duplicate wall certificate requested by any licensee.

(9) The department shall provide a ~~condensed~~ management report of revenues and expenditures ~~budgets, finances~~, performance measures ~~statistics~~, and necessary recommendations to each board at least once a quarter. ~~The department shall identify and include in such presentations any changes, or projected changes, made to the board's budget since the last presentation.~~

Section 28. Section 456.031, Florida Statutes, is amended to read:

456.031 Requirement for instruction on domestic violence.--

(1)(a) The appropriate board shall require each person licensed or certified under chapter 458, chapter 459, part I of chapter 464, chapter 466, chapter 467, chapter 490, or chapter 491 to complete a ~~1-hour~~ continuing education course, approved by the board, on domestic violence, as defined in s. 741.28, as part of initial licensure, ~~biennial~~ relicensure, or recertification. The course shall consist of a skills-based curriculum that includes practice protocols for identifying and treating a victim of domestic violence consistent with the profession and instructions on practical applications. For purposes of this section, "skills-based curriculum" means a curriculum that details methods of practical applications to improve responses to domestic violence victims through culturally competent methods of routine screening, assessment, intervention, and health records documentation. Each licensee must complete continuing education on domestic violence as prescribed by board rule. Initial applicants for licensure shall be allowed 1 year from the date of licensure to complete the required course ~~information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services~~.

~~(b) Each such licensee or certificateholder shall submit confirmation of having completed such course, on a form provided by the board, when submitting fees for each biennial renewal.~~

~~(c) The board may approve additional equivalent courses that may be used to satisfy the requirements of paragraph (a). Each licensing board that requires a licensee to complete an educational course pursuant to this subsection may include the hour required for completion of the course in the total hours of continuing education required by law for such profession unless the continuing education requirements for such profession consist of fewer than 30 hours biennially.~~

(b)~~(d)~~ Any person holding two or more licenses subject to the provisions of this subsection shall be permitted to show proof of having taken one board-approved course on domestic violence, for purposes of initial licensure, relicensure, or recertification for additional licenses.

~~(e) Failure to comply with the requirements of this subsection shall constitute grounds for disciplinary action under each respective practice act and under s. 456.072(1)(k). In addition to discipline by the board, the licensee shall be required to complete such course.~~

~~(2) The board shall also require, as a condition of granting a license under any chapter specified in paragraph (1)(a), that each applicant for initial licensure under the appropriate chapter complete an educational course acceptable to the board on domestic violence which is substantially equivalent to the course required in subsection (1). An applicant who has not taken such course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete such requirement.~~

~~(3)(a) In lieu of completing a course as required in subsection (1), a licensee or certificateholder may complete a course in end-of-life care and palliative health care, if the licensee or certificateholder has completed an approved domestic violence course in the immediately preceding biennium.~~

~~(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 who has completed an approved domestic violence education course in the immediately preceding 2 years may complete a course approved by the Board of Dentistry.~~

(2)~~(4)~~ Each board may adopt rules to carry out the provisions of this section.

~~(5) Each board shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriate substantive committees of the Legislature by March 1 of each year as to the implementation of and compliance with the requirements of this section.~~

Section 29. Subsection (14) is added to section 456.036, Florida Statutes, to read:

456.036 Licenses; active and inactive status; delinquency.--

(14) The board or the department, if there is no board, may require the display of a license.

Section 30. Subsection (6) is added to section 456.037, Florida Statutes, to read:

456.037 Business establishments; requirements for active status licenses; delinquency; discipline; applicability.--

(6) The board or the department, if there is no board, may require the display of a license.

Section 31. Paragraph (a) of subsection (4) of section 456.039, Florida Statutes, is amended to read:

456.039 Designated health care professionals; information required for licensure.--

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313,~~ s. 459.0055, s. 460.406, or s. 461.006.

Section 32. Present subsections (16) through (19) of section 456.057, Florida Statutes, are renumbered as subsections (17) through (20), respectively, and a new subsection (16) is added to said section to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished.--

(16) A health care practitioner or records owner furnishing copies of reports or records or making the reports or records available for digital scanning pursuant to this section may charge the department the reasonable costs of reproducing the records.

(a) Reasonable costs of reproducing copies of written or typed documents or reports may not be more than:

1. For the first 25 pages, $1 per page.

2. For each page in excess of 25 pages, 25 cents.

(b) Reasonable costs of reproducing X rays and other special kinds of records are the actual costs. The term "actual costs" means the cost of the material and supplies used to duplicate the record, as well as the labor costs associated with the duplication.

Section 33. Subsection (3) of section 456.063, Florida Statutes, is amended to read:

456.063 Sexual misconduct; disqualification for license, certificate, or registration.--

(3) Licensed health care practitioners shall report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. Each board or the department, if there is board, may adopt rules to implement the requirements for reporting allegations of sexual misconduct, including rules to determine the sufficiency of the allegations.

Section 34. Paragraphs (aa) and (bb) of subsection (1) of section 456.072, Florida Statutes, are amended, paragraphs (ff) and (gg) are added to said subsection, and subsection (7) is added to said section, to read:

456.072 Grounds for discipline; penalties; enforcement.--

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

(aa) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes invasive actions taken in furtherance of the preparation of the patient, but does not include those preparations that are noninvasive.

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, unless medically indicated and documented in the patient record ~~regardless of the intent of the professional~~.

(ff) Prescribing, administering, dispensing, or distributing a legend drug, including a controlled substance, when the practitioner knows or reasonably should know that the receiving patient has not established a valid professional relationship with the prescribing practitioner. A medical questionnaire

completed on the Internet or by telephone, electronic transfer, or mail does not establish a valid professional relationship.

(gg) Being terminated from an impaired practitioner program that is overseen by an impaired practitioner consultant as described in s. 456.076 for failure to comply with the terms of the monitoring or treatment contract entered into by the licensee without good cause.

(7) In addition to any other discipline imposed by final order entered on or after July 1, 2004, for violation of any practice act pursuant to this section, the board or the department, if there is no board, shall assess a nonrefundable fee to defray the costs of monitoring the licensee's compliance with the order in the amount of $25 per month for each month or portion of a month set forth in the final order to complete the length of term of the probation, suspension, or practice restrictions imposed by the final order. Such assessment shall be included in the terms of the final order. The board or the department, if there is no board, may elect to assess the same fee to offset other costs of monitoring compliance with the terms imposed by a final order which does not include probation, suspension, or practice restrictions.

Section 35. Subsection (1) of section 456.073, Florida Statutes, is amended to read:

456.073 Disciplinary proceedings.--Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint filed by a state prisoner against a health care practitioner employed by or otherwise providing health care services within a facility of the Department of Corrections is not legally sufficient unless there is a showing that the prisoner complainant has exhausted all available administrative remedies within the state correctional system before filing the complaint. However, if the Department of Health determines after a preliminary inquiry of a state prisoner's complaint that the practitioner may present a serious threat to the health and safety of any individual who is not a state prisoner, the Department of Health may determine legal sufficiency and proceed with discipline. The Department of Health shall be notified within 15 days after the Department of Corrections disciplines or allows a health care practitioner to resign for an offense related to the practice of his or her profession. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Notwithstanding subsection (13), the department may investigate information filed pursuant to s. 456.041(4) relating to liability actions with respect to practitioners licensed under chapter 458 or chapter 459 which have been reported under s. 456.049 or s. 627.912 within the previous 6 years for any paid claim that exceeds $50,000. ~~Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6),~~ When an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 30 ~~20~~ days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

Section 36. Section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.--A written prescription for a medicinal drug issued by a health care practitioner licensed by law to prescribe such drug must be legibly printed or typed so as to be capable of being understood by the pharmacist filling the prescription; must contain the name of the prescribing practitioner, the name and strength of the drug prescribed, the quantity of the drug prescribed in both textual and numerical formats, and the directions for use of the drug; must be dated with the month written out or abbreviated in textual letters; and must be signed by the prescribing practitioner on the day when issued.

Section 37. Paragraphs (b) and (c) of subsection (2) of section 457.105, Florida Statutes, are amended, and subsection (3) is added to said section, to read:

457.105 Licensure qualifications and fees.--

(2) A person may become licensed to practice acupuncture if the person applies to the department and:

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment and completion of an authorized ~~in an authorized 3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001, a~~ 4-year course of study in acupuncture and oriental medicine, which meets standards established by the board by rule, which standards include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, western pathology, western biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR). However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology. Additionally, any person who enrolled in an authorized 3-year course of study in acupuncture and oriental medicine prior to July 31, 2001, must have completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture and oriental medicine, and completed a 3-year course of study in acupuncture and oriental medicine which meets standards established by the board by rule;

(c) Has successfully completed a board-approved national certification process, is actively licensed in a state that has examination requirements that are substantially equivalent to or more stringent than those of this state, or passes the national ~~an~~ examination approved ~~administered~~ by the board ~~department~~, which examination tests the applicant's competency and knowledge of the practice of acupuncture and oriental medicine. At the request of any applicant, oriental nomenclature for the points shall be used in the examination. The examination shall include a practical examination of the knowledge and skills required to practice modern and traditional acupuncture and oriental medicine, covering diagnostic and treatment techniques and procedures; and

(3) Notwithstanding the provisions of s. 120.60(1), upon receipt of an application for a license, the board shall examine the application and, within 30 days after such receipt, notify the applicant of any apparent errors or omissions and request any additional information the board is permitted by law to require. Within 30 days after receipt of such additional information, the board shall review the information and may request additional information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information. When appropriate, the board may require the results of an evaluation through the Professionals Resource Network as additional information, clarifying information, or as the answer to new questions raised by or directly related to information submitted by an applicant. The department shall not deny a license for failure to correct an error or omission or to supply additional information, provide clarifying information, or answer new questions raised by or directly related to additional information unless the department timely notifies the applicant within the appropriate 30-day period. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant is timely notified or when the time for such notification has expired. Each application for a license shall be approved

or denied within 90 days after receipt of a completed application unless a shorter period of time for department action is provided by law. The 90-day time period shall be tolled by the initiation of a proceeding under ss. 120.569 and 120.57. An application for a license must be approved or denied within the 90-day or shorter time period, within 15 days after the conclusion of a public hearing held on the application, or within 45 days after a recommended order is submitted to the department and the parties, whichever is later. The board must approve any application for a license or an examination required for licensure if the board has not approved or denied the application within the time periods prescribed by this subsection.

Section 38. Section 457.107, Florida Statutes, is amended to read:

457.107 Renewal of licenses; continuing education.--

(1) The department shall renew a license upon receipt of the renewal application and the required fee set by the board by rule, not to exceed $500.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) The board shall by rule prescribe continuing education requirements, not to exceed 30 hours biennially, as a condition for renewal of a license~~. All education programs that contribute to the advancement, extension, or enhancement of professional skills and knowledge related to the practice of acupuncture, whether conducted by a nonprofit or profitmaking entity, are eligible for approval.~~ The continuing professional education requirements must be in acupuncture or oriental medicine subjects, including, but not limited to, anatomy, biological sciences, adjunctive therapies, sanitation and sterilization, emergency protocols, and diseases. The board may adopt rules establishing standards for the approval of providers of continuing education activities. The board shall have the authority to set a fee, not to exceed $100, for each continuing education provider. The licensee shall retain in his or her records the certificates of completion of continuing professional education requirements to prove compliance with this subsection. The board may request the ~~such~~ documentation without cause from applicants who are selected at random. All national and state acupuncture and oriental medicine organizations and acupuncture and oriental medicine schools are approved to provide continuing professional education in accordance with this subsection.

Section 39. Paragraph (c) of subsection (1) of section 457.109, Florida Statutes, is amended to read:

457.109 Disciplinary actions; grounds; action by the board.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other ~~any~~ jurisdiction, ~~of~~ a crime which directly relates to the practice of acupuncture or to the ability to practice acupuncture. ~~Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.~~

Section 40. Section 458.303, Florida Statutes, is amended to read:

458.303 Provisions not applicable to other practitioners; exceptions, etc.--

(1) The provisions of ss. 458.301, 458.303, 458.305, 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319, 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341, 458.343, 458.345, and 458.347 shall have no application to:

(a) Other duly licensed health care practitioners acting within their scope of practice authorized by statute.

(b) Any physician lawfully licensed in another state or territory or foreign country, when meeting duly licensed physicians of this state in consultation.

(c) Commissioned medical officers of the Armed Forces of the United States and of the Public Health Service of the United States while on active duty and while acting within the scope of their military or public health responsibilities.

(d) Any person while actually serving without salary or professional fees on the resident medical staff of a hospital in this state, subject to the provisions of s. 458.321.

(e) Any person furnishing medical assistance in case of an emergency.

(f) The domestic administration of recognized family remedies.

(g) The practice of the religious tenets of any church in this state.

(h) Any person or manufacturer who, without the use of drugs or medicine, mechanically fits or sells lenses, artificial eyes or limbs, or other apparatus or appliances or is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eyeglasses, or lenses.

(2) Nothing in s. 458.301, s. 458.303, s. 458.305, s. 458.307, s. 458.309, s. 458.311, ~~s. 458.313,~~ s. 458.319, s. 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s. 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall be construed to prohibit any service rendered by a registered nurse or a licensed practical nurse, if such service is rendered under the direct supervision and control of a licensed physician who provides specific direction for any service to be performed and gives final approval to all services performed. Further, nothing in this or any other chapter shall be construed to prohibit any service rendered by a medical assistant in accordance with the provisions of s. 458.3485.

Section 41. Section 458.311, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 458.311, F.S., for present text.)

458.311 Licensure; requirements; fees.--

(1) Any person desiring to be licensed as a physician shall apply to the department on forms furnished by the department. The department shall license each applicant who the board certifies has met the provisions of this section.

(2) Each applicant must demonstrate that he or she:

(a) Has completed the application form and remitted a nonrefundable application fee not to exceed $500.

(b) Is at least 21 years of age.

(c) Is of good moral character.

(d) Has not committed any act or offense in this or any other jurisdiction which would constitute grounds for discipline pursuant to s. 458.331.

(e) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with a payment in an amount equal to the costs incurred by the department for the criminal history check of the applicant.

(f) Has submitted to the department core credentials verified by the Federation Credentials Verification Service of the Federation of State Medical Boards.

(g) For an applicant holding a valid active license in another state, has submitted evidence of the active licensed practice of medicine in another jurisdiction for at least 2 of the immediately preceding 4 years or evidence of successful completion of either a board-approved postgraduate training program within 2 years preceding filing of an application or a board-approved clinical competency examination within the year preceding the filing of an application for licensure. For purposes of this paragraph, "active licensed practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community health or public health, as defined by this chapter, those designated as medical directors under s. 641.495(11) who are practicing medicine, and those on the active teaching faculty of an accredited medical school. If the applicant fails to meet the requirements of this paragraph, the board may impose conditions on the license, including, but not limited to, supervision of practice.

(3) Each applicant must demonstrate that he or she:

(a) Is a graduate of an allopathic medical school or allopathic college recognized and approved by an accrediting agency recognized by the United States Department of Education or is a graduate of an allopathic medical school or allopathic college within a territorial jurisdiction of the United States recognized by the accrediting agency of the governmental body of that jurisdiction; or

(b) Is a graduate of an allopathic international medical school registered with the World Health Organization and has had his or her medical credentials evaluated by the Educational Commission for Foreign Medical Graduates, holds an active, valid certificate issued by that commission, and has passed the examination utilized by that commission. However, a graduate of an international medical school need not present the certificate issued by the Educational Commission for Foreign Medical Graduates or pass the examination utilized by that commission if the graduate has:

1. Received a bachelor's degree from an accredited United States college or university.

2. Studied at a medical school which is recognized by the World Health Organization.

3. Completed all of the formal requirements of the international medical school, except the internship or social service requirements, and passed part I of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

4. Completed an academic year of supervised clinical training in a hospital affiliated with a medical school approved by the Council on Medical Education of the American Medical Association and, upon completion, passed

part II of the National Board of Medical Examiners examination or the Educational Commission for Foreign Medical Graduates examination equivalent.

(4) Each applicant must demonstrate that he or she has completed an Accreditation Council for Graduate Medical Education (ACGME) approved residency, as defined by board rule, of at least 2 years, or a fellowship of at least 2 years in one specialty area which is counted toward regular or subspecialty certification by a board recognized and certified by the American Board of Medical Specialties. However, applicants who meet the requirements of paragraph (3)(a) who completed their training prior to October 1, 2003, must demonstrate completion of at least 1 year of an approved residency.

(5)(a) Each applicant must demonstrate that he or she has complied with one of the following examination requirements:

1. Prior to January 1, 2000, has obtained a passing score, as established by board rule, on the licensure examination of the National Board of Medical Examiners (NBME), the licensure examination of the Federation of State Medical Boards of the United States, Inc. (FLEX), the United States Medical Licensing Examination (USMLE), or a combination thereof;

2. On or after January 1, 2000, has obtained a passing score on all three steps of the United States Medical Licensing Examination (USMLE); or

3. Has obtained a passing score on a state board examination or the Canadian licensing examination (LLMCC) if the applicant has a current active license in at least one other jurisdiction of the United States or Canada and has practiced pursuant to such licensure continuously for the immediately preceding 10 years without encumbrance on the license.

(b) As prescribed by board rule, the board may require an applicant who does not pass any step of the national licensing examination after five attempts to complete additional remedial education or training.

(c) As prescribed by board rule, the board may require an applicant who does not pass all the steps of the United States Medical Licensing Examination (USMLE) within 7 years to complete additional remedial education or training or to retake the step of the examination which the applicant first passed.

(6) The department and the board shall ensure through an investigative process that applicants for licensure meet the criteria of this section.

(7) The board may not certify to the department for licensure any applicant who is under investigation in another jurisdiction for an offense which would constitute a violation of this chapter until such investigation is completed. Upon completion of the investigation, the provisions of s. 458.331 shall apply. Furthermore, the department may not issue an unrestricted license to any individual who has committed any act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331. When the board finds that an individual has committed an act or offense in any jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331, the board may enter an order imposing one or more of the terms set forth in s. 456.072(2).

(8) The board may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to carry out the provisions of this section, which shall be applied on a uniform and consistent basis.

(9) When the board determines that any applicant for licensure has failed to meet, to the board's satisfaction, each of the appropriate requirements set forth in this section, it may enter an order requiring one or more of the following terms:

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

(b) Certification to the department of an application for licensure, certification, or registration with restrictions on the scope of practice of the licensee; or

(c) Certification to the department of an application for licensure, certification, or registration with placement of the physician on probation for a period of time and subject to such conditions as the board may specify, including, but not limited to, requiring the physician to submit to treatment, attend continuing education courses, submit to reexamination, or work under the supervision of another physician.

Section 42. Subsection (5) of section 458.3124, Florida Statutes, is amended to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.--

(5) Notwithstanding s. 458.311(3) and (4)~~(1)(f)~~, a person who successfully meets the requirements of this section and who successfully passes Step III of the United States Medical Licensing Examination is eligible for full licensure as a physician.

Section 43. Section 458.315, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 458.315, F.S., for present text.)

458.315 Limited licenses.--

(1) Any person desiring to obtain a limited license shall apply to the department on forms furnished by the department. The department shall license each applicant who the board certifies:

(a) Has submitted to the department, with an application and fee not to exceed $300, a statement that he or she has been licensed to practice medicine in any jurisdiction or territory of the United States or Canada for at least 2 years and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. However, if the physician will only use the limited license for noncompensated practice and submits a statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived.

(b) Has submitted evidence of the active licensed practice of medicine in any jurisdiction or territory of the United States or Canada for at least 2 of the immediately preceding 4 years. For purposes of this paragraph, "active licensed practice of medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community health or public health, as defined by this chapter, those designated as medical directors under s. 641.495(11) who are practicing medicine, and those on the active teaching faculty of an accredited medical school. If it has been more than 3 years since active practice was conducted by the applicant, a licensed physician approved by the board shall supervise the applicant for a period of 6 months after he or she is granted a limited license for practice, unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure. Procedures for such supervision shall be established by the board.

(c) Has submitted to the department a set of fingerprints on a form and under procedures by the department for the criminal history check of the applicant.

(d) Has not committed any act or offense in this or any other jurisdiction which would constitute the basis for disciplining a physician pursuant to s. 458.331.

(2) After approval of an application under this section, a limited license may not be issued until the applicant provides to the board an affidavit that there have been no substantial changes in his or her status since initial application.

(3) The recipient of a limited license used for noncompensated practice shall only practice in the employ of programs or facilities that provide uncompensated health care services by volunteer licensed health care professionals to low-income persons whose family income does not exceed 120 percent of the federal poverty level or to uninsured persons. These facilities shall include, but not be limited to, the department, community and migrant health centers funded under 42 U.S.C. 300ff-52, and volunteer health care provider programs contracted with the department to provide uncompensated care under the provisions of s. 766.1115.

(4) The recipient of a limited license used for compensated practice shall only practice in the employ of certain programs and facilities that provide health care services and are located within federally designated primary care health professional shortage areas, unless otherwise approved by the Secretary of Health. These programs and facilities shall include, but not be limited to, the department, the Department of Corrections, county or municipal correctional facilities, the Department of Juvenile Justice, the Department of Children and Family Services, and those programs and facilities funded under 42 U.S.C. 300ff-52.

(5) The recipient of a limited license shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and all approved institutions in which the licensee's practice privileges have been denied. Evidence of noncompensated employment shall be required for the fee waiver under paragraph (1)(a).

(6) Upon renewal of a limited license, a limited licenseholder shall, in addition to complying with other applicable provisions of this chapter, document compliance with the restrictions prescribed in this section.

(7) Any person holding an active or inactive license to practice medicine in the state may convert that license to a limited license for the purpose of

providing volunteer, uncompensated care for low-income Floridians. The licensee must submit a statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine. All licensure fees, including neurological injury compensation assessments, shall be waived.

(8) Nothing in this section limits in any way any policy by the board otherwise authorized by law to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section.

Notwithstanding any other provision of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 44. Subsection (4) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.--

(4) ~~Notwithstanding the provisions of s. 456.033,~~ A physician may complete continuing education on end-of-life care and palliative care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 45. Paragraph (c) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.--

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

(c) Any person holding a limited license pursuant to s. 458.315 ~~458.317~~ and practicing under the scope of such limited license.

Section 46. Subsection (9) of section 458.331, Florida Statutes, is amended to read:

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

(9) When an investigation of a physician is undertaken, the department shall promptly furnish to the physician or the physician's attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 458.337, providing that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 458.337(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 30 ~~45~~ days after service to the physician of the complaint or document. The physician's written response shall be considered by the probable cause panel.

Section 47. Paragraph (c) of subsection (1) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.--

(1) Any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2), who does not hold a valid, active license issued under this chapter shall apply to the department to be registered and shall remit a fee not to exceed $300 as set by the board. The department shall register any applicant the board certifies has met the following requirements:

(c) Is a graduate of a medical school or college as specified in s. 458.311(3)~~(1)(f)~~.

Section 48. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (7) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.--

(7) PHYSICIAN ASSISTANT LICENSURE.--

~~(b)1. Notwithstanding subparagraph (a)2. and sub-subparagraph (a)3.a., the department shall examine each applicant who the Board of Medicine certifies:~~

~~a. Has completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee not to exceed $300, plus the actual cost to the department to provide the examination. The examination fee is refundable if the applicant is found to be ineligible to take the examination. The department shall not require the applicant to pass a separate practical component of the examination. For examinations given after July 1, 1998, competencies measured through practical examinations shall be incorporated into the written examination through a multiple-choice format. The department shall translate the examination into the native language of any applicant who requests and agrees to pay all costs of such translation, provided that the translation request is filed with the board office no later than 9 months before the scheduled examination and the applicant remits translation fees as specified by the department no later than 6 months before the scheduled examination, and provided that the applicant demonstrates to the department the ability to communicate orally in basic English. If the applicant is unable to pay translation costs, the applicant may take the next available examination in English if the applicant submits a request in writing by the application deadline and if the applicant is otherwise eligible under this section. To demonstrate the ability to communicate orally in basic English, a passing score or grade is required, as determined by the department or organization that developed it, on the test for spoken English (TSE) by the Educational Testing Service (ETS), the test of English as a foreign language (TOEFL) by ETS, a high school or college level English course, or the English examination for citizenship, Immigration and Naturalization Service. A notarized copy of an Educational Commission for Foreign Medical Graduates (ECFMG) certificate may also be used to demonstrate the ability to communicate in basic English; and~~

~~b.(I) Is an unlicensed physician who graduated from a foreign medical school listed with the World Health Organization who has not previously taken and failed the examination of the National Commission on Certification of Physician Assistants and who has been certified by the Board of Medicine as having met the requirements for licensure as a medical doctor by examination as set forth in s. 458.311(1), (3), (4), and (5), with the exception that the applicant is not required to have completed an approved residency of at least 1 year and the applicant is not required to have passed the licensing examination specified under s. 458.311 or hold a valid, active certificate issued by the Educational Commission for Foreign Medical Graduates; was eligible and made initial application for certification as a physician assistant in this state between July 1, 1990, and June 30, 1991; and was a resident of this state on July 1, 1990, or was licensed or certified in any state in the United States as a physician assistant on July 1, 1990; or~~

~~(II) Completed all coursework requirements of the Master of Medical Science Physician Assistant Program offered through the Florida College of Physician's Assistants prior to its closure in August of 1996. Prior to taking the examination, such applicant must successfully complete any clinical rotations that were not completed under such program prior to its termination and any additional clinical rotations with an appropriate physician assistant preceptor, not to exceed 6 months, that are determined necessary by the council. The boards shall determine, based on recommendations from the council, the facilities under which such incomplete or additional clinical rotations may be completed and shall also determine what constitutes successful completion thereof, provided such requirements are comparable to those established by accredited physician assistant programs. This sub-sub-subparagraph is repealed July 1, 2001.~~

~~2. The department may grant temporary licensure to an applicant who meets the requirements of subparagraph 1. Between meetings of the council, the department may grant temporary licensure to practice based on the completion of all temporary licensure requirements. All such administratively issued licenses shall be reviewed and acted on at the next regular meeting of the council. A temporary license expires 30 days after receipt and notice of scores to the licenseholder from the first available examination specified in subparagraph 1. following licensure by the department. An applicant who fails the proficiency examination is no longer temporarily licensed, but may apply for a one-time extension of temporary licensure after reapplying for the next available examination. Extended licensure shall expire upon failure of the licenseholder to sit for the next available examination or upon receipt and~~

~~notice of scores to the licenseholder from such examination.~~

~~3. Notwithstanding any other provision of law, the examination specified pursuant to subparagraph 1. shall be administered by the department only five times. Applicants certified by the board for examination shall receive at least 6 months' notice of eligibility prior to the administration of the initial examination. Subsequent examinations shall be administered at 1-year intervals following the reporting of the scores of the first and subsequent examinations. For the purposes of this paragraph, the department may develop, contract for the development of, purchase, or approve an examination that adequately measures an applicant's ability to practice with reasonable skill and safety. The minimum passing score on the examination shall be established by the department, with the advice of the board. Those applicants failing to pass that examination or any subsequent examination shall receive notice of the administration of the next examination with the notice of scores following such examination. Any applicant who passes the examination and meets the requirements of this section shall be licensed as a physician assistant with all rights defined thereby.~~

(b)~~(c)~~ The license must be renewed biennially. Each renewal must include:

1. A renewal fee not to exceed $500 as set by the boards.

2. A sworn statement of no felony convictions in the previous 2 years.

(c)~~(d)~~ Each licensed physician assistant shall biennially complete 100 hours of continuing medical education or shall hold a current certificate issued by the National Commission on Certification of Physician Assistants.

(d)~~(e)~~ Upon employment as a physician assistant, a licensed physician assistant must notify the department in writing within 30 days after such employment or after any subsequent changes in the supervising physician. The notification must include the full name, Florida medical license number, specialty, and address of the supervising physician.

(e)~~(f)~~ Notwithstanding subparagraph (a)2., the department may grant a temporary license to a recent graduate of an approved program, as specified in subsection (6), who expects to take the first examination administered by the National Commission on Certification of Physician Assistants available for registration after the applicant's graduation~~, a temporary license~~. The temporary license shall expire 1 year after the date of graduation ~~30 days after receipt of scores of the proficiency examination administered by the National Commission on Certification of Physician Assistants~~. Between meetings of the council, the department may grant a temporary license to practice pursuant to this subsection ~~based on the completion of all temporary licensure requirements~~. All such administratively issued licenses shall be reviewed and acted on at the next regular meeting of the council. The recent graduate may be licensed prior to employment, but must comply with paragraph (d) ~~(c)~~. An applicant who has passed the National Commission on Certification of Physician Assistants ~~proficiency~~ examination may be granted permanent licensure. ~~An applicant failing the proficiency examination is no longer temporarily licensed, but may reapply for a 1-year extension of temporary licensure. An applicant may not be granted more than two temporary licenses and may not be licensed as a physician assistant until he or she passes the examination administered by the National Commission on Certification of Physician Assistants~~. As prescribed by board rule, the council may require an applicant who does not pass the national licensing examination after five or more attempts to complete additional remedial education or training. The council shall prescribe the additional requirements in a manner that permits the applicant to complete the requirements and be reexamined within 2 years after the date the applicant petitions the council to retake the examination a sixth or subsequent time.

(f)~~(g)~~ The Board of Medicine may impose any of the penalties authorized under ss. 456.072 and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or chapter 456.

Section 49. Subsections (4) and (5) of section 459.008, Florida Statutes, are amended to read:

459.008 Renewal of licenses and certificates.--

(4) The board shall, by rule, prescribe continuing education programs and courses, not to exceed 40 hours biennially, as a condition for renewal of a license. Such programs and courses must build on the basic educational requirements for licensure as an osteopathic physician and must be approved by the board. Notwithstanding any other provision of law, the board, by rule, may mandate specific continuing medical education requirements and may approve, by rule, alternative methods of obtaining continuing education credits, including, but not limited to, attending a board meeting at which another licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, and serving as a member of a probable cause panel following the expiration of a board member's term.

(5) ~~Notwithstanding the provisions of s. 456.033,~~ An osteopathic physician may complete continuing education on end-of-life and palliative care in lieu of continuing education in AIDS/HIV, if that physician has completed the AIDS/HIV continuing education in the immediately preceding biennium.

Section 50. Subsection (9) of section 459.015, Florida Statutes, is amended to read:

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

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his or her attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4) or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8) and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 30 ~~45~~ days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 51. Subsections (1), (2), and (5) of section 459.021, Florida Statutes, are amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.--

(1) Any person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association who desires to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in this state as defined in s. 408.07(44) or s. 395.805(2), who does not hold an active license issued under this chapter shall apply to the department to be registered, on an application provided by the department, within 30 days prior to ~~of~~ commencing such a training program and shall remit a fee not to exceed $300 as set by the board.

(2) Any person required to be registered under this section shall renew such registration annually and shall remit a renewal fee not to exceed $300 as set by the board. Such registration shall be terminated upon the registrant's receipt of an active license issued under this chapter. No person shall be registered under this section for an aggregate of more than 5 years, unless additional years are approved by the board.

(5) It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any hospital or teaching hospital, and also for the superintendent, administrator, and other person or persons having administrative authority in such hospital to willfully:

(a) ~~To~~ Employ the services in such hospital of any person listed in subsection (3), unless such person is registered with the department under the law or the holder of a license to practice osteopathic medicine under this chapter.

(b) ~~To~~ Fail to furnish to the department the list and information required by subsection (3).

Section 52. Paragraphs (c) and (d) of subsection (1) of section 460.406, Florida Statutes, are amended and subsection (5) is added to said section, to read:

460.406 Licensure by examination.--

(1) Any person desiring to be licensed as a chiropractic physician shall

apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(c) Submitted proof satisfactory to the department that he or she is a graduate of or is within 6 months of graduating from a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified shall be eligible to take the examination. No application for a license to practice chiropractic medicine shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

(d)1. For an applicant who has matriculated in a chiropractic college prior to July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education. However, prior to being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, shall have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by a regional accrediting agency which is a member of the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations ~~Commission on Recognition of Postsecondary Accreditation~~.

2. Effective July 1, 2000, completed, prior to matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an accrediting agency recognized and approved by the United States Department of Education. However, prior to being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, shall have been granted a bachelor's degree from an institution holding accreditation for that degree from a regional accrediting agency which is recognized by the United States Department of Education. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

(5) A student in a school or college of chiropractic accredited by the Council on Chiropractic Education, or its successors, in the final 6 months prior to his or her scheduled graduation from the program may file an application pursuant to subsection (1), take all examinations required for licensure, submit a set of fingerprints, and pay all fees required for licensure. A chiropractic student who takes and successfully passes the licensure examinations and who otherwise meets all requirements for licensure as a chiropractic physician during his or her final 6 months of study must graduate and supply proof of graduation to the department before being certified for licensure pursuant to s. 460.406.

Section 53. Subsection (5) of section 460.413, Florida Statutes, is amended to read:

460.413 Grounds for disciplinary action; action by board or department.--

(5) When an investigation of a chiropractic physician is undertaken, the department shall promptly furnish to the chiropractic physician or her or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. The chiropractic physician may submit a written response to the information contained in such complaint or document within 30 ~~45~~ days after service to the chiropractic physician of the complaint or document. The chiropractic physician's written response shall be considered by the probable cause panel.

Section 54. Subsection (6) of section 461.013, Florida Statutes, is amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.--

(6) When an investigation of a podiatric physician is undertaken, the department shall promptly furnish to the podiatric physician or her or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. The podiatric physician may submit a written response to the information contained in such complaint or document within 30 ~~45~~ days after service to the podiatric physician of the complaint or document. The podiatric physician's written response shall be considered by the probable cause panel.

Section 55. Paragraph (b) of subsection (1) of section 463.006, Florida Statutes, is amended to read:

463.006 Licensure and certification by examination.--

(1) Any person desiring to be a licensed practitioner pursuant to this chapter shall apply to the department to take the licensure and certification examinations. The department shall examine each applicant who the board determines has:

(b) Submitted proof satisfactory to the department that she or he:

1. Is at least 18 years of age.

2. Has graduated from an accredited school or college of optometry approved by rule of the board.

3. Is of good moral character.

4. Has successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as determined by the board, at an institution that:

a. Has facilities for both didactic and clinical instructions in pharmacology,~~; and~~

b. Is accredited by a regional or professional accrediting organization that is recognized and approved by the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation or the United States Department of Education, or by their successor organizations.

5. Has completed at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the optometric experience.

Section 56. Subsection (4) of section 461.014, Florida Statutes, is amended to read:

461.014 Residency.--The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(4) Every hospital having a residency program shall annually ~~semiannually~~, on ~~January 1 and~~ July 1 of each year, provide the board with a list of podiatric residents and such other information as is required by the board.

Section 57. Paragraph (a) of subsection (4) of section 464.0205, Florida Statutes, is amended to read:

464.0205 Retired volunteer nurse certificate.--

(4) A retired volunteer nurse receiving certification from the board shall:

(a) Work under the direct supervision of the director of a county health department, a physician working under a limited license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a physician licensed under chapter 458 or chapter 459, an advanced registered nurse practitioner certified under s. 464.012, or a registered nurse licensed under s. 464.008 or s. 464.009.

Section 58. Subsection (6) is added to section 464.201, Florida Statutes, to read:

464.201 Definitions.--As used in this part, the term:

(6) "Practice of a certified nursing assistant" means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This subsection does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.

Section 59. Paragraph (c) of subsection (1) of section 464.009, Florida Statutes, is amended to read:

464.009 Licensure by endorsement.--

(1) The department shall issue the appropriate license by endorsement to practice professional or practical nursing to an applicant who, upon applying to the department and remitting a fee set by the board not to exceed $100,

demonstrates to the board that he or she:

(c) Has actively practiced nursing in another state, jurisdiction, or territory of the United States for 2 of the preceding 3 years without having his or her license acted against by the licensing authority of any jurisdiction. Applicants who become licensed under ~~pursuant~~ to this paragraph must complete within 6 months after licensure a Florida laws and rules course that is approved by the board. Once the department has received the results of the national criminal history check and has determined that the applicant has no criminal history, the appropriate license by endorsement shall be issued to the applicant. ~~This paragraph is repealed July 1, 2004, unless reenacted by the Legislature.~~

Section 60. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.--The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants which specify the scope of practice authorized and level of supervision required for the practice of certified nursing assistants ~~to enforce this part~~. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 61. Subsections (1), (5), and (7) of section 464.203, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

464.203 Certified nursing assistants; certification requirement.--

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required statewide criminal screening through the Department of Law Enforcement, including Level I screening pursuant to chapter 435 or, if the applicant has not maintained continuous residency within the state for 5 years immediately preceding the date of application, Level II screening which includes a fingerprint check through the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to chapter 435, ~~Level I or Level II screening pursuant to s. 400.215~~ and meets one of the following requirements:

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

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

1. Has a high school diploma, or its equivalent; or

2. Is at least 18 years of age.

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

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

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

(7) A certified nursing assistant shall complete 12 ~~18~~ hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

(8) The department shall renew a certificate upon receipt of the renewal application and imposition of a fee of not less than $20 and not more than $50 biennially. The department shall adopt rules establishing a procedure for the biennial renewal of certificates. Any certificate not renewed by July 1, 2006, is void.

Section 62. Paragraph (b) of subsection (1) of section 464.204, Florida Statutes, is amended to read:

464.204 Denial, suspension, or revocation of certification; disciplinary actions.--

(1) The following acts constitute grounds for which the board may impose disciplinary sanctions as specified in subsection (2):

(b) ~~Intentionally~~ Violating any provision of parts I and II of this chapter, chapter 456, or the rules adopted by the board.

Section 63. Subsection (2) of section 465.0075, Florida Statutes, is amended to read:

465.0075 Licensure by endorsement; requirements; fee.--

(2) An applicant licensed in another state for a period in excess of 2 years from the date of application for licensure in this state shall submit a total of at least 30 hours of board-approved continuing education for the 24 months ~~2 calendar years~~ immediately preceding application.

Section 64. Subsections (2) and (4) of section 465.022, Florida Statutes, are amended to read:

465.022 Pharmacies; general requirements; fees.--

(2) A pharmacy permit shall be issued only to a person who is at least 18 years of age and of good moral character, to a partnership whose partners are at least 18 years of age and of good moral character, or to a corporation that ~~which~~ is registered pursuant to chapter 607 or chapter 617 whose officers, directors, and shareholders with an ownership interest of 5 percent or more are at least 18 years of age and of good moral character.

(4)(a) An application for a pharmacy permit must include a set of fingerprints from each person with an ownership interest of 5 percent or more and from any person who, directly or indirectly, manages, oversees, or controls the operation of the applicant, including officers and directors of a corporation. For corporations with over $100 million of assets in this state, the department may, as an alternative, require a set of the fingerprints of up to five corporate officers who are involved in the management and operation of the pharmacy. A requirement that fingerprints of a corporate officer be submitted may be satisfied when those fingerprints are on file with a state agency and available to the department. The application must be accompanied by payment of the costs incurred by the department for the criminal history checks.

(b) The department shall submit the fingerprints provided by the applicant to the Department of Law Enforcement for a statewide criminal history check and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check.

(c) After the application has been filed with the board and the permit fee provided in this section has been received, the board shall cause the application to be fully investigated, both as to the qualifications of the applicant and the prescription department manager or consultant pharmacist designated to be in charge and as to the premises and location described in the application.

Section 65. Section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.--

(1) The department or the board may deny a pharmacy permit application or revoke or suspend the permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee when the applicant for a pharmacy permit, pharmacy permittee, or any officer, director, or agent of an applicant or permittee ~~who~~ has:

(a) Obtained a permit by misrepresentation or fraud or through an error of

the department or the board;

(b) Attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation;

(c) Violated any of the requirements of this chapter or any of the rules of the Board of Pharmacy; of chapter 499, known as the "Florida Drug and Cosmetic Act"; of 21 U.S.C. ss. 301-392, known as the "Federal Food, Drug, and Cosmetic Act"; of 21 U.S.C. ss. 821 et seq., known as the Comprehensive Drug Abuse Prevention and Control Act; or of chapter 893; or

(d) Been convicted or found guilty, regardless of adjudication, of a felony or any other crime involving moral turpitude in any of the courts of this state, of any other state, or of the United States.

(e) Been convicted or disciplined by a regulatory agency of the Federal Government or a regulatory agency of another state for any offense that would constitute a violation of this chapter; or

(f) Been convicted of, found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, the profession of pharmacy.

(2) If a pharmacy permit is revoked or suspended, the owner, manager, or proprietor shall cease to operate the establishment as a pharmacy as of the effective date of the ~~such~~ suspension or revocation. In the event of the ~~such~~ revocation or suspension, the owner, manager, or proprietor shall remove from the premises all signs and symbols identifying the premises as a pharmacy. The period of the ~~such~~ suspension shall be prescribed by the Board of Pharmacy, but in no case shall it exceed 1 year. In the event that the permit is revoked, the person owning or operating the establishment shall not be entitled to make application for a permit to operate a pharmacy for a period of 1 year from the date of the ~~such~~ revocation. Upon the effective date of the ~~such~~ revocation, the permittee shall advise the Board of Pharmacy of the disposition of the medicinal drugs located on the premises. The ~~Such~~ disposition shall be subject to continuing supervision and approval by the Board of Pharmacy.

Section 66. Subsections (2) and (5) of section 465.025, Florida Statutes, are amended, and subsections (6) through (8) are renumbered as subsections (5) through (7), respectively, to read:

465.025 Substitution of drugs.--

(2) A pharmacist who receives a prescription for a brand name drug shall, unless requested otherwise by the purchaser, substitute a less expensive, generically equivalent drug product that is~~:~~

~~(a)~~ distributed by a business entity doing business, and subject to suit and service of legal process, in the United States~~; and~~

~~(b) Listed in the formulary of generic and brand name drug products as provided in subsection (5) for the brand name drug prescribed,~~

unless the prescriber writes the words "MEDICALLY NECESSARY," in her or his own handwriting, on the face of a written prescription or unless, in the case of an electronically transmitted prescription, the prescriber indicates in the transmitted prescription that the brand name drug is medically necessary or, in the case of an oral prescription, the prescriber expressly indicates to the pharmacist that the brand name drug prescribed is medically necessary.

~~(5) Each community pharmacy shall establish a formulary of generic and brand name drug products which, if selected as the drug product of choice, would not pose a threat to the health and safety of patients receiving prescription medication. In compiling the list of generic and brand name drug products for inclusion in the formulary, the pharmacist shall rely on drug product research, testing, information, and formularies compiled by other pharmacies, by states, by the United States Department of Health, Education, and Welfare, by the United States Department of Health and Human Services, or by any other source which the pharmacist deems reliable. Each community pharmacy shall make such formulary available to the public, the Board of Pharmacy, or any physician requesting same. This formulary shall be revised following each addition, deletion, or modification of said formulary.~~

Section 67. Subsection (1) of section 465.0251, Florida Statutes, is amended to read:

465.0251 Generic drugs; removal from formulary under specified circumstances.--

(1) The Board of Pharmacy and the Board of Medicine shall remove any generic named drug product from the formulary established by s. 465.025(5)~~(6)~~, if every commercially marketed equivalent of that drug product is "A" rated as therapeutically equivalent to a reference listed drug or is a reference listed drug as referred to in "Approved Drug Products with Therapeutic Equivalence Evaluations" (Orange Book) published by the United States Food and Drug Administration.

Section 68. Subsection (7) is added to section 465.026, Florida Statutes, to read:

465.026 Filling of certain prescriptions.--Nothing contained in this chapter shall be construed to prohibit a pharmacist licensed in this state from filling or refilling a valid prescription which is on file in a pharmacy located in this state or in another state and has been transferred from one pharmacy to another by any means, including any electronic means, under the following conditions:

(7) A community pharmacy licensed under this chapter that only receives and transfers prescriptions for dispensing by another pharmacy may transfer a prescription for a medicinal drug listed in Schedule II under chapter 893. The pharmacy receiving the prescription may ship, mail, or deliver into this state, in any manner, the dispensed Schedule II medicinal drug under the following conditions:

(a) The pharmacy receiving and dispensing the transferred prescription maintains at all times a valid, unexpired license, permit, or registration to operate the pharmacy in compliance with the laws of the state in which the pharmacy is located and from which the medicinal drugs are dispensed;

(b) The community pharmacy and the receiving pharmacy are owned and operated by the same person and share a centralized database; and

(c) The community pharmacy ensures its compliance with federal laws and subsections (1)-(5).

Section 69. Section 465.0255, Florida Statutes, is amended to read:

465.0255 Expiration date of medicinal drugs; display; related use and storage instructions.--

(1) The manufacturer, repackager, or other distributor of any medicinal drug shall display the expiration date of each drug in a readable fashion on the container and on its packaging. The term "readable" means conspicuous and bold.

(2) Each pharmacist for a community pharmacy dispensing medicinal drugs and each practitioner dispensing medicinal drugs on an outpatient basis shall display on the outside of the container of each medicinal drug dispensed, or in other written form delivered to the purchaser;~~,~~

(a) The expiration date when provided by the manufacturer, repackager, or other distributor of the drug; or ~~and~~

(b) An earlier beyond-use date for expirations, which may be up to 1 year after the date of dispensing.

The dispensing pharmacist or practitioner must provide information concerning the expiration date to the purchaser upon request and must provide appropriate instructions regarding the proper use and storage of the drug.

(3) ~~Nothing in~~ This section does not ~~shall~~ impose liability on the dispensing pharmacist or practitioner for damages related to, or caused by, a medicinal drug that loses its effectiveness prior to the expiration date displayed by the dispensing pharmacist or practitioner.

(4)~~(3)~~ The provisions of this section are intended to notify the patient receiving a medicinal drug of the information required by this section, and the dispensing pharmacist or practitioner shall not be liable for the patient's failure to heed such notice or to follow the instructions for storage.

Section 70. Subsection (4) of section 465.0265, Florida Statutes, is renumbered as subsection (8), and new subsections (4), (5), (6), and (7) are added to said section, to read:

465.0265 Centralized prescription filling.--

(4) A pharmacy that performs centralized prescription filling services may not mail or otherwise deliver a filled prescription directly to a patient or individual practitioner if the prescription was filled on behalf of another. The filled prescription must be transported to the originating pharmacy for dispensing.

(5) A central fill pharmacy may only prepare prescriptions on behalf of pharmacies with which it has a contractual agreement to provide such services, or with which it shares a common owner. The central fill pharmacy is required to keep a list of pharmacies for which it has agreed to provide such services and must verity the Drug Enforcement Administration registration of any pharmacy with which it conducts business prior to sending or receiving controlled substance prescriptions.

(6) Pharmacies shall keep a list of those central fill pharmacies permitted to prepare prescriptions on their behalf and verify that they are Drug Enforcement Administration registrants.

(7) A central fill pharmacy shall comply with the same security

requirements applicable to pharmacies, including the general requirement to maintain effective controls and procedures to guard against theft and diversion of controlled substances.

Section 71. Paragraph (a) of subsection (3) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.--

(3) A graduate of a dental college or school shall be entitled to take the examinations required in this section to practice dental hygiene in this state if, in addition to the requirements specified in subsection (2), the graduate meets the following requirements:

(a) Submits the following credentials for review by the board:

1. Transcripts totaling 4 academic years of postsecondary dental education ~~of predental education and dental education totaling 5 academic years of postsecondary education, including 4 academic years of dental education~~; and

2. A dental school diploma which is comparable to a D.D.S. or D.M.D.

Such credentials shall be submitted in a manner provided by rule of the board. The board shall approve those credentials which comply with this paragraph and with rules of the board adopted pursuant to this paragraph. The provisions of this paragraph notwithstanding, an applicant of a foreign dental college or school not accredited in accordance with s. 466.006(2)(b) who cannot produce the credentials required by this paragraph, as a result of political or other conditions in the country in which the applicant received his or her education, may seek the board's approval of his or her educational background by submitting, in lieu of the credentials required in this paragraph, such other reasonable and reliable evidence as may be set forth by board rule. The board shall not accept such other evidence until it has made a reasonable attempt to obtain the credentials required by this paragraph from the educational institutions the applicant is alleged to have attended, unless the board is otherwise satisfied that such credentials cannot be obtained.

Section 72. Paragraph (c) of subsection (1) of section 466.0135, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to said subsection, to read:

466.0135 Continuing education; dentists.--

(1) In addition to the other requirements for renewal set out in this chapter, each licensed dentist shall be required to complete biennially not less than 30 hours of continuing professional education in dental subjects. Programs of continuing education shall be programs of learning that contribute directly to the dental education of the dentist and may include, but shall not be limited to, attendance at lectures, study clubs, college postgraduate courses, or scientific sessions of conventions; and research, graduate study, teaching, or service as a clinician. Programs of continuing education shall be acceptable when adhering to the following general guidelines:

(c) In addition to subsection (b), the board may authorize up to 2 hours of continuing education credit for a course on practice management that includes, but is not limited to, principles of ethical practice management, provider substance abuse, effective communications with patients, time management, and burn out prevention.

Section 73. Section 466.021, Florida Statutes, is amended to read:

466.021 Employment of unlicensed persons by dentist; penalty.--Every duly licensed dentist who uses the services of any unlicensed person for the purpose of constructing, altering, repairing, or duplicating any denture, partial denture, bridge splint, or orthodontic or prosthetic appliance shall be required to furnish such unlicensed person with a written work order in such form as prescribed by rule of the board. This form shall be dated and signed by such dentist and shall include the patient's name or number with sufficient descriptive information to clearly identify the case for each separate and individual piece of work. A copy of such work order shall be retained in a ~~permanent~~ file in the dentist's office for a period of 4 ~~2~~ years, and the original work order shall be retained in a ~~permanent~~ file for a period of 4 ~~2~~ years by such unlicensed person in her or his place of business. Such ~~permanent~~ file of work orders to be kept by such dentist or by such unlicensed person shall be open to inspection at any reasonable time by the department or its duly constituted agent. Failure of the dentist to keep such ~~permanent~~ records of such work orders shall subject the dentist to suspension or revocation of her or his license to practice dentistry. Failure of such unlicensed person to have in her or his possession a work order as required by this section shall be admissible evidence of a violation of this chapter and shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Nothing in this section shall preclude a registered dental laboratory from working for another registered dental laboratory, provided that such work is performed pursuant to written authorization, in a form to be prescribed by rule of the board, which evidences that the originating laboratory has obtained a valid work order and which sets forth the work to be performed. Furthermore, nothing in this section shall preclude a registered laboratory from providing its services to dentists licensed and practicing in another state, provided that such work is requested or otherwise authorized in written form which clearly identifies the name and address of the requesting dentist and which sets forth the work to be performed.

Section 74. Subsection (8) of section 467.009, Florida Statutes, is amended to read:

467.009 Midwifery programs; education and training requirements.--

(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by an accrediting agency recognized and approved by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations, ~~a member of the Commission on Recognition of Postsecondary Accreditation~~ and shall be licensed by the Commission for Independent ~~State Board of Nonpublic Career~~ Education.

Section 75. Section 467.013, Florida Statutes, is amended to read:

467.013 Inactive status.--A licensee may request that his or her license be placed in an inactive status by making application to the department pursuant to department rule and paying a fee.

~~(1) An inactive license may be renewed for one additional biennium upon application to the department and payment of the applicable biennium renewal fee. The department shall establish by rule procedures and fees for applying to place a license on inactive status, renewing an inactive license, and reactivating an inactive license. The fee for any of these procedures may not exceed the biennial renewal fee established by the department.~~

~~(2) Any license that is not renewed by the end of the biennium established by the department automatically reverts to involuntary inactive status unless the licensee has applied for voluntary inactive status. Such license may be reactivated only if the licensee meets the requirements for reactivating the license established by department rule.~~

~~(3) A midwife who desires to reactivate an inactive license shall apply to the department, complete the reactivation application, remit the applicable fees, and submit proof of compliance with the requirements for continuing education established by department rule.~~

~~(4) Each licensed midwife whose license has been placed on inactive status for more than 1 year must complete continuing education hours as a condition of reactivating the inactive license.~~

~~(5) The licensee shall submit to the department evidence of participation in 10 hours of continuing education, approved by the department and clinically related to the practice of midwifery, for each year of the biennium in which the license was inactive. This requirement is in addition to submitting evidence of completing the continuing education required for the most recent biennium in which the licensee held an active license.~~

Section 76. Section 467.0135, Florida Statutes, is amended to read:

467.0135 Fees.--The department shall establish fees for application, ~~examination,~~ initial licensure, renewal of active status licensure, licensure by endorsement, inactive status, delinquent status, and reactivation of an inactive status license. The appropriate fee must be paid at the time of application and is payable to the Department of Health, in accordance with rules adopted by the department. A fee is nonrefundable, unless otherwise provided by rule. A fee may not exceed:

~~(1) Five hundred dollars for examination.~~

(1)~~(2)~~ Five hundred dollars for initial licensure.

(2)~~(3)~~ Five hundred dollars for renewal of an active status license ~~licensure~~.

(3)~~(4)~~ Two hundred dollars for application~~, which fee is nonrefundable~~.

(4)~~(5)~~ Five hundred dollars for renewal ~~reactivation~~ of an inactive status license.

(5)~~(6)~~ Five hundred dollars for licensure by endorsement.

A fee for inactive status, reactivation of an inactive status license, or delinquency may not exceed the fee established by the department for biennial renewal of an active status license. All fees collected under this section shall be deposited in the Medical Quality Assurance Trust Fund.

Section 77. Subsection (1) of section 467.017, Florida Statutes, is amended to read:

467.017 Emergency care plan; immunity.--

(1) Every licensed midwife shall develop a written plan for the appropriate delivery of emergency care. A copy of the plan shall accompany any application for license issuance and must be made available upon request of the department ~~or renewal~~. The plan shall address the following:

(a) Consultation with other health care providers.

(b) Emergency transfer.

(c) Access to neonatal intensive care units and obstetrical units or other patient care areas.

Section 78. Paragraph (b) of subsection (3) of section 468.1155, Florida Statutes, is amended to read:

468.1155 Provisional license; requirements.--

(3) The department shall issue a provisional license to practice audiology to each applicant who the board certifies has:

(b) Received a master's degree or is currently enrolled in a doctoral degree program with a major emphasis in audiology from an institution of higher learning which is, or at the time the applicant was enrolled and graduated was, accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations, or from an institution which is a member in good standing with the Association of Universities and Colleges of Canada. An applicant who graduated from or is currently enrolled in a program at a university or college outside the United States or Canada must present documentation of the determination of equivalency to standards established by the Council for Higher Education Accreditation in order to qualify. The applicant must have completed 60 semester hours that include:

1. Fundamental information applicable to the normal development and use of speech, hearing, and language; information about training in management of speech, hearing, and language disorders; and information supplementary to these fields.

2. Six semester hours in speech-language pathology.

3. Thirty of the required 60 semester hours in courses acceptable toward a graduate degree by the college or university in which these courses were taken, of which 24 semester hours must be in audiology.

Section 79. Section 468.352, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 468.352, F.S., for present text.)

468.352 Definitions.--As used in this part, the term:

(1) "Board" means the Board of Respiratory Care.

(2) "Certified respiratory therapist" means any person licensed pursuant to this part who is certified by the National Board for Respiratory Care or its successor; who is employed to deliver respiratory care services under the order of a physician licensed pursuant to chapter 458 or chapter 459, in accordance with protocols established by a hospital or other health care provider or the board; and who functions in situations of unsupervised patient contact requiring individual judgment.

(3) "Critical care" means care given to a patient in any setting involving a life-threatening emergency.

(4) "Department" means the Department of Health.

(5) "Direct supervision" means practicing under the direction of a licensed, registered, or certified respiratory therapist who is physically on the premises and readily available, as defined by the board.

(6) "Physician supervision" means supervision and control by a physician licensed under chapter 458 or chapter 459 who assumes the legal liability for the services rendered by the personnel employed in his or her office. Except in the case of an emergency, physician supervision requires the easy availability of the physician within the office or the physical presence of the physician for consultation and direction of the actions of the persons who deliver respiratory care services.

(7) "Practice of respiratory care" or "respiratory therapy" means the allied health specialty associated with the cardiopulmonary system that is practiced under the orders of a physician licensed under chapter 458 or chapter 459 and in accordance with protocols, policies, and procedures established by a hospital or other health care provider or the board, including the assessment, diagnostic evaluation, treatment, management, control, rehabilitation, education, and care of patients in all care settings.

(8) "Registered respiratory therapist" means any person licensed under this part who is registered by the National Board for Respiratory Care or its successor; who is employed to deliver respiratory care services under the order of a physician licensed under chapter 458 or chapter 459, in accordance with protocols established by a hospital or other health care provider or the board; and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) "Respiratory care practitioner" means any person licensed under this part who is employed to deliver respiratory care services, under direct supervision, pursuant to the order of a physician licensed under chapter 458 or chapter 459.

(10) "Respiratory care services" includes:

(a) Evaluation and disease management.

(b) Diagnostic and therapeutic use of respiratory equipment, devices, or medical gas.

(c) Administration of drugs, as duly ordered or prescribed by a physician licensed under chapter 458 or chapter 459 and in accordance with protocols, policies, and procedures established by a hospital or other health care provider or the board.

(d) Initiation, management, and maintenance of equipment to assist and support ventilation and respiration.

(e) Diagnostic procedures, research, and therapeutic treatment and procedures, including measurement of ventilatory volumes, pressures, and flows; specimen collection and analysis of blood for gas transport and acid/base determinations; pulmonary function testing; and other related physiological monitoring of cardiopulmonary systems.

(f) Cardiopulmonary rehabilitation.

(g) Cardiopulmonary resuscitation, advanced cardiac life support, neonatal resuscitation, and pediatric advanced life support, or equivalent functions.

(h) Insertion and maintenance of artificial airways and intravascular catheters.

(i) Education of patients, families, the public, or other health care providers, including disease process and management programs and smoking prevention and cessation programs.

(j) Initiation and management of hyperbaric oxygen.

Section 80. Section 468.355, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 468.355, F.S., for present text.)

468.355 Licensure requirements.--To be eligible for licensure by the board, an applicant must be an active certified respiratory therapist or an active registered respiratory therapist as designated by the National Board for Respiratory Care or its successor.

Section 81. Section 468.368, Florida Statutes, is amended to read:

(Substantial rewording of section. See

s. 468.368, F.S., for present text.)

468.368 Exemptions.--This part may not be construed to prevent or restrict the practice, service, or activities of:

(1) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed.

(2) Any legally qualified person in this state or another state or territory who is employed by the United States Government or any agency thereof, while such person is discharging his or her official duties.

(3) A friend or family member who is providing respiratory care services to an ill person and who does not represent himself or herself as a respiratory care practitioner or respiratory therapist.

(4) An individual providing respiratory care services in an emergency who does not represent himself or herself as a respiratory care practitioner or respiratory therapist.

(5) Any individual employed to deliver, assemble, set up, or test equipment for use in a home, upon the order of a physician licensed pursuant to chapter 458 or chapter 459. This subsection does not authorize the practice of respiratory care without a license.

(6) Any individual certified or registered as a pulmonary function technologist who is credentialed by the National Board for Respiratory Care for performing cardiopulmonary diagnostic studies.

(7) Any student who is enrolled in an accredited respiratory care program approved by the board, while performing respiratory care as an integral part of a required course.

(8) A surrogate family member who is delivering incidental respiratory care to a noninstitutionalized person and who does not represent himself or herself as a respiratory care practitioner or respiratory therapist.

(9) Any individual credentialed by the Underseas Hyperbaric Society in hyperbaric medicine or its equivalent, as determined by the board, while performing related duties. This subsection does not authorize the practice of respiratory care without a license.

Section 82. Paragraph (a) of subsection (2) of section 468.509, Florida Statutes, is amended to read:

468.509 Dietitian/nutritionist; requirements for licensure.--

(2) The agency shall examine any applicant who the board certifies has completed the application form and remitted the application and examination fees specified in s. 468.508 and who:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation or ~~and~~ the United States Department of Education, or by their successor organizations; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

Section 83. Section 468.707, Florida Statutes, is amended to read:

468.707 Licensure by examination; requirements.--

~~(1)~~ Any person desiring to be licensed as an athletic trainer shall apply to the department on a form approved by the department.

(1)~~(a)~~ The department shall license each applicant who:

(a)~~1.~~ Has completed the application form and remitted the required fees.

(b)~~2.~~ Is at least 21 years of age.

(c)~~3.~~ Has obtained a baccalaureate degree from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation, or by their successor organizations, or approved by the board.

(d)~~4.~~ Has completed coursework from a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education or the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation, or by their successor organizations, or approved by the board, in each of the following areas, as provided by rule: health, human anatomy, kinesiology/biomechanics, human physiology, physiology of exercise, basic athletic training, and advanced athletic training.

(e)~~5.~~ Has current certification in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or an equivalent certification as determined by the board.

(f)~~6.~~ Has, within 2 of the preceding 5 years, attained a minimum of 800 hours of athletic training experience under the direct supervision of a licensed athletic trainer or an athletic trainer certified by the National Athletic Trainers' Association or a comparable national athletic standards organization.

(g)~~7.~~ Has passed an examination administered or approved by the board.

(2)~~(b)~~ The department shall also license each applicant who:

(a)~~1.~~ Has completed the application form and remitted the required fees no later than October 1, 1996.

(b)~~2.~~ Is at least 21 years of age.

(c)~~3.~~ Has current certification in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or an equivalent certification as determined by the board.

(d)1.~~4.a.~~ Has practiced athletic training for at least 3 of the 5 years preceding application; or

2.~~b.~~ Is currently certified by the National Athletic Trainers' Association or a comparable national athletic standards organization.

~~(2) Pursuant to the requirements of s. 456.034, each applicant shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of initial licensure.~~

Section 84. Subsections (2) and (3) of section 468.711, Florida Statutes, are amended to read:

468.711 Renewal of license; continuing education.--

(2) The board may, by rule, prescribe continuing education requirements, not to exceed 24 hours biennially. The criteria for continuing education shall be approved by the board ~~and shall include 4 hours in standard first aid and cardiovascular pulmonary resuscitation from the American Red Cross or equivalent training as determined by the board~~.

~~(3) Pursuant to the requirements of s. 456.034, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.~~

Section 85. Section 468.723, Florida Statutes, is amended to read:

468.723 Exemptions.--Nothing in this part shall be construed as preventing or restricting:

(1) The professional practice of a licensee of the department who is acting within the scope of such practice.

(2) A student athletic trainer acting under the direct supervision of a licensed athletic trainer.

~~(3) A person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46.~~

(3)~~(4)~~ A person from administering standard first aid treatment to an athlete.

(4)~~(5)~~ A person licensed under chapter 548, provided such person is acting within the scope of such license.

(5)~~(6)~~ A person providing personal training instruction for exercise, aerobics, or weightlifting, if the person does not represent himself or herself as able to provide "athletic trainer" services and if any recognition or treatment of injuries is limited to the provision of first aid.

Section 86. Subsection (5) is added to section 480.034, Florida Statutes, to read:

480.034 Exemptions.--

(5) The establishment licensure requirements of this act do not apply to massage therapists licensed under this chapter or to the office of a health care practitioner licensed under chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 466, or chapter 486, if massage therapy provided by a massage therapist at the office is only provided to the patients of the health care practitioner.

Section 87. Section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.--

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Has completed an application form and submitted the appropriate fee to the department;

(b) Is at least 18 years of age and ~~or~~ has received a high school diploma or graduate equivalency diploma;

(c)~~(b)~~ Has completed a course of study at a board-approved massage school ~~or has completed an apprenticeship program that meets standards adopted by the board~~; and

(d)~~(c)~~ Has received a passing grade on a board-approved national ~~an~~ examination certified ~~administered~~ by the department.

(2) ~~Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such~~ Applicants for licensure shall be subject to the provisions of s. 480.046(1). Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.

~~(3) Upon an applicant's passing the examination and paying the initial licensure fee, the department shall issue to the applicant a license, valid until the next scheduled renewal date, to practice massage.~~

(3)~~(4)~~ The board shall adopt rules:

(a) Establishing a minimum training program for apprentices.

(b) Providing for educational standards, examination, and certification for the practice of colonic irrigation, as defined in s. 480.033(5)~~(6)~~, by massage therapists.

(c) Specifying licensing procedures for practitioners desiring to be licensed in this state who hold an active license and have practiced in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction which has licensing standards substantially similar to, equivalent to, or more stringent than the standards of this state.

(4) Notwithstanding s. 456.017(1)(c)2., the department shall adopt rules for the for the administration of a state-developed written examination for the practice of colonic irrigation and such examination will be administered until a national examination is certified by the department.

Section 88. Paragraph (h) of subsection (1) of section 480.044, Florida Statutes, is amended, and paragraphs (i) through (l) are redesignated as paragraphs (h) through (k), respectively, to read:

480.044 Fees; disposition.--

(1) The board shall set fees according to the following schedule:

~~(h) Fee for apprentice: not to exceed $100.~~

Section 89. Subsection (9) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.--In this chapter, unless the context otherwise requires, the term:

(9) "Direct supervision" means supervision by a physical therapist who is licensed pursuant to this chapter. Except in a case of emergency, direct supervision requires the physical presence of the licensed physical therapist for consultation and direction of the actions of a physical therapist or physical therapist assistant ~~who is practicing under a temporary permit and who is a candidate for licensure by examination~~.

Section 90. Section 486.031, Florida Statutes, is amended to read:

486.031 Physical therapist; licensing requirements.--To be eligible for licensing as a physical therapist, an applicant must:

(1) Be at least 18 years old.~~;~~

(2) Be of good moral character.~~; and~~

(3)(a) Have been graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by an ~~the appropriate~~ accrediting agency recognized by the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation or the United States Department of Education, or by their successor organizations, at the time of her or his graduation and have passed, to the satisfaction of the board, the American Registry Examination prior to 1971 or a national examination approved by the board to determine her or his fitness for practice as a physical therapist as hereinafter provided;

(b) Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist as hereinafter provided; or

(c) Be entitled to licensure without examination as provided in s. 486.081.

Section 91. Section 486.051, Florida Statutes, is amended to read:

486.051 Physical therapist; examination of applicant.--The examinations of an applicant for licensing as a physical therapist shall be in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of a test by the applicant. If an applicant fails to pass the examination in three attempts, the applicant ~~shall not be eligible for reexamination unless she or he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, she or he~~ is no longer eligible to take the examination.

Section 92. Section 486.081, Florida Statutes, is amended to read:

486.081 Physical therapist; issuance of license by endorsement ~~without examination~~ to a person licensed in another jurisdiction ~~passing examination of another authorized examining board~~; fee.--

(1) The board may cause a license to be issued through the department by endorsement ~~without examination~~ to any applicant who presents evidence satisfactory to the board, under oath or affirmation, of having passed the American Registry Examination prior to 1971 or of licensure in another jurisdiction ~~an examination in physical therapy before a similar lawfully authorized examining board of another state, the District of Columbia, a territory, or a foreign country~~, if the standards for licensure in physical therapy in such other jurisdiction ~~state, district, territory, or foreign country~~ are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist" or "physiotherapist," or the letters "P.T.," in connection with her or his name or place of business to denote her or his licensure hereunder.

(2) At the time of making application for licensure by endorsement ~~without examination~~ pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $175 as fixed by the board, no part of which will be returned.

(3) An applicant seeking reentry into the profession who has not been in active practice within the last 3 years prior to applying for licensure shall submit to the board documentation of competence to practice as required by rule of the board.

Section 93. Section 486.102, Florida Statutes, is amended to read:

486.102 Physical therapist assistant; licensing requirements.--To be eligible for licensing by the board as a physical therapist assistant, an applicant must:

(1) Be at least 18 years old.~~;~~

(2) Be of good moral character.~~; and~~

(3)(a) Be a graduate of a professional physical therapy assistant education program which is accredited by an ~~Have been graduated from a school giving a course of not less than 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting~~ agency recognized by the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation or the United States Department of Education, or by their successor organizations, or which is approved by the board at the time of the applicant's ~~her or his~~ graduation. An applicant must ~~and~~ have passed to the satisfaction of the board an examination to determine the applicant's eligibility for licensure to ~~her or his fitness for~~ practice as a physical therapist assistant as hereinafter provided;

(b) Be a graduate of a physical therapy assistant program ~~Have been graduated from a school giving a course for physical therapist assistants~~ in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination to determine the applicant's eligibility for licensure to ~~her or his fitness for~~ practice as a physical therapist assistant as hereinafter provided; or

(c) Be entitled to licensure by endorsement ~~without examination~~ as provided in s. 486.107.

Section 94. Section 486.104, Florida Statutes, is amended to read:

486.104 Physical therapist assistant; examination of applicant.--The examinations ~~examination~~ of an applicant for licensing as a physical therapist assistant shall be in accordance with rules adopted by the board, to test the applicant's qualifications and shall include the taking of tests ~~a test~~ by the applicant. If an applicant fails to pass the examination in three attempts, the applicant ~~shall not be eligible for reexamination unless she or he completes additional educational or training requirements prescribed by the board. An applicant who has completed the additional educational or training requirements prescribed by the board may take the examination on two more occasions. If the applicant has failed to pass the examination after five attempts, she or he~~ is no longer eligible to take the examination.

Section 95. Section 486.107, Florida Statutes, is amended to read:

486.107 Physical therapist assistant; issuance of license by endorsement ~~without examination~~ to a person licensed in another jurisdiction; fee.--

(1) The board may cause a license to be issued through the department by endorsement ~~without examination~~ to any applicant who presents evidence to the board, under oath, of licensure in another jurisdiction ~~state, the District of Columbia, or a territory~~, if the standards for registering as a physical therapist assistant or licensing of a physical therapist assistant, as the case may be, in such other jurisdiction ~~state~~ are determined by the board to be as high as those of this state, as established by rules adopted pursuant to this chapter. Any person who holds a license pursuant to this section may use the words "physical therapist assistant," or the letters "P.T.A.," in connection with her or his name to denote licensure hereunder.

(2) At the time of making application for licensing by endorsement ~~without examination~~ pursuant to the terms of this section, the applicant shall pay to the department a fee not to exceed $175 as fixed by the board, no part of which will be returned.

(3) An applicant seeking reentry into the profession who has not been in active practice within the last 3 years prior to applying for licensure shall submit to the board documentation of competence to practice as required by rule of the board.

Section 96. Subsection (2) of section 486.109, Florida Statutes, is amended to read:

486.109 Continuing education.--

(2) The board will accept ~~shall approve~~ only those courses sponsored by a college or university which provides a curriculum for professional education of ~~training~~ physical therapists or physical therapist assistants which is accredited by, or has status with an accrediting agency approved by, the United States Department of Education as determined by board rule, or courses sponsored or approved by the Florida Physical Therapy Association or the American Physical Therapy Association.

Section 97. Paragraph (c) is added to subsection (2) of section 486.161, Florida Statutes, to read:

486.161 Exemptions.--

(2) No provision of this chapter shall be construed to prohibit:

(c) Any physical therapist who is licensed in another jurisdiction of the United States or credentialed in another country from performing physical therapy if that person, by contract or employment, is providing such physical therapy to individuals affiliated with or employed by established athletic teams, athletic organizations, or performing arts companies temporarily practicing, competing, or performing in the state for no more than 60 days in a calendar year.

Section 98. Paragraph (b) of subsection (2) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.--

(2) Any person desiring to be licensed as a school psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the department certifies has:

(b) Submitted satisfactory proof to the department that the applicant:

1. Has received a doctorate, specialist, or equivalent degree from a program primarily psychological in nature and has completed 60 semester hours or 90 quarter hours of graduate study, in areas related to school psychology as defined by rule of the department, from a college or university which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized and approved by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations, ~~Commission on Recognition of Postsecondary Accreditation~~ or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

2. Has had a minimum of 3 years of experience in school psychology, 2 years of which must be supervised by an individual who is a licensed school psychologist or who has otherwise qualified as a school psychologist supervisor, by education and experience, as set forth by rule of the department. A doctoral internship may be applied toward the supervision requirement.

3. Has passed an examination provided by the department.

Section 99. Paragraph (a) of subsection (2) of section 490.014, Florida Statutes, is amended to read:

490.014 Exemptions.--

(2) No person shall be required to be licensed or provisionally licensed under this chapter who:

(a) Is a salaried employee of a government agency or a private provider contracting with a government agency for performance of the same essential services previously provided by the agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, so long as the employee is not held out to the public as a psychologist pursuant to s. 490.012(1)(a).

Section 100. Paragraphs (c) and (d) of subsection (1), paragraphs (b), (c), and (d) of subsection (3), and paragraphs (b), (c), and (d) of subsection (4) of section 491.005, Florida Statutes, are amended, paragraph (f) is added to subsection (1), paragraph (g) is added to subsection (3), and paragraph (f) is added to subsection (4) of said section, to read:

491.005 Licensure by examination.--

(1) CLINICAL SOCIAL WORK.--Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization, the department shall issue a license as a clinical social worker to an applicant who the board certifies:

(c) Has had not less than 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in subparagraph (b)2., the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the clinical social work experience requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising clinical social worker or the equivalent, provided that all work is performed under the direct supervision of ~~the off-premises work is not the independent private practice rendering of clinical social work that does not have~~ a licensed mental health professional, as determined by the board~~, on the premises at the same time the intern is providing services~~.

(d) Has passed a theory and practice examination approved ~~provided~~ by the board ~~department~~ for this purpose, which shall only be taken following completion of the clinical experience requirement.

(f) Has satisfied all coursework requirements in this section by successfully completing the required course as a student or by teaching the required graduate course as an instructor or professor in an accredited institution.

(3) MARRIAGE AND FAMILY THERAPY.--Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost to the department for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(b)1. Has a minimum of a master's degree with major emphasis in marriage and family therapy, or a closely related field, and has completed all of the following requirements:

a. Thirty-six semester hours or 48 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory or general counseling theory and techniques; psychopathology; human sexuality theory and counseling techniques; psychosocial theory; and substance abuse theory and counseling techniques. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of one graduate-level course of 3 semester hours or 4 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.

c. A minimum of one graduate-level course of 3 semester hours or 4 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 3-semester-hour or 4-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

d. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations ~~Commission on Recognition of Postsecondary Accreditation~~; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations ~~Commission on Recognition of Postsecondary Accreditation~~. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) Has had not less than 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field that did not include all the coursework required under sub-subparagraphs (b)1.a.-c., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of 10 of the courses required under sub-subparagraphs (b)1.a.-c., as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques. Within the 3 years of required experience, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the clinical experience requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising marriage and family therapist or the equivalent, provided that all work is performed under the direct supervision of ~~the off-premises work is not the independent private practice rendering of marriage and family therapy services that does not have~~ a licensed mental health professional, as determined by the board~~, on the premises at the same time the intern is providing services~~.

(d) Has passed a theory and practice examination approved ~~provided~~ by the board ~~department~~ for this purpose, which shall only be taken following completion of the clinical experience requirement.

(g) Has satisfied all coursework requirements in this section by successfully completing the required course as a student or by teaching the required graduate course as an instructor or professor in an accredited institution.

(4) MENTAL HEALTH COUNSELING.--Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(b)1. Has a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs that consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; counseling in community settings; and substance abuse. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

c. The equivalent, as determined by the board, of at least 1,000 hours of university-sponsored supervised clinical practicum, internship, or field experience as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations ~~Commission on Recognition of Postsecondary Accreditation~~; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation or the United States Department of Education, or by their successor organizations ~~Commission on Recognition of Postsecondary Accreditation~~. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country.

(c) Has had not less than 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 prior to commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling that did not include all the coursework required under sub-

subparagraphs (b)1.a.-b., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a.-b., as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. The clinical experience requirement may be met by work performed on or off the premises of the supervising mental health counselor or the equivalent, provided that all work is performed under the direct supervision of ~~the off-premises work is not the independent private practice rendering of services that does not have~~ a licensed mental health professional, as determined by the board~~, on the premises at the same time the intern is providing services~~.

(d) Has passed a theory and practice examination approved ~~provided~~ by the board ~~department~~ for this purpose, which shall only be taken following completion of the clinical experience requirement.

(f) Has satisfied all coursework requirements in this section by successfully completing the required course as a student or by teaching the required graduate course as an instructor or professor in an accredited institution.

Section 101. Subsection (3) is added to section 491.006, Florida Statutes, to read:

491.006 Licensure or certification by endorsement.--

(3) An applicant for licensure by endorsement as a mental health counselor who has completed the 2 years of post-master's clinical experience prior to completing the required course in psychopathology or abnormal psychology and has been licensed in another state for 5 of the last 6 years without being subject to disciplinary action, may be licensed by the board upon successful completion of the required course in psychopathology or abnormal psychology.

Section 102. Subsection (2) of section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.--

(2) The department, in the case of a certified master social worker, or~~, in the case of psychologists,~~ the board~~,~~ may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 103. Paragraph (a) of subsection (4) of section 491.014, Florida Statutes, is amended to read:

491.014 Exemptions.--

(4) No person shall be required to be licensed, provisionally licensed, registered, or certified under this chapter who:

(a) Is a salaried employee of a government agency or a private provider contracting with a government agency for performance of the same essential services previously provided by the agency; developmental services program, mental health, alcohol, or drug abuse facility operating pursuant to chapter 393, chapter 394, or chapter 397; subsidized child care program, subsidized child care case management program, or child care resource and referral program operating pursuant to chapter 402; child-placing or child-caring agency licensed pursuant to chapter 409; domestic violence center certified pursuant to chapter 39; accredited academic institution; or research institution, if such employee is performing duties for which he or she was trained and hired solely within the confines of such agency, facility, or institution, so long as the employee is not held out to the public as a clinical social worker, mental health counselor, or marriage and family therapist.

Section 104. Section 491.0145, Florida Statutes, is amended to read:

491.0145 Certified master social worker.--The department may not adopt any rules that would cause any person who was not licensed as a certified master social worker in accordance with this chapter on January 1, 1990, to become licensed. The department may certify an applicant for a designation as a certified master social worker upon the following conditions:

(1) The applicant completes an application to be provided by the department and pays a nonrefundable fee not to exceed $250 to be established by rule of the department. The completed application must be received by the department at least 60 days before the date of the examination in order for the applicant to qualify to take the scheduled exam.

(2) The applicant submits proof satisfactory to the department that the applicant has received a doctoral degree in social work, or a master's degree with a major emphasis or specialty in clinical practice or administration, including, but not limited to, agency administration and supervision, program planning and evaluation, staff development, research, community organization, community services, social planning, and human service advocacy. Doctoral degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by an accrediting agency approved by the United States Department of Education. Master's degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work or by one that meets comparable standards.

(3) The applicant has had at least 3 years' experience, as defined by rule, including, but not limited to, clinical services or administrative activities as defined in subsection (2), 2 years of which must be at the post-master's level under the supervision of a person who meets the education and experience requirements for certification as a certified master social worker, as defined by rule, or licensure as a clinical social worker under this chapter. A doctoral internship may be applied toward the supervision requirement.

(4) Any person who holds a master's degree in social work from institutions outside the United States may apply to the department for certification if the academic training in social work has been evaluated as equivalent to a degree from a school accredited by the Council on Social Work Education. Any such person shall submit a copy of the academic training from the Foreign Equivalency Determination Service of the Council on Social Work Education.

(5) The applicant has passed an examination required by the department for this purpose. The nonrefundable fee for such examination may not exceed $250 as set by department rule.

(6) Nothing in this chapter shall be construed to authorize a certified master social worker to provide clinical social work services.

Section 105. Section 491.0146, Florida Statutes, is created to read:

491.0146 Saving clause.--All licenses to practice as a certified master social worker issued pursuant to this chapter and valid on October 1, 2002, shall remain in full force and effect.

Section 106. Subsection (3) of section 491.0147, Florida Statutes, is amended to read:

491.0147 Confidentiality and privileged communications.--Any communication between any person licensed or certified under this chapter and her or his patient or client shall be confidential. This secrecy may be waived under the following conditions:

(3)(a) When there is a clear and immediate probability of physical harm to the patient or client, to other individuals, or to society and the person licensed or certified under this chapter communicates the information only to the potential victim, appropriate family member, or law enforcement or other appropriate authorities.

(b) There shall be no civil or criminal liability arising from the disclosure of otherwise confidential communications by a person licensed or certified under this chapter when the disclosure is made pursuant to paragraph (a).

Section 107. Paragraph (b) of subsection (4) of section 766.314, Florida Statutes, is amended to read:

766.314 Assessments; plan of operation.--

(4) The following persons and entities shall pay into the association an initial assessment in accordance with the plan of operation:

(b)1. On or before October 15, 1988, all physicians licensed pursuant to chapter 458 or chapter 459 as of October 1, 1988, other than participating physicians, shall be assessed an initial assessment of $250, which must be paid no later than December 1, 1988.

2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of $250 upon licensure.

3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).

4. However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the

Department of Health. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

c. A physician who holds a limited license pursuant to s. 458.315 ~~458.317~~ and who is not being compensated for medical services;

d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or

e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 456.024.

f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

Section 108. Paragraph (a) of subsection (2) of section 817.505, Florida Statutes, is amended to read:

817.505 Patient brokering prohibited; exceptions; penalties.--

(2) For the purposes of this section, the term:

(a) "Health care provider or health care facility" means any person or entity licensed, certified, or registered with the Department of Health or the Agency for Health Care Administration; any person or entity that has contracted with the Agency for Health Care Administration to provide goods or services to Medicaid recipients as provided under s. 409.907; a county health department established under part I of chapter 154; any community service provider contracting with the Department of Children and Family Services to furnish alcohol, drug abuse, or mental health services under part IV of chapter 394; any substance abuse service provider licensed under chapter 397; or any federally supported primary care program such as a migrant or community health center authorized under ss. 329 and 330 of the United States Public Health Services Act.

Section 109. Paragraph (a) of subsection (1) of section 817.567, Florida Statutes, is amended to read:

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

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

(a) Accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation, or by their successor organizations;

Section 110. Subsection (13) of section 1009.992, Florida Statutes, is amended to read:

1009.992 Definitions.--As used in this act:

(13) "Institution" means any college or university which, by virtue of law or charter, is accredited by and holds membership in the Council for Higher Education ~~Commission on Recognition of Postsecondary~~ Accreditation, or by its successor organization; which grants baccalaureate or associate degrees; which is not a pervasively sectarian institution; and which does not discriminate in the admission of students on the basis of race, color, religion, sex, or creed.

Section 111. Section 1012.46, Florida Statutes, is amended to read:

1012.46 Athletic trainers.--

(1) School districts may establish and implement an athletic injuries prevention and treatment program. Central to this program should be the employment and availability of persons trained in the prevention and treatment of physical injuries which may occur during athletic activities. The program should reflect opportunities for progressive advancement and compensation in employment as provided in subsection (2) and meet certain other minimum standards developed by the Department of Education. The goal of the Legislature is to have school districts employ and have available a full-time ~~teacher~~ athletic trainer in each high school in the state.

(2) To the extent practicable, a school district program should include the following employment classification and advancement scheme:

(a) First responder.--To qualify as a first responder, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.56, be certified in cardiopulmonary resuscitation, first aid, and have 15 semester hours in courses such as care and prevention of athletic injuries, anatomy, physiology, nutrition, counseling, and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care and shall not hold themselves out to the school district or public as an athletic trainer pursuant to part XIII of chapter 468.

(b) ~~Teacher~~ Athletic trainer.--To qualify as an ~~a teacher~~ athletic trainer, a person must be licensed as required by part XIII of chapter 468 and may be utilized by the school district as ~~possess~~ a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.35, s. 1012.56 or s. 1012.57~~, and be licensed as required by part XIII of chapter 468~~.

Section 112. Reactivation of license for clinical research purposes.--

(1) Any person who is licensed to practice medicine in the state and who left the practice of medicine for purposes of retirement and who, at the time of retirement, was in good standing with the board may apply to have his or her license reactivated, without examination, for purposes of solely providing medical services to patients in a clinical research setting. Such person must not have been out of the practice of medicine for more than 15 years at the time of application under this section.

(2) The board shall, by rule, set the reactivation fee, not to exceed $300.

(3) This section shall only apply to persons who meet all of the following criteria:

(a) A person of not less than 85 years of age on July 1, 2004.

(b) A person who is providing medical services as part of a clinical study that has been reviewed and approved by a federal, state, or local institutional review board.

(4) This section is repealed June 30, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 113. Sections 456.033, 456.034, 458.313, 458.3147, 458.316, 458.3165, and 458.317, Florida Statutes, are repealed.

Section 114. Effective January 1, 2005, sections 468.356 and 468.357, Florida Statutes, are repealed.

Section 115. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Remove the entire title and insert:

An act relating to health professions regulation; amending ss. 381.00593, 395.0193, 395.7015, 440.13, 456.039, 458.303, 458.3124, 458.319, 458.320, 458.345, 464.0205, 465.0075, 465.0251, and 766.314, F.S.; correcting, conforming, or removing references; amending ss. 395.0197, 400.147, and 400.423, F.S.; requiring copies of adverse incident reports to be forwarded to the Division of Medical Quality Assurance of the Department of Health; providing for costs of copying such records; amending s. 395.3025, F.S.; clarifying access to patient records for patient treatment and professional disciplinary purposes; providing access for research purposes; providing for costs of copying records; revising the use of patient information for marketing purposes; amending s. 397.311, F.S.; providing that advanced registered nurse practitioners are qualified professionals; amending s. 400.141, F.S.; requiring copies of records relating to nursing home residents to be provided to the department upon subpoena; amending s. 400.145, F.S.; requiring certification of copies of resident care and treatment records requested pursuant to subpoena or patient release; providing for reasonable costs of copies; amending s. 400.211, F.S.; reducing inservice training hours for nursing assistants; creating s. 400.455, F.S.; requiring a certified copy of subpoenaed records of assisted living facilities under certain circumstances; amending s. 400.9905, F.S.; providing definitions for different types of specialized clinics including mobile clinics and portable equipment providers, and chief financial officer; exempting certain onocology and radiation therapy from clinic licensure; providing intent for retroactive exemption; amending s. 400.991, F.S.; revising clinic licensing requirements; requiring a separate clinic license for each mobile clinic; providing certain applicants do not have to submit fingerprints; providing for retroactive operation; amending s. 400.9935, F.S.; revising clinic responsibilities; providing for chief financial officer to review clinic billings; providing for a fee; amending s. 400.995, F.S.; revising provisions providing for agency administrative penalties; authorizing denial, revocation, or suspension of licenses; requiring the Agency for Health Care Administration to refund certain licensure fees to subsequently exempted applicants; providing criteria; specifying certain clinics not in violation of certain provisions for failing to apply for a clinic license under certain circumstances; amending s. 456.005, F.S.; providing for licensee input to long-range plans for regulation of health professions; amending s. 456.011, F.S.; providing procedures to resolve differences in interpretation of practice

acts by different boards; amending s. 456.012, F.S.; protecting board declaratory statements from challenge by another board; amending s. 456.013, F.S.; requiring temporary licenses to be issued according to rules; removing certain requirements for content of continuing education; amending s. 456.017, F.S.; providing for electronic posting of examination scores; providing for alternative examination procedures for certain physician assistants; creating s. 456.020, F.S.; providing for content of continuing education to include domestic violence, HIV/AIDS, and prevention of medical errors; providing requirements for completion of continuing education courses; amending s. 456.025, F.S.; conforming a cross reference; requiring management reports on revenue and expenditures if needed; amending s. 456.031, F.S.; requiring continuing education on domestic violence to be skills based; amending ss. 456.036 and 456.037, F.S.; providing for rule to require display of license; amending s. 456.057, F.S.; providing for costs of copying records; amending s. 456.063, F.S.; providing rulemaking authority for reporting allegations of sexual misconduct; amending s. 456.072, F.S.; clarifying grounds for discipline for performing or attempting to perform health care services on the wrong patient or that are otherwise wrong or unnecessary or leaving a foreign body in the patient; providing for discipline for prescribing, administering, dispensing, or distributing certain medications without a valid professional relationship; providing for additional costs to be assessed as part of any penalty or other form of discipline; amending s. 456.073, F.S.; correcting a cross reference; extending the time to make a certain request; amending s. 456.42, F.S.; authorizing abbreviation of the month required in the date on a written drug prescription; amending s. 457.105, F.S.; providing prerequisites for training requirements for licensure to practice acupuncture; providing time period for review of application for licensure; amending s. 457.107, F.S.; revising provisions relating to renewal of licenses; providing for regulations for acupuncture, continuing education providers; amending s. 457.109, F.S.; providing for a plea of nolo contendere to certain offenses relating to the practice of acupuncture as grounds for discipline; amending ss. 458.311 and 458.315, F.S.; consolidating and revising provisions relating to requirements for licensure of physicians; amending ss. 458.331, 459.015, 460.413, and 461.013, F.S.; reducing the time period for certain physicians to respond to information contained in a complaint; amending ss. 458.347 and 468.711, F.S.; deleting obsolete provisions for licensure; amending s. 459.008, F.S.; providing for rules regarding continuing education for osteopathic physicians; deleting a cross reference; amending s. 459.021, F.S.; providing limit on fees for renewal of registration of resident physicians, interns, and fellows; revising elements of a crime relating to employment and reporting of such persons; amending s. 460.406, F.S.; revising the name of an accrediting agency; revising requirements for chiropractic physician licensure to allow a student in his or her final 6 months of an accredited chiropractic school to apply for licensure; amending s. 461.014, F.S.; revising certain podiatry residency program requirements; amending ss. 463.006, 467.009, 468.1155, 468.509, 486.031, 490.005, 817.567, and 1009.992, F.S.; revising the name of an accrediting agency; amending s. 464.009, F.S.; revising provisions providing for licensure by endorsement; amending s. 464.201, F.S.; defining the scope of practice of certified nursing assistants; amending s. 464.202, F.S.; providing for rules to establish scope of practice and level of supervision for certified nursing assistants; amending s. 464.203, F.S.; clarifying requirements for criminal history checks of certified nursing assistants; reducing the hours of inservice training required each year; providing for biennial renewal of certification, including fees; amending s. 464.204, F.S.; revising a ground for disciplinary action for specificity and removal of the requirement of intentionality; amending s. 465.022, F.S.; providing additional requirements for a community pharmacy permit; requiring background checks, including fingerprints; limiting number of persons fingerprinted for large corporations; amending s. 465.023, F.S.; revising provisions for disciplinary actions for pharmacy permittees; providing grounds for suspension, revocation, or denial of a permit; amending s. 465.025, F.S.; removing requirement for each community pharmacy to have a generic drug substitution formulary; providing requirements for electronic prescriptions for brand name drugs; amending s. 465.0255, F.S.; revising requirements for expiration dates of medicinal drugs; amending s. 465.026, F.S.; creating an exception to the requirements for filling or refilling a transferred prescription for a medicinal drug listed in Schedule II under ch. 893, F.S.; amending s. 465.0265, F.S.; prohibiting certain pharmacies from filling prescriptions directly to a patient or provider; amending s. 466.007, F.S.; requiring 4 years of postsecondary dental education to qualify to take the examinations to practice dental hygiene; amending s. 466.0135, F.S.; allowing for course in practice management; amending s. 466.021, F.S.; increasing the time that records of work orders for unlicensed persons must be retained; amending s. 467.013, F.S.; providing for inactive licensure status for midwives pursuant to rule; deleting certain provisions to conform; amending s. 467.0135, F.S.; revising midwifery licensure status and fees; amending s. 467.017, F.S.; requiring a midwife's emergency care plan to be available to the department upon request; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; amending s. 468.707, F.S.; revising name of accrediting agency; deleting a provision relating to a continuing education course on HIV/AIDS for initial licensure as an athletic trainer; amending s. 468.711, F.S.; deleting certain course requirements; amending s. 468.723, F.S.; eliminating teacher trainer exemption; amending s. 480.033, F.S.; amending definitions relations to massage therapy; amending s. 480.034, F.S.; exempting certain massage therapists from premises licensure; amending s. 480.041, F.S.; revising requirements for licensure of massage therapists; removing provisions relating to apprentices; requiring rules for state colonic irrigation examination; amending ss. 480.044 and 486.021, F.S., to conform; amending s. 480.046, F.S.; providing conditions for suspension or revocation of a massage establishment license; amending s. 486.051, F.S.; reducing opportunities to retake the physical therapist licensure examination; amending s. 486.081, F.S.; revising provisions for physical therapist licensure by endorsement and reactivating such a license; amending s. 486.102, F.S.; revising licensing requirements for physical therapist assistants; revising name of accrediting agency; amending s. 486.104, F.S.; reducing opportunities to retake physical therapist assistant licensure examination; amending s. 486.107, F.S.; revising provisions for physical therapist assistant licensure by endorsement and reactivating such a license; amending s. 486.109, F.S.; revising continuing education requirements; amending s. 486.161, F.S.; exempting out-of-state licensed physical therapists from Florida licensure when in the state temporarily serving athletes; amending s. 491.005, F.S.; revising names of accrediting agencies; requiring direct supervision of clinical experience for licensure; requiring completion of clinical experience prior to written examination; permitting teaching of a certain course to count for successful completion; amending s. 491.006, F.S.; providing for substitution of certain experience for required course; amending s. 491.009, F.S.; providing for discipline of certified master social workers by the department; amending s. 491.014, F.S.; extending employment protection to licensed psychologists and clinical counselors under certain circumstances; amending s. 491.0145, F.S.; prohibiting the licensure of a certified master social worker if not licensed before a certain date; creating s. 491.0146, F.S.; providing a saving clause for certified master social workers licensed from a certain date; amending s. 491.0147, F.S.; providing protection for disclosure; amending s. 817.505, F.S.; adding certain entities licensed by the department to those prohibited from patient brokering; amending s. 1012.46, F.S.; eliminating provisions for teacher athletic trainers; allowing for certain relicensure; repealing ss. 456.033, 456.034, 458.313, 458.3147, 458.316, 458.3165, and 458.317, F.S., relating to requirements for instruction on HIV/AIDS, licensure by endorsement, temporary certificate for visiting physicians, public health certificates, public psychiatry certificates, and limited licenses, respectively; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; providing effective dates.

Rep. Farkas moved the adoption of the amendment.

Rep. Galvano moved that the rules be waived and a late-filed amendment to the amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Representative Harrell offered the following:

(Amendment Bar Code: 073487)

Amendment 1 to Amendment 1—Remove line 483 and insert:
Nothing herein shall be construed as amending.

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

Representative Farkas offered the following:

(Amendment Bar Code: 268903)

Amendment 2 to Amendment 1 (with title amendment)—Remove lines 950-999 and insert:
Section 25. Subsection (2) of section 456.017, Florida Statutes, is amended, and subsection (7) is added to said section, to read:

Remove lines 4005-4006 and insert:
examination scores; creating s.

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

Rep. Machek moved that the rules be waived and a late-filed amendment to the amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

The question recurred on the adoption of **Amendment 2 to Amendment 1**, which was adopted.

Representative Ambler offered the following:

(Amendment Bar Code: 285907)

Amendment 3 to Amendment 1 (with directory and title amendments)—Between lines 1223 and 1224 insert:
(17)(a) When a patient signs a form releasing records to any health insurance company or attorney, and the patient dies within 6 months after signing the release, that release shall be deemed valid for up to 1 year after the patient's death.
(b) Notwithstanding the provisions of this section, no records owner, health care practitioner, or health care practitioner's employer shall be held either criminally or civilly liable for releasing any records pursuant to paragraph (a).

Remove lines 1204-1207 and insert:
Section 32. Present subsections (16) through (19) of section 456.057, Florida Statutes, are renumbered as subsections (18) through (21), respectively, and new subsections (16) and (17) are added to said section to read:

Remove line 4017 and insert:
for costs of copying records; providing that release of records by a patient to a health insurance company or an attorney prior to the patient's death shall remain valid after his or her death; providing immunity from liability; amending s. 456.063, F.S.;

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

Further consideration of **CS for CS for SB 2170**, with pending amendments, was temporarily postponed under Rule 11.10.

HB 463 was taken up. On motion by Rep. Simmons, the rules were waived and CS for CS for CS for CS for SB 700 was substituted for HB 463. Under Rule 5.13, the House bill was laid on the table.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for CS for SB 700, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Appropriations, Criminal Justice, Judiciary, Children and Families and Senator Peaden and others—

CS for CS for CS for CS for SB 700—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., "the Baker Act"; amending s. 394.459, F.S., relating to the rights of patients; clarifying those rights that are applicable to individuals receiving treatment for mental illness; requiring express and informed consent prior to treatment; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to changes made by the act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; revising criteria for an involuntary examination; adding mental health counselors to the persons who can initiate an involuntary examination; revising requirements for filing a petition for involuntary placement; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; requiring the appointment of counsel; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by the act; providing for rulemaking authority; creating the Baker Act Workgroup; providing a purpose; providing for the coordination of the workgroup through the Department of Children and Family Services; providing for members; requiring the department to evaluate data from a pilot program; providing research criteria by the Florida Mental Health Institute; requiring the Florida Mental Health Institute to submit its findings to the workgroup; requiring the workgroup to submit a report to the Legislature; creating the District 4 Baker Act Pilot Project in the department; providing legislative intent; requiring the Florida Mental Health Institute to study data from the pilot project for fiscal impact; providing a termination date; authorizing the department to use a certain maximum dollar amount to implement the workgroup and the pilot program; providing for severability; providing effective dates.

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

Representatives Kyle and Seiler offered the following:

(Amendment Bar Code: 672307)

Amendment 1 (with title amendment)—On page 44, between lines 29 and 30, insert:
Section 9. Funds are appropriated as follows for Fiscal Year 2004-2005 to implement the provisions of this act. There is hereby appropriated in the Justice Administration Commission, 62 full-time equivalent positions and $1,923,525 from the General Revenue Fund. From these funds, 34 full-time equivalent positions and $1,090,058 from the General Revenue Fund shall be provided to the public defenders and 28 full-time equivalent positions and $833,467 shall be provided to the state attorneys for 6 months for the purpose of implementing this act. There is hereby appropriated 2 full-time equivalent positions and $65,000 from the General Revenue Fund to the Agency for Health Care Administration for the purpose of implementing this act for Fiscal Year 2004-2005. There is hereby appropriated to the State Courts 3 full-time equivalent positions and $477,456 from the General Revenue Fund to cover costs of implementing the bill for six months.

On page 2, line 24, after the semicolon, insert:
providing an appropriation;

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

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

On motion by Rep. Barreiro, the House returned to consideration of HB 821.

HB 821—A bill to be entitled An act relating to early childhood education; creating pt. V of ch. 1002, F.S., entitled "Voluntary Prekindergarten Education Program"; providing definitions; creating the Voluntary Prekindergarten Education Program (VPK Program) within the Department of Education to implement s. 1(b) and (c), Art. IX of the State Constitution; providing student eligibility and enrollment requirements; providing scholarship options and for issuance of scholarships; providing eligibility requirements for prekindergarten schools to participate in the VPK Program; providing educational requirements for prekindergarten directors of prekindergarten schools; providing requirements for a prekindergarten school teacher preparation and continuing education course; requiring adoption of VPK Program student performance standards; providing curriculum requirements and accountability standards; requiring adoption of a statewide kindergarten screening, and implementation of a screening instrument, to assess kindergarten readiness; providing funding, payment, and attendance requirements for prekindergarten schools; providing for administration of the VPK Program; providing department powers and duties; providing for an evaluation and adoption of curriculum standards for child development associate credentials; providing for interinstitutional articulation agreements; creating the Early Learning Advisory Council within the Agency for Workforce Innovation to provide advice on early childhood education policy and administration of the VPK Program and early learning programs; providing council requirements; providing State Board of Education rulemaking authority; amending and renumbering s. 402.3017, F.S.; authorizing the department to contract for administration of scholarship initiatives for early childhood education personnel and for a program to encourage parental involvement; amending s. 411.01, F.S.; conforming provisions to the transfer of the powers and duties of the Florida Partnership for School Readiness to the Agency for Workforce Innovation and the abolishment of the partnership; redesignating school readiness programs as early learning programs and school readiness coalitions as early learning councils; providing duties of the Agency for Workforce Innovation with respect to administration of early learning programs at the statewide level, adoption of standards and outcome measures for early learning programs, and approval, coordination, and evaluation of early learning councils; providing for the organization of early learning councils and membership thereof; providing for administration and implementation of early learning programs by early learning councils; specifying requirements for, and elements of, early learning programs; requiring Agency for Workforce Innovation approval of early learning program plans submitted by early learning councils; specifying minimum standards and provisions for each early learning plan; providing requirements relating to the procurement of commodities or services, payment schedules, fiscal agents, and evaluation of early learning programs and reporting thereof; providing eligibility requirements for participation in early learning programs; requiring early learning programs to provide parental choice; requiring early learning programs to meet performance standards and outcome measures adopted by the Agency for Workforce Innovation; providing for allocation of funds to early learning councils by the Agency for Workforce Innovation and specifying use of such funds; amending s. 11.45, F.S.; authorizing the Auditor General to conduct audits of the early learning system; amending s. 20.50, F.S.; creating the Office of Early Childhood Education within the Agency for Workforce Innovation to administer the early learning system; amending s. 125.901, F.S.; conforming provisions; amending ss. 216.133 and 216.136, F.S.; redesignating the School Readiness Program Estimating Conference as the Early Childhood Education Programs Estimating Conference; requiring estimates and forecasts for early learning programs and the VPK Program; amending s. 402.3016, F.S.; conforming provisions; amending and renumbering s. 402.27, F.S.; requiring the Agency for Workforce Innovation to administer a statewide resource and referral network to provide information for, and assistance in, the operation of early learning councils and the VPK Program; including a system of local resource and referral within the network and specifying services to be provided; amending s. 402.3018, F.S.; requiring the Agency for Workforce Innovation to provide for a statewide toll-free Warm-Line; amending s. 409.178, F.S.; redesignating the Child Care Executive Partnership as the Business Partnership for Early Learning to be administered by the Agency for Workforce Innovation and providing for establishment of the Business Partnership for Early Learning Program; amending s. 402.25, F.S.; conforming provisions; amending s. 402.281, F.S.; redesignating the Gold Seal Quality Care program as the Gold Seal Quality program; specifying requirements for a Gold Seal Quality designation; amending ss. 402.3051, 402.315, and 212.08, F.S.; conforming provisions; amending s. 402.305, F.S.; revising requirements for an introductory course in child care for child care personnel; revising minimum staff credential requirements for child care personnel and providing rulemaking authority for equivalent credentials; amending ss. 383.14, 402.45, 411.011, 411.221, 411.226, 411.227, 445.023, 490.014, 491.014, 624.91, 1001.23, 1002.22, 1003.21, 1003.54, and 1006.03, F.S.; conforming provisions; requiring the Department of Education to submit to the Legislature recommendations for professional development programs for the VPK Program; repealing ss. 402.30501, 411.012, and 1008.21, F.S., relating to modification of the introductory child care course for community college credit, the voluntary universal prekindergarten education program, and the school readiness uniform screening, respectively; abolishing the Florida Partnership for School Readiness and providing for transfer of powers, duties, functions, rules, records, personnel, property, and funds to the Agency for Workforce Innovation; providing for the transfer of the TEACH Early Childhood Project and the HIPPY program from the Agency for Workforce Innovation to the Department of Education; prohibiting certain transfers without specific legislative authority; providing that the VPK Program is a choice option for parents and providers and not part of the system of public education; providing effective dates.

—was taken up.

On motion by Rep. Barreiro, the House refused to concur in Senate Amendment 1 and requested the Senate to recede therefrom. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

CS for SB 364—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; amending requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

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

Representative Pickens offered the following:

(Amendment Bar Code: 587977)

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

Section 1. Paragraph (h) of subsection (10) and paragraph (e) of subsection (18) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.--

(10) ELIGIBLE STUDENTS.--

(h) The capacity of a nonconversion ~~the~~ charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection. Capacity of a conversion charter school shall be no more than 5 percent below the district average for like schools. The district average shall be calculated based on FISH capacity as determined by Department of Education rule.

(18) FACILITIES.--

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A district school board facility or property shall not be considered unused if the facility or property is within the school district's 5-year plan. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to

maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

Section 2. Paragraph (c) of subsection (2) and paragraph (a) of subsection (4) of section 1003.03, Florida Statutes, are amended to read:

1003.03 Maximum class size.--

(2) IMPLEMENTATION.--

(c) The Department of Education shall annually calculate each of the three average class size measures defined in paragraphs (a) and (b) based upon the October student membership survey. For purposes of determining the baseline from which each district's average class size must be reduced for the 2003-2004 school year, the department shall use data from the February 2003 student membership survey updated to include classroom identification numbers as required by the department. Beginning in the 2004-2005 school year, if the actual student membership in the October survey exceeds the student membership estimate included in the Florida Education Finance Program first calculation, the maximum student membership enrollment used in determining the October class size averages shall be the student membership estimate included in the Florida Education Finance Program first calculation.

(4) ACCOUNTABILITY.--

(a) Beginning in the 2003-2004 fiscal year, if the department determines for any year that a school district has not reduced average class size as required in subsection (2) at the time of the third FEFP calculation, the department shall calculate an amount from the class size reduction operating categorical which is proportionate to the amount of class size reduction not accomplished. Upon verification of the department's calculation by the Florida Education Finance Program Appropriation Allocation Conference, the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district's class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district pursuant to s. 216.292(13). The amount of funds transferred shall be the lesser of the amount verified by the Florida Education Finance Program Appropriation Allocation Conference or the undistributed balance of the district's class size reduction operating categorical. However, based upon a recommendation by the Commissioner of Education that the State Board of Education has reviewed evidence indicating that a district has been unable to meet class size reduction requirements despite appropriate effort to do so, the Legislative Budget Commission may approve an alternative amount of funds to be transferred from the district's class size reduction operating categorical to its approved fixed capital outlay account for class size reduction. Beginning in the 2004-2005 school year, a district that fully achieves the required class size averages when compared to the February 2003 baseline student membership survey shall be eligible for a reversal of the prior year class size reduction operating categorical transfer that resulted from its inability to achieve the required class size averages as required in subsection (2).

Section 3. Section 1003.429, Florida Statutes, is amended to read:

1003.429 Accelerated high school graduation options.--

(1) Students who enter grade 9 in the 2004-2005 school year ~~Beginning with the 2003-2004 school year, all students scheduled to graduate in 2004~~ and thereafter may select one of the following three high school graduation options:

(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;

(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes that are honors, dual enrollment, advanced placement, International Baccalaureate, Advanced International Certificate of Education, specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3), or weighted by the district school board for class ranking purposes. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and

6. Three credits in electives; or

(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature;

2. Three credits in mathematics, one of which must be Algebra I;

3. Three credits in natural science, two of which must have a laboratory component;

4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;

5. Three ~~Two~~ credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses ~~the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses~~; and

6. Two ~~Three~~ credits in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.

(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), the following requirements must be met:

(a) Designated school personnel shall meet with the student and student's parent to give an explanation of the relative requirements, advantages, and disadvantages of each graduation option.

(b) The student shall submit to the high school principal and guidance counselor a signed parental consent to enter the 3-year accelerated graduation program.

(c) The student shall have achieved at least an FCAT reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT Writing score of 3 on the most recent assessments taken by the student.

(3)~~(2)~~ Beginning with the 2004-2005 ~~2003-2004~~ school year, each district school board shall provide each student in grades 6 through 9 ~~12~~ and their parents with information concerning the 3-year and 4-year high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that ~~with curriculum for~~ the students and their parents may ~~to~~ select the postsecondary education or career plan that best fits their needs. The information ~~options~~ shall include a timeframe for achieving each graduation option.

(4)~~(3)~~ Selection of one of the graduation options listed in subsection (1) must be completed by the student prior to the end of grade 9 and is exclusively up to the student and parent, subject to the requirements in subsection (2). Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade 10 for a student who entered a Florida public school after grade 9 upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during grade 9. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).

(5)~~(4)~~ District school boards shall not establish requirements for accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (c).

(6)~~(5)~~ Students pursuing accelerated 3-year high school graduation options

pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(b)1. Achieve a cumulative weighted grade point average of 3.0 ~~2.0~~ on a 4.0 scale, or its equivalent, in the courses required for the college preparatory ~~by the chosen~~ accelerated 3-year high school graduation option pursuant to paragraph (1)(b); or

2. Achieve a cumulative weighted grade point average of 2.5 on a 4.0 scale, or its equivalent, in the courses required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

(c) Receive a weighted or unweighted grade that earns at least 3.0 points, or its equivalent, to earn course credit toward the 18 credits required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b).

(d) Receive a weighted or unweighted grade that earns at least 2.0 points, or its equivalent, to earn course credit toward the 18 credits required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

(7) If, at the end of grade 10, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(a) The requirements that the student is not currently meeting.

(b) The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.

(c) The right of the student to change to the 4-year program set forth in s. 1003.43.

(8) A student who selected one of the accelerated 3-year graduation options shall automatically move to the 4-year program set forth in s. 1003.43 if the student:

(a) Exercises his or her right to change to the 4-year program;

(b) Fails to earn 5 credits by the end of grade 9 or fails to earn 11 credits by the end of grade 10;

(c) Does not achieve a score of 3 or higher on the grade 10 FCAT Writing assessment; or

(d) By the end of grade 11 does not meet the requirements of subsections (1) and (6).

(9)~~(6)~~ A student who meets all requirements prescribed in subsections (1) and (6)~~(5)~~ shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 4. Paragraph (a) of subsection (5) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.--

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

The standards required in this subsection, and any subsequent modifications, shall be reprinted in the Florida Administrative Code even though not defined as "rules."

Section 5. Subsection (9) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.--

(9) EQUIVALENCIES FOR STANDARDIZED TESTS.--Any student who enters a Florida public school at the eleventh grade or the twelfth grade or any student who has exhausted all of his or her attempts to pass the grade 10 FCAT and ~~The Commissioner of Education shall determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military. If such tests are deemed to be valid and reliable measures, the commissioner shall approve the use of such tests as alternate assessments to the grade 10 FCAT for the 2002-2003 school year. Students~~ who attains ~~attain~~ scores on the SAT or the ACT that are concordant with ~~equate to~~ the passing scores on the grade 10 FCAT for purposes of high school graduation ~~on any of the approved alternative assessments~~ shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for the 2002-2003 school year graduating class. Prior to the application of these alternative assessments in subsequent school years, the Legislature shall review the continued use of these alternative tests~~.

Section 6. Subsection (1) of section 1013.735, Florida Statutes, is amended to read:

1013.735 Classrooms for Kids Program.--

(1) ALLOCATION.--The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of K-12 base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of K-12 growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a), excluding adult vocational technical facilities.

Section 7. This act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to class size reduction; amending s. 1002.33, F.S.; providing for determination of the capacity of conversion and nonconversion charter schools; clarifying availability to charter schools of certain district school board facilities or property; amending s. 1003.03, F.S.; revising provisions relating to determination of class size averages; providing for reversal of class size reduction operating categorical transfers under certain circumstances; amending s. 1003.429, F.S.; revising course requirements in the college preparatory accelerated high school graduation program; revising course requirements in the career preparatory accelerated high school graduation program; providing students already participating in an accelerated graduation program the right to continue in the current program; establishing requirements for selection of accelerated graduation options; requiring districts to establish a policy for extending the deadline for certain students to choose an accelerated graduation option; authorizing use of alternate assessments; revising requirements for grades that must be earned to participate in the accelerated graduation program; requiring schools to provide specific notices to students and parents if, at the end of the grade 10, the student is not on track to graduate; specifying certain situations in which a student shall be moved from a 3-year to a 4-year graduation program; amending s. 1003.43, F.S., relating to general requirements for high school graduation; authorizing use of alternate assessments; amending s. 1008.22, F.S.; authorizing the SAT and the ACT as alternate assessments for the grade 10 FCAT for students entering a Florida public school in grade 11 or grade 12 and for students who have exhausted all attempts to pass the grade 10 FCAT; deleting obsolete language; amending s. 1013.735, F.S.; modifying the formula for the allocation of funds from the Classrooms for Kids appropriation; providing an effective date.

Rep. Pickens moved the adoption of the amendment.

Further consideration of **CS for SB 364**, with pending amendment, was temporarily postponed under Rule 11.10.

Recessed

The House stood in informal recess at 11:08 p.m., to reconvene upon the call of the Chair.

Reconvened

The House was called to order by the Speaker at 11:33 p.m. A quorum was present [Session Vote Sequence: 1006].

Motions Relating to Committee References

On motion by Rep. Cantens, by the required two-thirds vote, HB 1307 was withdrawn from the Committee on Appropriations and placed on the Calendar of the House.

Special Orders

Second Reading

HB 1307—A bill to be entitled An act relating to migrant labor; amending s. 450.191, F.S.; authorizing migrant workers as an advisory source on certain issues for the Executive Office of the Governor; authorizing the Executive Office of the Governor to provide coordination for farm labor registration; amending s. 450.201, F.S.; requiring the Legislative Commission on Migrant Labor to review certain issues related to migrant workers; amending s. 450.211, F.S.; expanding the membership of the Legislative Commission on Migrant Labor's advisory committee; providing an effective date.

The Committee on State Administration recommended the following:

HB 1307 CS—A bill to be entitled An act relating to agricultural and migrant labor; amending s. 381.008, F.S.; revising a definition; amending s. 381.0086, F.S.; requiring the Department of Health to adopt rules relating to residential migrant housing; providing guidelines for the filing of interstate clearance orders; amending s. 381.0087, F.S.; revising a provision relating to who may issue certain citations; requiring the department to provide notice of suspected violations; amending s. 403.088, F.S.; clarifying a provision relating to water pollution operation permits; amending s. 420.507, F.S.; requiring the Florida Housing Finance Corporation to utilize federal and state resources in a certain manner; amending s. 450.191, F.S.; authorizing and directing the Executive Office of the Governor to advise and consult on certain issues relating to migrant workers; directing the office to coordinate enforcement of certain provisions with the Department of Business and Professional Regulation; including farm labor contractors in the enforcement of certain laws; authorizing and directing the office to cooperate with the Agency for Workforce Innovation in the recruitment and referral of migrant workers and certain other laborers; amending s. 450.201, F.S.; renaming the Legislative Commission on Migrant Labor as the Legislative Commission on Migrant and Seasonal Labor; providing a deadline for appointments to the commission; providing a deadline for the commission's first meeting; amending s. 450.211, F.S.; revising the membership of the commission's advisory committee; amending s. 450.221, F.S.; conforming terminology; amending s. 450.231, F.S.; providing a deadline for certain reports; amending s. 450.261, F.S.; conforming terminology; amending s. 450.27, F.S.; providing a popular name; amending s. 450.271, F.S.; authorizing the department to enter into certain agreements with the Secretary of Labor of the United States; amending s. 450.28, F.S.; providing definitions; amending s. 450.30, F.S.; revising requirements for retaking examinations for renewal of certificates of registration; requiring fees for certain programs to be deposited in the Professional Regulation Trust Fund; amending s. 450.31, F.S.; providing criteria for issuance or renewal of certificates of registration; authorizing payment for certificates of registration by cashier's check; increasing the application fee for such registration; requiring fees to be deposited in the Professional Regulation Trust Fund; providing criteria for revocation, suspension, or refusal to issue or renew certificates of registration; conforming a provision; providing criteria for permanent revocation or refusal to issue or renew certificates of registration; authorizing the department to inspect certain documents upon receipt and acceptance of a certificate of registration; creating s. 450.321, F.S.; creating the best practices incentive program for farm labor contractors; requiring farm labor contractors to meet certain requirements; authorizing the department to enter into certain partnership agreements; authorizing the department to revoke certain designations; prohibiting the unauthorized use of designations; limiting certain civil liability of the department; requiring the department to establish an incentive program; amending s. 450.33, F.S.; removing department requirements for the suspension or revocation of farm labor contractors' certificates of registration; requiring farm labor contractors to keep certain records; amending s. 450.34, F.S.; providing certain prohibited acts for farm labor contractors; amending s. 450.35, F.S.; prohibiting certain contracts or employment; providing a penalty; amending s. 450.37, F.S.; authorizing the department to enter into agreements with other state agencies for certain purposes; amending s. 450.38, F.S.; providing civil and criminal penalties for minor and major violations; increasing certain civil penalties; authorizing payment of certain civil penalties by cashier's check; removing authorization to pay certain civil penalties by cash; increasing the scope of where a complaint may be filed; providing for a warning to contractors committing minor violations; providing civil penalties; authorizing the revocation of certificates of registration under certain circumstances; requiring the department to provide notice of suspected violations; creating s. 450.39, F.S.; providing guidelines for the sale of certain commodities to farmworkers; providing penalties; amending s. 487.011, F.S.; providing a popular name; amending ss. 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; revising references to make the "Florida Pesticide Law" part I of ch. 487, F.S.; amending s. 482.242, F.S.; clarifying a provision relating to the labeling and registration of approved pesticides; creating s. 487.2011, F.S., the "Florida Agricultural Worker Safety Act"; providing for administration by the Department of Agriculture and Consumer Services; creating s. 487.2021, F.S.; providing legislative intent; creating s. 487.2031, F.S.; providing definitions; creating s. 487.2041, F.S.; providing enforcement of federal worker protection regulations; creating s. 487.2051, F.S.; requiring agricultural employers to make certain pesticide information available; creating s. 487.2061, F.S.; prohibiting certain acts; creating s. 487.2071, F.S.; providing penalties; requiring monitoring and reporting of complaints; amending ss. 500.03 and 570.44, F.S.; clarifying provisions relating to the definition of the term "pesticide chemical" and duties of the Division of Agricultural Environmental Services, respectively; directing the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

—was read the second time by title.

Representative Poppell offered the following:

(Amendment Bar Code: 241547)

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

Section 1. Subsection (8) of section 381.008, Florida Statutes, is amended to read:

381.008 Definitions of terms used in ss. 381.008-381.00897.--As used in ss. 381.008-381.00897, the following words and phrases mean:

(8) "Residential migrant housing"--A building, structure, mobile home, barracks, or dormitory, and any combination thereof on adjacent property which is under the same ownership, management, or control, and the land appertaining thereto, that is rented or reserved for occupancy by five or more seasonal or migrant farmworkers, except:

(a) Housing furnished as an incident of employment.

(b) A single-family residence or mobile home dwelling unit that is occupied only by a single family and that is not under the same ownership, management, or control as other farmworker housing to which it is adjacent or contiguous.

(c) A hotel, motel, or resort condominium, as defined in chapter 509, that is furnished for transient occupancy.

(d) Any housing owned or operated by a public housing authority except for housing which is specifically provided for persons whose principal income is derived from agriculture.

Section 2. Subsections (1) and (2) of section 381.0086, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

381.0086 Rules; variances; penalties.--

(1) The department shall adopt rules necessary to protect the health and safety of migrant farmworkers ~~farm workers~~ and other migrant labor camp or residential migrant housing occupants, including rules governing field sanitation facilities. These rules must include definitions of terms, provisions relating to plan review of the construction of new, expanded, or remodeled camps or residential migrant housing, sites, buildings and structures, personal hygiene facilities, lighting, sewage disposal, safety, minimum living space per occupant, bedding, food equipment, food storage and preparation, insect and rodent control, garbage, heating equipment, water supply, maintenance and

operation of the camp, housing, or roads, and such other matters as the department finds to be appropriate or necessary to protect the life and health of the occupants. Housing operated by a public housing authority is exempt from the provisions of any administrative rule that conflicts with or is more stringent than the federal standards applicable to the housing.

(2) Except when prohibited as specified in subsection (6), an owner or operator may apply for a permanent structural variance from the department's rules by filing a written application and paying a fee set by the department, not to exceed $100. This application must:

(a) Clearly specify the standard from which the variance is desired.;

(b) Provide adequate justification that the variance is necessary to obtain a beneficial use of an existing facility and to prevent a practical difficulty or unnecessary hardship.; and

(c) Clearly set forth the specific alternative measures that the owner or operator has taken to protect the health and safety of occupants and adequately show that the alternative measures have achieved the same result as the standard from which the variance is sought.

(6) For the purposes of filing an interstate clearance order with the Agency for Workforce Innovation, if the housing is covered by 20 C.F.R. part 654, subpart E, no permanent structural variance referred to in subsection (2) is allowed.

Section 3. Subsections (1) and (6) of section 381.0087, Florida Statutes, are amended, and subsection (9) is added to said section, to read:

381.0087 Enforcement; citations.--

(1) Department personnel or crew chief compliance officers employed by the Bureau of Compliance of the Florida Department of Labor and Employment Security may issue citations that contain an order of correction or an order to pay a fine, or both, for violations of ss. 381.008-381.00895 or the field sanitation facility rules adopted by the department when a violation of those sections or rules is enforceable by an administrative or civil remedy, or when a violation of those sections or rules is a misdemeanor of the second degree. A citation issued under this section constitutes a notice of proposed agency action. The recipient of a citation for a major deficiency, as defined by rule of the department, will be given a maximum of 48 hours to make satisfactory correction or demonstrate that provisions for correction are satisfactory.

(6) Any person who willfully refuses to sign and accept a citation issued by the department commits or the Department of Labor and Employment Security is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9) When the department suspects that a law has been violated, it shall notify the entity that enforces the law.

Section 4. Subsection (1) of section 403.088, Florida Statutes, is amended to read:

403.088 Water pollution operation permits; conditions.--

(1) No person, without written authorization of the department, shall discharge into waters within the state any waste which, by itself or in combination with the wastes of other sources, reduces the quality of the receiving waters below the classification established for them. However, this section shall not be deemed to prohibit the application of pesticides to waters in the state for the control of insects, aquatic weeds, or algae, provided the application is performed pursuant to a program approved by the Department of Health, in the case of insect control, or the department, in the case of aquatic weed or algae control. The department is directed to enter into interagency agreements to establish the procedures for program approval. Such agreements shall provide for public health, welfare, and safety, as well as environmental factors. Approved programs must provide that only chemicals approved for the particular use by the United States Environmental Protection Agency or by the Department of Agriculture and Consumer Services may be employed and that they be applied in accordance with registered label instructions, state standards for such application, and the provisions of the Florida Pesticide Law, part I of chapter 487.

Section 5. Subsection (1) of section 450.191, Florida Statutes, is amended to read:

450.191 Executive Office of the Governor; powers and duties.--

(1) The Executive Office of the Governor is authorized and directed to:

(a) Advise and consult with employers of migrant and seasonal workers and their employers as to the ways and means of improving living and working conditions of migrant and seasonal workers.;

(b) Cooperate with the Department of Health in establishing minimum standards of preventive and curative health and of housing and sanitation in migrant labor camps and in making surveys to determine the adequacy of preventive and curative health services available to occupants of migrant labor camps.;

(c) Provide coordination for the enforcement of ss. 381.008-381.0088 and ss. 450.27-450.38.;

(d) Cooperate with the Department of Business and Professional Regulation other departments of government in coordinating and enforcing all applicable labor laws, including, but not limited to, those relating to private employment agencies, child labor, wage payments, wage claims, and farm labor contractors. crew leaders;

(e) Cooperate with the Department of Education to provide educational facilities for the children of migrant laborers.;

(f) Cooperate with the Department of Highway Safety and Motor Vehicles to establish minimum standards for the transporting of migrant laborers.;

(g) Cooperate with the Department of Agriculture and Consumer Services to conduct an education program for employers of migrant laborers pertaining to the standards, methods, and objectives of the office.;

(h) Cooperate with the Department of Children and Family Services in coordinating all public assistance programs as they may apply to migrant laborers.;

(i) Coordinate all federal, state, and local programs pertaining to migrant laborers.;

(j) Cooperate with the Agency for Workforce Innovation farm labor office of the Department of Business and Professional Regulation in the recruitment and referral of migrant laborers and other persons for the planting, cultivation, and harvesting of agricultural crops in Florida.

(2) The office shall arrange, through the Department of Health, for the provision of the supplementary services set forth in paragraph (1)(b) to the extent of available appropriations. Such services may be provided through the use of one or more traveling dispensaries, or by contract with physicians, dentists, hospitals, or clinics, or in such manner as may be recommended by the Department of Health.

Section 6. Section 450.201, Florida Statutes, is amended to read:

450.201 Legislative Commission on Migrant and Seasonal Labor; membership; filling vacancies.--

(1) There is created a permanent joint committee of the Florida Legislature to be known as the Legislative Commission on Migrant and Seasonal Labor, to be composed of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House. One member from each house shall be a member of the minority party. Any vacancy in the commission shall be filled by the respective presiding officer from the membership of the legislative body from which the vacancy occurred. However, a member who ceases to be a member of the legislative body from which appointed shall continue to be a member of the commission until the next succeeding regular session of the Legislature, at which the commission shall render its report to the Legislature.

(2) Appointments shall be made no later than March 1, 2005.

(3) The first meeting of the commission shall be no later than July 1, 2005.

Section 7. Section 450.231, Florida Statutes, is amended to read:

450.231 Annual reports to Legislature.--The commission shall report its findings, recommendations, and proposed legislation to each regular session of the Legislature no later than February 1 of each year beginning in 2006.

Section 8. Section 450.27, Florida Statutes, is amended to read:

450.27 Short title.--This part shall be known by the popular name may be cited as the "Farm Labor Contractor Registration Law."

Section 9. Section 450.271, Florida Statutes, is amended to read:

450.271 State administration of the Migrant and Seasonal Agricultural Worker Protection Act.--The Department of Business and Professional Regulation Labor and Employment Security may enter into agreements with the Secretary of Labor of the United States to authorize the department to administer within the State of Florida the provisions of the Migrant and Seasonal Agricultural Worker Protection Act of 1983, as amended.

Section 10. Subsections (5) and (6) are added to section 450.28, Florida Statutes, to read:

450.28 Definitions.--

(5) "Minor violation" means a violation of a specific state or federal law or rule that does not result in economic or physical harm to any person recruited, transported, supplied, or hired by a farm labor contractor or create a significant threat of such harm.

(6) "Major violation" means a violation of a specific state or federal law or rule that results in economic or physical harm to any person recruited, transported, supplied, or hired by a farm labor contractor or creates a significant threat of such harm.

Section 11. Subsections (6) and (7) of section 450.30, Florida Statutes, are amended to read:

450.30 Requirement of certificate of registration; education and examination program.--

(6) The department shall require an applicant for renewal of a certificate of registration to retake the examination only if:

(a) During the prior certification period, the department issued a final order assessing a civil monetary penalty for a major violation of this part or revoked or refused to renew or issue a certificate of registration; or

(b) The department determines that new requirements related to the duties and responsibilities of a farm labor contractor necessitate a new examination.

(7) The department shall charge each applicant a $35 fee for the education and examination program. Such fees shall be deposited in the Professional Regulation ~~Crew Chief Registration~~ Trust Fund.

Section 12. Subsections (1) and (2) of section 450.31, Florida Statutes, are amended, and subsections (5) and (6) are added to said section, to read:

450.31 Issuance, revocation, and suspension of, and refusal to issue or renew, certificate of registration.--

(1) The department shall not issue to any person a certificate of registration as a farm labor contractor, nor shall it renew such certificate, until:

(a) Such person has executed a written application therefor in a form and pursuant to regulations prescribed by the department and has submitted such information as the department may prescribe.

(b) Such person has obtained and holds a valid federal certificate of registration as a farm labor contractor, or a farm labor contractor employee, unless exempt by federal law.

(c) Such person pays to the department, by cashier's check ~~in cash~~, certified check, or money order, a nonrefundable application fee of $125 ~~$75~~. Fees collected by the department under this subsection shall be deposited in the State Treasury into the Professional Regulation ~~Crew Chief Registration~~ Trust Fund~~, which is hereby created,~~ and shall be used ~~utilized~~ for administration of this part.

(d) Such person has successfully taken and passed the farm labor contractor examination.

(e) Such person has designated an agent to receive service of process and other official or legal documents. The agent must be available during regular business hours, Monday through Friday, to accept service on behalf of the farm labor contractor.

(2) The department may revoke, suspend, or refuse to issue or renew any certificate of registration when it is shown that the farm labor contractor has:

(a) Violated or failed to comply with any provision of this part or the rules adopted pursuant to this part; ~~s. 450.36.~~

(b) Made any misrepresentation or false statement in his or her application for a certificate of registration;~~.~~

(c) Given false or misleading information concerning terms, conditions, or existence of employment to persons who are recruited or hired to work on a farm;~~.~~

(d) Been assessed a civil fine by the department for which payment is overdue;

(e) Failed to pay unemployment compensation taxes as determined by the Agency for Workforce Innovation;

(f) Been denied, or had suspended or revoked, a federal certificate of registration as a farm labor contractor; or

(g) Failed to pay federal employee taxes as determined by the Internal Revenue Service.

(5) The department may permanently revoke or refuse to issue or renew a certificate of registration if such applicant or certificate holder has been convicted within the preceding 5 years of:

(a) A crime under state or federal law:

1. Relating to gambling, or to the sale, distribution, or possession of alcoholic beverages.

2. Committed in connection with, or incident to, any farm labor contracting activities; or

(b) Any felony under state or federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault that inflicts grievous bodily injury, prostitution, peonage, or smuggling or harboring individuals who have entered the country illegally.

(6) Receipt and acceptance of a certificate of registration as a farm labor contractor constitutes unconditional permission for and acquiescence by the contractor to the inspection by department personnel of books, ledgers, and all other documents that are related to the performance of the contractor's farm labor activities.

Section 13. Section 450.321, Florida Statutes, is created to read:

450.321 Best practices incentive program for farm labor contractors.--

(1) To promote compliance with this part, and to help the public identify farm labor contractors who have demonstrated a firm commitment to responsible and safe labor practices, the department shall develop and implement a best practices incentive program for farm labor contractors.

(2) Farm labor contractors who seek designation as a best practices farm labor contractor must meet the requirements set by the department. A farm labor contractor may not transfer or use without authorization a designation as a best practices farm labor contractor.

(3) The department may enter into a partnership agreement with a farm labor contractor that states the responsibilities of each party to the agreement regarding the requirements to receive and maintain a best practices designation. Recipients of a designation as a best practices farm labor contractor may use this designation when soliciting business as long as the designation is in effect.

(4) A designation as a best practices farm labor contractor may be revoked when the department determines that the recipient has failed to comply with a requirement established pursuant to subsection (2). When a designation is revoked, the prior recipient shall cease all use of the best practices farm labor contractor designation when soliciting business.

(5) The grant of a designation as a best practices farm labor contractor is not an endorsement of the recipient by the department and may not be characterized as such.

(6) The department may not be held liable in a civil action for damages resulting from the granting, denying, suspending, or revoking of a designation as a best practices farm labor contractor.

(7) The department shall establish an incentive program for farm labor contractors who hold a valid best practices designation.

Section 14. Subsection (10) of section 450.33, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

450.33 Duties of farm labor contractor.--Every farm labor contractor must:

(10) Comply with all applicable statutes, rules, and regulations of the United States and of the State of Florida for the protection or benefit of labor, including, but not limited to, those providing for wages, hours, fair labor standards, social security, workers' compensation, unemployment compensation, child labor, and transportation. ~~The department shall not suspend or revoke a certificate of registration pursuant to this subsection unless:~~

~~(a) A court or agency of competent jurisdiction renders a judgment or other final decision that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted;~~

~~(b) An administrative hearing pursuant to ss. 120.569 and 120.57 is held on the suspension or revocation and the administrative law judge finds that a violation of one of the laws, rules, or regulations has occurred and, if invoked, the appellate process is exhausted; or~~

~~(c) The holder of a certificate of registration stipulates that a violation has occurred or defaults in the administrative proceedings brought to suspend or revoke his or her registration.~~

(11) Maintain accurate daily field records for each employee actually paid by the farm labor contractor reflecting the hours worked for the farm labor contractor and, if paid by unit, the number of units harvested and the amount paid per unit.

Section 15. Subsections (4) and (5) are added to section 450.34, Florida Statutes, to read:

450.34 Prohibited acts of farm labor contractor.--A licensee may not:

(4) Retaliate against any person that has filed a complaint or aided an investigation pursuant to this part.

(5) Contract with or employ any person acting in the capacity of a farm labor contractor, or performing activities defined in s. 450.28(1), when that person does not have a current certificate of registration issued by the department pursuant to the requirements of this part.

Section 16. Section 450.35, Florida Statutes, is amended to read:

450.35 Certain contracts or employment prohibited.--It is unlawful for any person to contract with or employ ~~for the employment of farm workers with~~ any farm labor contractor as defined in this act, for matters relating to farm labor, until the labor contractor displays to him or her a current certificate of registration issued by the department pursuant to the requirements of this part. A violation of this section is subject to the penalties provided for violations in s. 450.38(1).

Section 17. Section 450.37, Florida Statutes, is amended to read:

450.37 Cooperation with state and federal agencies.--The department shall, whenever appropriate, cooperate with any federal agency. The department may cooperate with and enter into agreements with any other state agency to administer this chapter or secure uniform rules.

Section 18. Section 450.38, Florida Statutes, is amended to read:

450.38 Enforcement of farm labor ~~contractor~~ laws.--

(1) Any person, firm, association, or corporation not excluded under s. 450.29 that commits a minor violation ~~who violates any provision~~ of this part commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person, firm, association, or corporation that commits a major violation of this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)~~(2)~~ Any person, firm, association, or corporation that ~~who, on or after June 19, 1985,~~ commits a violation of this part or of any rule adopted thereunder may be assessed a civil penalty of not more than $2,500 ~~$1,000~~ for each such violation. Such assessed penalties shall be paid by cashier's check ~~in cash~~, certified check, or money order and shall be deposited into the General Revenue Fund. The department shall not institute or maintain any administrative proceeding to assess a civil penalty under this subsection when the violation is the subject of a criminal indictment or information under this section which results in a criminal penalty being imposed, or of a criminal, civil, or administrative proceeding by the United States government or an agency thereof which results in a criminal or civil penalty being imposed. The department may adopt rules prescribing the criteria to be used to determine the amount of the civil penalty and to provide notification to persons assessed a civil penalty under this section.

(4)~~(3)~~ Upon a complaint of the department being filed in the circuit court of the county in which the farm labor contractor resides or may be doing business, any farm labor contractor who fails to obtain a certificate of registration as required by this part may, in addition to such penalties, be enjoined from engaging in any activity which requires the farm labor contractor to possess a certificate of registration.

(5)~~(4)~~ For the purpose of any investigation or proceeding conducted by the department, the secretary of the department or the secretary's designee shall have the power to administer oaths, take depositions, make inspections when authorized by statute, issue subpoenas which shall be supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The secretary of the department or the secretary's designee shall exercise this power on the secretary's own initiative.

(6) A farm labor contractor who commits a minor violation of this part shall be issued a warning for the first violation. A civil penalty in increments of $250 may be assessed for each successive violation of a specific statute or rule of this part up to a maximum of $2,500.

(7) A farm labor contractor who commits a major violation of a specific statute or rule of this part shall be assessed a civil penalty of up to $2,500 in accordance with the criteria established by the department pursuant to s. 450.38.

Section 19. Section 450.39, Florida Statutes, is created to read:

450.39 Prohibition against required purchase; prohibition against excessive charges.--

(1) A farm labor contractor may not require any farmworker to purchase goods or services solely from such farm labor contractor or from a person acting as an agent for such farm labor contractor.

(2) A farm labor contractor may not charge a farmworker more than a reasonable cost for any commodity, including housing, food, water, or other consumables, in accordance with Title 29 C.F.R. s. 531.3. As used in this subsection, the term "reasonable cost" does not include a profit to the farm labor contractor or to any other person acting as an agent for the farm labor contractor.

Section 20. Section 487.011, Florida Statutes, is amended to read:

487.011 Popular name ~~Short title~~; administration.--This part shall ~~chapter may~~ be known by the popular name ~~cited as~~ the "Florida Pesticide Law" and shall be administered by the Department of Agriculture and Consumer Services.

Section 21. Section 487.012, Florida Statutes, is amended to read:

487.012 Declaration of purpose.--The purpose of this part ~~chapter~~ is to regulate the distribution, sale, and use of pesticides, except as provided in chapters 388 and 482, and to protect people and the environment from the adverse effects of pesticides.

Section 22. Section 487.021, Florida Statutes, is amended to read:

487.021 Definitions.--For the purpose of this part ~~chapter~~:

(1) "Acceptable release rate" means a measured release rate not exceeding 4.0 micrograms per square centimeter per day at steady state conditions as determined in accordance with a United States Environmental Protection Agency testing data call-in notice of July 29, 1986, on tributyltin in antifouling paints under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. s. 136, or at a rate established by the department.

(2) "Active ingredient" means:

(a) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.

(b) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation, or otherwise alter the behavior, of ornamental or crop plants or the produce thereof.

(c) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.

(d) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(3) "Added ingredient" means any plant nutrient or plant regulator added to the mixture which is not an active pesticidal ingredient, but which the manufacturer wishes to show on the label.

(4) "Adulterated" applies to any pesticide if its strength or purity falls below or is in excess of the professed standard of quality as expressed on labeling or under which it is sold, if any substance has been substituted wholly or in part for the pesticide or if any valuable constituent of the pesticide has been wholly or in part abstracted.

(5) "Advertisement" means all representations disseminated in any manner or by any means other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of pesticides.

(6) "Age of majority" means any natural person 18 years of age or older, or an emancipated minor.

(7) "Aircraft" means any machine designed for flight and for use in applying pesticides.

(8) "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish, and shellfish.

(9) "Antidote" means the most practical immediate treatment for poisoning and includes first aid treatment.

(10) "Antifouling paint" means a coating, paint, or treatment that is intended for use as a pesticide, as defined in this section, to control freshwater or marine fouling organisms.

(11) "Antisiphon device" means a safety device used to prevent the backflow of a mixture of water and chemicals into the water supply.

(12) "Batch" or "lot" means a quantity of pesticide produced or packaged and readily identified by numbers, letters, or other symbols.

(13) "Brand" means the name, number, trademark, or any other designation which distinguishes one pesticide product from another.

(14) "Certification" means the recognition by the department that an individual is a competent pesticide applicator and, thus, is eligible for licensure in one or more of the designated license types and categories.

(15) "Certified applicator" means any individual who has been recognized by the department as a competent pesticide applicator and, thus, is eligible to apply for licensure in one or more of the designated license types and categories.

(16) "Commercial applicator" means an individual who has reached the age of majority and is licensed by the department to use or supervise the use of any restricted-use pesticide for any purpose on any property other than as provided by the definitions of "private applicator," "product specific applicator," or "public applicator," whether or not the individual is a private applicator with respect to some uses.

(17) "Dealer" means any person, other than the manufacturer or distributor, who offers for sale, sells, barters, or otherwise supplies pesticides to the ultimate user or consumer.

(18) "Deficiency" means the amount of an active ingredient of a pesticide by which it fails to come up to its guaranteed analysis when analyzed.

(19) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(20) "Department" means the Department of Agriculture and Consumer Services or its authorized representative.

(21) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.

(22) "Device" means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating, any pest or other form of plant or animal life (other than human and other than bacteria, virus, or other microorganism on or in living humans or other living animals); but not including equipment used for the application of pesticides when sold separately.

(23) "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.

(24) "Distributor" means any person who offers for sale, holds for sale, sells, barters, or supplies pesticides in this state.

(25) "Emergency exemption" means an exemption as authorized in s. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

(26) "Environment" means all water, air, land, plants, and animals, and their relationships with one another.

(27) "Equipment" means any type of ground, aquatic, or aerial device used to apply any pesticide on land, and on anything that may be growing, habituating, or stored on or in the land. Equipment does not include any pressurized hand-size household device used to apply any pesticide, or any other device where the person applying the pesticide is the source of power for applying the pesticide.

(28) "Excess" means the amount of an active ingredient of a pesticide found by analysis to be over the guaranteed amount.

(29) "Experimental use permit" means a permit issued by the department or by the United States Environmental Protection Agency as authorized in s. 5 of the Federal Insecticide, Fungicide, and Rodenticide Act.

(30) "Fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living humans or other animals.

(31) "Highly toxic" means any highly poisonous pesticide as determined by the rules promulgated pursuant to this part ~~chapter~~.

(32) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered.

(33) "Ineffective" means that pesticides such as bacteriostats, disinfectants, germicides, sanitizers, and like products fail to meet microbiological claims when tested in the laboratory utilizing the officially approved procedures of the Association of Official Analytical Chemists or other methods or procedures as the department may find necessary.

(34) "Inert ingredient" means an ingredient which is not an active ingredient.

(35) "Ingredient statement" means a statement of the name and percentage by weight of each active ingredient, together with the total percentage of the inert ingredients in the pesticides.

(36) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six legs, usually in winged form (as, for example, beetles, bugs, bees, and flies) and to other allied classes and arthropods whose members are wingless and usually have more than six legs (as, for example, spiders, mites, ticks, centipedes, and wood lice).

(37) "Irrigation system" means any device or combination of devices having a hose, pipe, or other conduit which connects directly to any source of ground or surface water, through which device or combination of devices water or a mixture of water and chemicals is drawn and applied for agricultural purposes. The term does not include any handheld hose sprayer or other similar device which is constructed so that an interruption in water flow automatically prevents any backflow to the water source.

(38) "Label" means the written, printed, or graphic matter on or attached to a pesticide, device, or immediate and outside container or wrappers of such pesticide or device.

(39) "Labeling" means all labels and other written, printed, or graphic matter referencing the pesticide or device or upon any of its containers or wrappers, or accompanying the pesticide or device at any time, but does not include accurate, nonmisleading reference to current official publications of the United States Departments of Agriculture or Interior, the Environmental Protection Agency, the United States Public Health Service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of pesticides.

(40) "Land" means all land and water areas, including airspace.

(41) "Licensed applicator" means an individual who has reached the age of majority and is authorized by license from the department to use or supervise the use of any restricted-use pesticide covered by the license.

(42) "Manufacturer" means a person engaged in the business of importing, producing, preparing, mixing, formulating, or reformulating pesticides for the purpose of distribution.

(43) "Mixer-loader" means any individual who handles open containers or otherwise prepares, processes, or dilutes pesticides in preparation for final application.

(44) "Nematode" means invertebrate animals of the phylum Nemathelminthes and class Nematoda (that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle and inhabiting soil, water, plants, or plant parts), and may also be known as nemas or eelworms.

(45) "Official sample" means any sample of a pesticide taken by the department in accordance with the provisions of this part ~~chapter~~ or rules adopted under this part ~~chapter~~, and designated as official by the department.

(46) "Organotin compound" means any compound of tin used as a biocide in an antifouling paint.

(47) "Percent" means one one-hundredth part by weight or volume.

(48) "Pest" means:

(a) Any insect, rodent, nematode, fungus, weed; or

(b) Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganisms on or in living humans or other living animals, which is declared to be a pest by the administrator of the United States Environmental Protection Agency or which may be declared to be a pest by the department by rule.

(49) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; however, the term "pesticide" does not include any article that:

(a) Is a "new animal drug" within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act;

(b) Has been determined by the Secretary of the United States Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or

(c) Is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act bearing or containing an article covered in this subsection.

(50) "Plant nutrient" means any ingredient that furnishes nourishment to the plant or promotes its growth in a normal manner.

(51) "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or maturation, or for otherwise altering the behavior, of ornamental or crop plants or the produce thereof; but does not include substances intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

(52) "Private applicator" means an individual who has reached the age of majority and is licensed by the department to use or supervise the use of any restricted-use pesticide for purposes of producing any agricultural commodity on property owned or rented by his or her employer, or, if applied without compensation other than the trading of personal services between producers of

agricultural commodities, on the property of another person.

(53) "Product" means a unique pesticide and label as distinguished by its individually assigned United States Environmental Protection Agency registration number, special local need registration number, or experimental use permit number.

(54) "Protect health and the environment" means protection against any unreasonable adverse effects on people or the environment.

(55) "Public applicator" means an individual who has reached the age of majority and is licensed by the department to use or supervise the use of restricted-use pesticides as an employee of a state agency, municipal corporation, or other governmental agency.

(56) "Product specific applicator" means an individual who has reached the age of majority and is licensed by the department to use or supervise the use of a particular restricted-use pesticide product that is identified on the license by the United States Environmental Protection Agency registration number, as well as any Florida special local need registration number and any specific identifying information as deemed appropriate for nonfederally registered products exempt under s. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, provided that the restricted-use pesticide product is used for the purpose of producing agricultural commodities on property owned or rented by the licensee or the licensee's employer, or is applied on the property of another person without compensation other than trading of personal services between producers of agricultural commodities.

(57) "Registrant" means the person registering any pesticide pursuant to the provisions of this part ~~chapter~~.

(58) "Restricted-use pesticide" means a pesticide which, when applied in accordance with its directions for use, warnings, and cautions and for uses for which it is registered or for one or more such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, or injury to the applicator or other persons, and which has been classified as a restricted-use pesticide by the department or the administrator of the United States Environmental Protection Agency.

(59) "Sell or sale" includes exchanges.

(60) "Special local need registration" means a state registration issued by the department as authorized in s. 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act.

(61) "Special review" is a process for reviewing selected pesticides based upon information that the pesticides have been found to present environmental or health concerns not considered in the registration process or that data submitted in support of registration are inadequate or outdated.

(62) "Tolerance" means the deviation from the guaranteed analysis permitted by law.

(63) "Transportation of pesticides in bulk" means the movement of a pesticide which is held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.

(64) "Under the direct supervision of a licensed applicator" means, unless otherwise prescribed by its labeling, a pesticide that must be applied by a competent person acting under the instruction and control of a licensed applicator who is available if and when needed, even though the licensed applicator is not physically present when the pesticide is applied.

(65) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

(66) "Vessel" means any type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

(67) "Weed" means any plant which grows where not wanted.

Section 23. Subsection (2) of section 487.025, Florida Statutes, is amended to read:

487.025 Misbranding.--

(2) A pesticide is misbranded if:

(a) It is an imitation of, or is offered for sale under the name of, another pesticide.

(b) Its labeling bears any reference to registration under this part ~~chapter~~.

(c) The labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public.

(d) The label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living humans and other vertebrate animals.

(e) The label does not bear an ingredient statement on that part of the immediate container, and on the outside container or wrapper, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package which is presented or displayed under customary conditions of purchase.

(f) Any word, statement, or other information required by or under authority of this part ~~chapter~~ to appear on the labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs, or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) It is injurious to living humans or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such pesticide as directed or in accordance with commonly recognized practice.

(h) In the case of a plant regulator, defoliant, or desiccant, when used as directed, it is injurious to living humans or other vertebrate animals, or vegetation, to which it is applied, or to the person applying such pesticide. However, physical or physiological effects on plants or parts thereof shall not be deemed to be injury when this is the purpose for which the plant regulator, defoliant, or desiccant was applied in accordance with the label claims and recommendations.

(i) Any ingredient which is present in amounts which are not likely to be effective when used according to directions is given undue prominence or conspicuousness, as compared with ingredients which are present in effective amounts, in its labeling. Such ingredient shall appear only in the ingredient statement.

(j) It is found to be ineffective when tested in the laboratory.

(k) It is found by the department to be of short measure.

Section 24. Subsections (2), (4), (5), and (13) of section 487.031, Florida Statutes, are amended to read:

487.031 Prohibited acts.--It is unlawful:

(2) To distribute, sell, or offer for sale within this state any pesticide or product which has not been registered pursuant to the provisions of this part ~~chapter~~, except pesticides distributed, sold, offered for sale, or used in accordance with the provisions of federal or state restriction, supervision, or cancellation orders or other existing stock agreements.

(4) To detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this part ~~chapter~~ or rules promulgated under this part ~~chapter~~, or to add any substance to, or take any substance from, any pesticide in a manner that may defeat the purpose of this part ~~chapter~~.

(5) For any person to use for his or her own advantage or to reveal any information relative to formulas of products acquired by authority of this part ~~chapter~~, other than to: the department, proper officials, or employees of the state; the courts of this state in response to a subpoena; physicians, pharmacists, and other qualified persons, in an emergency, for use in the preparation of antidotes. The information relative to formulas of products is confidential and exempt from the provisions of s. 119.07(1).

(13) For any person to:

(a) Make a false or fraudulent claim through any medium, misrepresenting the effect of materials or methods used;

(b) Make a pesticide recommendation or application not in accordance with the label, except as provided in this section, or not in accordance with recommendations of the United States Environmental Protection Agency or not in accordance with the specifications of a special local need registration;

(c) Operate faulty or unsafe equipment;

(d) Operate in a faulty, careless, or negligent manner;

(e) Apply any pesticide directly to, or in any manner cause any pesticide to drift onto, any person or area not intended to receive the pesticide;

(f) Fail to disclose to an agricultural crop grower, prior to the time pesticides are applied to a crop, full information regarding the possible harmful effects to human beings or animals and the earliest safe time for workers or animals to reenter the treated field;

(g) Refuse or, after notice, neglect to comply with the provisions of this part ~~chapter~~, the rules adopted under this part ~~chapter~~, or any lawful order of the department;

(h) Refuse or neglect to keep and maintain the records required by this part ~~chapter~~ or to submit reports when and as required;

(i) Make false or fraudulent records, invoices, or reports;

(j) Use fraud or misrepresentation in making an application for a license or

license renewal;

(k) Refuse or neglect to comply with any limitations or restrictions on or in a duly issued license;

(l) Aid or abet a licensed or unlicensed person to evade the provisions of this part ~~chapter~~, or combine or conspire with a licensed or unlicensed person to evade the provisions of this part ~~chapter~~, or allow a license to be used by an unlicensed person;

(m) Make false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land;

(n) Make false or misleading statements, or fail to report, pursuant to this part ~~chapter~~, any suspected or known damage to property or illness or injury to persons caused by the application of pesticides;

(o) Impersonate any state, county, or city inspector or official;

(p) Fail to maintain a current liability insurance policy or surety bond as provided for in this part ~~chapter~~;

(q) Fail to adequately train, as provided for in this part ~~chapter~~, unlicensed applicators or mixer-loaders applying restricted-use pesticides under the direct supervision of a licensed applicator; or

(r) Fail to provide authorized representatives of the department with records required by this part ~~chapter~~ or with free access for inspection and sampling of any pesticide, areas treated with or impacted by these materials, and equipment used in their application.

Section 25. Subsections (2), (3), and (8) of section 487.041, Florida Statutes, are amended to read:

487.041 Registration.--

(2) For the purpose of defraying expenses of the department in connection with carrying out the provisions of this part ~~chapter~~, each person shall pay an annual registration fee of $250 for each registered pesticide. The annual registration fee for each special local need label and experimental use permit shall be $100. All registrations expire on December 31 of each year. Nothing in this section shall be construed as applying to distributors or retail dealers selling pesticides when such pesticides are registered by another person.

(3) The department shall adopt rules governing the procedures for pesticide registration and for the review of data submitted by an applicant for registration of a pesticide. The department shall determine whether a pesticide should be registered, registered with conditions, or tested under field conditions in this state. The department shall determine that all requests for pesticide registrations meet the requirements of current state and federal law. The department, whenever it deems it necessary in the administration of this part ~~chapter~~, may require the manufacturer or registrant to submit the complete formula, quantities shipped into or manufactured in the state for distribution and sale, evidence of the efficacy and the safety of any pesticide, and other relevant data. The department may review and evaluate a registered pesticide if new information is made available which indicates that use of the pesticide has caused an unreasonable adverse effect on public health or the environment. Such review shall be conducted upon the request of the secretary of the Department of Health in the event of an unreasonable adverse effect on public health or the secretary of the Department of Environmental Protection in the event of an unreasonable adverse effect on the environment. Such review may result in modifications, revocation, cancellation, or suspension of a pesticide registration. The department, for reasons of adulteration, misbranding, or other good cause, may refuse or revoke the registration of any pesticide, after notice to the applicant or registrant giving the reason for the decision. The applicant may then request a hearing, pursuant to chapter 120, on the intention of the department to refuse or revoke registration, and, upon his or her failure to do so, the refusal or revocation shall become final without further procedure. In no event shall registration of a pesticide be construed as a defense for the commission of any offense prohibited under this part ~~chapter~~.

(8) Nothing in this section affects the authority of the department to administer the pesticide registration program under this part ~~chapter~~ or the authority of the Commissioner of Agriculture to approve the registration of a pesticide.

Section 26. Section 487.0435, Florida Statutes, is amended to read:

487.0435 License classification.--The department shall issue certified applicator licenses in the following classifications: certified public applicator; certified private applicator; and certified commercial applicator. In addition, separate classifications and subclassifications may be specified by the department in rule as deemed necessary to carry out the provisions of this part ~~chapter~~. Each classification shall be subject to requirements or testing procedures to be set forth by rule of the department and shall be restricted to the activities within the scope of the respective classification as established in statute or by rule. In specifying classifications, the department may consider, but is not limited to, the following:

(1) Whether the license sought is for commercial, public, or private applicator status.

(2) The method of applying the restricted-use pesticide.

(3) The specific crops upon which restricted-use pesticides are applied.

(4) The proximity of populated areas to the land upon which restricted-use pesticides are applied.

(5) The acreage under the control of the licensee.

(6) The pounds of technical restricted toxicant applied per acre per year by the licensee.

Section 27. Section 487.045, Florida Statutes, is amended to read:

487.045 Fees.--

(1) The department shall establish applicable fees by rule. The fees shall not exceed $250 for commercial applicators or $100 for private applicators and public applicators, for initial licensing and for each subsequent license renewal. The fees shall be determined annually and shall represent department costs associated with enforcement of the provisions of this part ~~chapter~~.

(2) Fees collected under the provisions of this part ~~chapter~~ shall be deposited into the General Inspection Trust Fund and shall be used to defray expenses in the administration of this part ~~chapter~~.

Section 28. Subsection (2) of section 487.046, Florida Statutes, is amended to read:

487.046 Application; licensure.--

(2) If the department finds the applicant qualified in the classification for which the applicant has applied, and if the applicant applying for a license to engage in aerial application of pesticides has met all of the requirements of the Federal Aviation Agency and the Department of Transportation of this state to operate the equipment described in the application and has shown proof of liability insurance or posted a surety bond in an amount to be set forth by rule of the department, the department shall issue a certified applicator's license, limited to the classifications for which the applicant is qualified. The license shall expire as required by rules promulgated under this part ~~chapter~~, unless it has been revoked or suspended by the department prior to expiration, for cause as provided in this part ~~chapter~~. The license or authorization card issued by the department verifying licensure shall be kept on the person of the licensee while performing work as a licensed applicator.

Section 29. Section 487.047, Florida Statutes, is amended to read:

487.047 Nonresident license; reciprocal agreement; authorized purchase.--

(1) The department may waive all or part of the examination requirements provided for in this part ~~chapter~~ on a reciprocal basis with any other state or agency, or an Indian tribe, that has substantially the same or better standards.

(2) Any nonresident applying for a license under this part ~~chapter~~ to operate in the state shall file a Designation of Registered Agent naming the Secretary of State as the agent of the nonresident, upon whom process may be served in the event of any suit against the nonresident. The designation shall be prepared on a form provided by the department and shall render effective the jurisdiction of the courts of this state over the nonresident applicant. However, any nonresident who has a duly appointed registered agent upon whom process may be served as provided by law shall not be required to designate the Secretary of State as registered agent. The Secretary of State shall be allowed the registered-agent fees as provided by law for designating registered agents. The department shall be furnished with a copy of the designation of the Secretary of State or of a registered agent which is certified by the Secretary of State. The Secretary of State shall notify the department of any service of process it receives as registered agent for persons licensed under this part ~~chapter~~.

(3) Restricted-use pesticides may be purchased by any person who holds a valid applicator's license or who holds a valid purchase authorization card issued by the department or by a licensee under chapter 482 or chapter 388. A nonlicensed person may apply restricted-use pesticides under the direct supervision of a licensed applicator. An applicator's license shall be issued by the department on a form supplied by it in accordance with the requirements of this part ~~chapter~~.

Section 30. Subsection (1) of section 487.049, Florida Statutes, is amended to read:

487.049 Renewal; late fee; recertification.--

(1) The department shall require renewal of a certified applicator's license

at 4-year intervals from the date of issuance. If the application for renewal of any license provided for in this part ~~chapter~~ is not filed on time, a late fee shall be assessed not to exceed $50. However, the penalty shall not apply if the renewal application is filed within 60 days after the renewal date, provided the applicant furnishes an affidavit certifying that he or she has not engaged in business subsequent to the expiration of the license for a period not exceeding 60 days. A license may be renewed without taking another examination unless the department determines that new knowledge related to the classification for which the applicant has applied makes a new examination necessary; however, the department may require the applicant to provide evidence of continued competency, as determined by rule. If the license is not renewed within 60 days after ~~of~~ the expiration date, then the licensee may again be required to take another examination, unless there is some unavoidable circumstance which results in the delay of the renewal of any license issued under this part ~~chapter~~ which was not under the applicant's control.

Section 31. Paragraph (b) of subsection (1) and subsection (2) of section 487.051, Florida Statutes, are amended to read:

487.051 Administration; rules; procedure.--

(1) The department may by rule:

(b) Establish procedures for the taking and handling of samples and establish tolerances and deficiencies where not specifically provided for in this part ~~chapter~~; assess penalties; and prohibit the sale or use of pesticides or devices shown to be detrimental to human beings, the environment, or agriculture or to be otherwise of questionable value.

(2) The department is authorized to adopt by rule the primary standards established by the United States Environmental Protection Agency with respect to pesticides. If the provisions of this part ~~chapter~~ are preempted in part by federal law, those provisions not preempted shall apply. This part ~~chapter~~ is intended as comprehensive and exclusive regulation of pesticides in this state. Except as provided in chapters 373, 376, 388, 403, and 482, or as otherwise provided by law, no agency, commission, department, county, municipality, or other political subdivision of the state may adopt laws, regulations, rules, or policies pertaining to pesticides, including their registration, packaging, labeling, distribution, sale, or use, except that local jurisdictions may adopt or enforce an ordinance pertaining to pesticides if that ordinance is in the area of occupational license taxes, building and zoning regulations, disposal or spillage of pesticides within a water well zone, or pesticide safety regulations relating to containment at the storage site.

Section 32. Subsection (4) of section 487.0615, Florida Statutes, is amended to read:

487.0615 Pesticide Review Council.--

(4) The council is defined as a "substantially interested person" and has standing under chapter 120 in any proceeding conducted by the department relating to the registration of a pesticide under this part ~~chapter~~. The standing of the council shall in no way prevent individual members of the council from exercising standing in these matters.

Section 33. Section 487.071, Florida Statutes, is amended to read:

487.071 Enforcement, inspection, sampling, and analysis.--

(1) The department is authorized to enter upon any public or private premises or carrier where pesticides are known or thought to be distributed, sold, offered for sale, held, stored, or applied, during regular business hours in the performance of its duties relating to pesticides and records pertaining to pesticides. No person shall deny or refuse access to the department when it seeks to enter upon any public or private premises or carrier during business hours in performance of its duties under this part ~~chapter~~.

(2) The department is authorized and directed to sample, test, inspect, and make analyses of pesticides sold, offered for sale, distributed, or used within this state, at a time and place and to such an extent as it may deem necessary, to determine whether the pesticides or persons exercising control over the pesticides are in compliance with the provisions of this part ~~chapter~~, the rules adopted under this part ~~chapter~~, and the provisions of the pesticide label or labeling.

(3) The official analysis shall be made from the official sample. A sealed and identified sample, herein called "official check sample" shall be kept until the analysis on the official sample is completed. However, the registrant may obtain upon request a portion of the official sample. Upon completion of the analysis of the official sample, a true copy of the certificate of analysis shall be mailed to the registrant of the pesticide from whom the official sample was taken and also to the dealer or agent, if any, and consumer, if known. If the official analysis conforms with the provisions of this part ~~chapter~~, the official check sample may be destroyed. If the official analysis does not conform with the provisions of this part ~~chapter~~, the rules adopted under this part ~~chapter~~, and the provisions of the pesticide label or labeling, the official check sample shall be retained for a period of 90 days from the date of the certificate of analysis of the official sample. If within that time the registrant of the pesticide from whom the official sample was taken makes demand for analysis by a referee chemist, a portion of the official check sample sufficient for analysis shall be sent to a referee chemist who is mutually acceptable to the department and the registrant for analysis at the expense of the registrant. Upon completion of the analysis, the referee chemist shall forward to the department and to the registrant a certificate of analysis bearing a proper identification mark or number; and such certificate of analysis shall be verified by an affidavit of the person or laboratory making the analysis. If the certificate of analysis checks within 3 percent of the department's analysis on each active ingredient for which analysis was made, the mean average of the two analyses shall be accepted as final and binding on all concerned. However, if the referee's certificate of analysis shows a variation of greater than 3 percent from the department's analysis in any one or more of the active ingredients for which an analysis was made, upon demand of either the department or the registrant from whom the official sample was taken, a portion of the official check sample sufficient for analysis shall be submitted to a second referee chemist who is mutually acceptable to the department and the registrant, at the expense of the party or parties requesting the referee analysis. Upon completion of the analysis, the second referee chemist shall make a certificate and report as provided in this subsection for the first referee chemist. The mean average of the two analyses nearest in conformity shall be accepted as final and binding on all concerned. If no demand is made for an analysis by a second referee chemist, the department's certificate of analysis shall be accepted as final and binding on all concerned.

(4) If a pesticide or device fails to comply with the provisions of this part ~~chapter~~ with reference to the ingredient statement reflecting the composition of the product, as required on the registration and labeling, and the department contemplates possible criminal proceedings against the person responsible because of this violation, the department shall, after due notice, accord the person an informal hearing or an opportunity to present evidence and opinions, either orally or in writing, with regard to such contemplated proceedings. If in the opinion of the department the facts warrant, the department may refer the facts to the state attorney for the county in which the violation occurred, with a copy of the results of the analysis or the examination of such article; provided that nothing in this part ~~chapter~~ shall be construed as requiring the department to report for prosecution minor violations whenever it believes that the public interest will be subserved by a suitable notice of warning in writing.

(5) It shall be the duty of each state attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

(6) The department shall, by publication in such manner as it may prescribe, give notice of all judgments entered in actions instituted under the authority of this part ~~chapter~~.

(7)(a) The department may analyze pesticide samples upon request in a manner consistent with this part ~~chapter~~.

(b) The department shall establish by rule a fee schedule for pesticide samples analyzed upon request. The fees shall be sufficient to cover the costs to the department for taking the samples and performing the analysis. However, no fee shall exceed $400 per test.

(c) The department shall keep separate records with respect to requested pesticide analyses, including the pesticide analyzed, tests performed, fees collected, the name and address of the person who requested the analysis, and the name and address of the registrant.

(d) All fees collected pursuant to this subsection shall be deposited into the General Inspection Trust Fund and shall be used by the department to implement this subsection.

(e) In addition to any other penalty provided by this part ~~chapter~~, the registrant of any pesticide found to be adulterated, misbranded, or otherwise deficient shall reimburse the person requesting the pesticide analysis under this subsection for all fees assessed by and paid to the department.

Section 34. Subsections (2), (3), and (4) of section 487.081, Florida Statutes, are amended to read:

487.081 Exemptions.--

(2) No article shall be deemed in violation of this part ~~chapter~~ when

intended solely for export to a foreign country and when prepared or packed according to the specifications or directions of the purchaser.

(3) Notwithstanding any other provision of this part ~~chapter~~, registration required under this part ~~chapter~~ is not required in the case of a pesticide stored or shipped from one manufacturing plant within this state to another manufacturing plant within this state operated by the same person.

(4) Nothing in this part ~~chapter~~ shall be construed to apply to persons duly licensed or certified under chapter 388 or chapter 482 performing any pest control or other operation for which they are licensed or certified under those chapters.

Section 35. Subsection (2) of section 487.091, Florida Statutes, is amended to read:

487.091 Tolerances, deficiencies, and penalties.--

(2) If a pesticide is found by analysis to be deficient in an active ingredient beyond the tolerance as provided in this part ~~chapter~~, the registrant is subject to a penalty for the deficiency, not to exceed $10,000 per violation. However, no penalty shall be assessed when the official sample was taken from a pesticide that was in the possession of a consumer for more than 45 days from the date of purchase by that consumer, or when the product label specifies that the product should be used by an expiration date that has passed. Procedures for assessing penalties shall be established by rule, based on the degree of the deficiency. Penalties assessed shall be paid to the consumer or, in the absence of a known consumer, the department. If the penalty is not paid within the prescribed period of time as established by rule, the department may deny, suspend, or revoke the registration of any pesticide.

Section 36. Section 487.101, Florida Statutes, is amended to read:

487.101 Stop-sale, stop-use, removal, or hold orders.--

(1) When a pesticide or device is being offered or exposed for sale, used, or held in violation of any of the provisions of this part ~~chapter~~, the department may issue and enforce a stop-sale, stop-use, removal, or hold order, in writing, to the owner or custodian of the pesticide or device, ordering that the pesticide or device be held at a designated place until the part ~~chapter~~ has been complied with and the pesticide or device is released, in writing, by the department or the violation has been disposed of by court order.

(2) The written notice is warning to all persons, including, but not limited to, the owner or custodian of the pesticide or the owner's or custodian's agents or employees, to scrupulously refrain from moving, bothering, altering, or interfering with the pesticide or device or from altering, defacing, or in any way interfering with the written notice or permitting the same to be done. The willful violation of these provisions is a misdemeanor, subjecting the violator to the penalty provisions of this part ~~chapter~~.

(3) The department shall release the pesticide or device under a stop-sale, stop-use, removal, or hold order when the owner or custodian complies with the provisions of this part ~~chapter~~.

(4) The owner or custodian, with authorization and supervision of the department, may relabel the pesticide or device so that the label will conform to the product, or transfer and return the product to the manufacturer or supplier for the purpose of bringing the product in compliance with the provisions of this part ~~chapter~~.

Section 37. Subsection (1) of section 487.111, Florida Statutes, is amended to read:

487.111 Seizure, condemnation, and sale.--

(1) Any lot of pesticide or device not in compliance with the provisions of this part ~~chapter~~ is subject to seizure on complaint of the department to the circuit court in the county in which the pesticide or device is located. In the event the court finds the pesticide or device in violation of this part ~~chapter~~ and orders it condemned, it shall be disposed of as the court may direct; provided that in no instance shall the disposition of the pesticide or device be ordered by the court without first giving the owner or custodian an opportunity to apply to the court for release of the pesticide or device or for permission to process or relabel it to bring it into compliance with this part ~~chapter~~.

Section 38. Section 487.13, Florida Statutes, is amended to read:

487.13 Cooperation.--The department is authorized and empowered to cooperate with and enter into agreements with any other agency of this state, the United States Department of Agriculture, the United States Environmental Protection Agency, and any other state or federal agency for the purpose of carrying out the provisions of this part ~~chapter~~ and securing uniformity of regulations.

Section 39. Section 487.156, Florida Statutes, is amended to read:

487.156 Governmental agencies.--All governmental agencies shall be subject to the provisions of this part ~~chapter~~ and rules adopted under this part ~~chapter~~. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 40. Subsection (1) of section 487.159, Florida Statutes, is amended to read:

487.159 Damage or injury to property, animal, or person; mandatory report of damage or injury; time for filing; failure to file.--

(1) The person claiming damage or injury to property, animal, or human beings from application of a pesticide shall file with the department a written statement claiming damages, on a form prescribed by the department, within 48 hours after the damage or injury becomes apparent. The statement shall contain, but shall not be limited to, the name of the person responsible for the application of the pesticide, the name of the owner or lessee of the land on which the crop is grown and for which the damages are claimed, and the date on which it is alleged that the damages occurred. The department shall investigate the alleged damages and notify all concerned parties of its findings. If the findings reveal a violation of the provisions of this part ~~chapter~~, the department shall determine an appropriate penalty, as provided in this part ~~chapter~~. The filing of a statement or the failure to file such a statement need not be alleged in any complaint which might be filed in a court of law, and the failure to file the statement shall not be considered any bar to the maintenance of any criminal or civil action.

Section 41. Section 487.161, Florida Statutes, is amended to read:

487.161 Exemptions, nonagricultural pest control and research.--

(1) Any person duly licensed or certified under chapter 482, or under the supervision of chapter 388, is exempted from the licensing provisions of this part ~~chapter~~.

(2) The use of the antibiotic oxytetracycline hydrochloride for the purpose of controlling lethal yellowing is exempted from the licensing provisions of this part ~~chapter~~.

(3) The personnel of governmental, university, or industrial research agencies are exempted from the provisions of this part ~~chapter~~ when doing applied research within a laboratory, but shall comply with all the provisions of this part ~~chapter~~ when applying restricted-use pesticides to experimental or demonstration plots.

Section 42. Section 487.163, Florida Statutes, is amended to read:

487.163 Information; interagency cooperation.--

(1) The department may, in cooperation with the University of Florida or other agencies of government, publish information and conduct short courses of instruction in the safe use and application of pesticides for the purpose of carrying out the provisions of this part ~~chapter~~.

(2) The department may cooperate or enter into formal agreements with any other agency or educational institution of this state or its subdivisions or with any agency of any other state or of the Federal Government for the purpose of carrying out the provisions of this part ~~chapter~~ and of securing uniformity of regulations.

Section 43. Subsections (1), (2), and (3) of section 487.171, Florida Statutes, are amended to read:

487.171 Classification of antifouling paint containing organotin compounds as restricted-use pesticides; prohibition of distribution and sale.--

(1) The department shall classify antifouling paints containing organotin compounds having an acceptable release rate as restricted-use pesticides subject to the requirements of this part ~~chapter~~. Antifouling paints containing organotin having acceptable release rates and sold in spray cans of 16 ounces avoirdupois weight or less for outboard motor or lower unit use are exempt from the restricted-use pesticide classification requirement.

(2) The department shall initiate action under chapter 120, to deny or cancel the registration of antifouling paints containing organotin compounds which do not have an acceptable release rate or do not meet other criteria established by the department in accordance with this part ~~chapter~~.

(3) Distribution, sale, and use of antifouling paints containing organotin compounds with acceptable release rates shall be limited to dealers and applicators licensed by the department in accordance with this part ~~chapter~~, to distribute, sell, or use restricted-use pesticides. Such paint may be applied only by licensed applicators and may be applied only to vessels which exceed 25 meters in length or which have aluminum hulls.

Section 44. Section 487.175, Florida Statutes, is amended to read:

487.175 Penalties; administrative fine; injunction.--

(1) In addition to any other penalty provided in this part ~~chapter~~, when the

department finds any person, applicant, or licensee has violated any provision of this part ~~chapter~~ or rule adopted under this part ~~chapter~~, it may enter an order imposing any one or more of the following penalties:

(a) Denial of an application for licensure.

(b) Revocation or suspension of a license.

(c) Issuance of a warning letter.

(d) Placement of the licensee on probation for a specified period of time and subject to conditions the department may specify by rule, including requiring the licensee to attend continuing education courses, to demonstrate competency through a written or practical examination, or to work under the direct supervision of another licensee.

(e) Imposition of an administrative fine not to exceed $10,000 for each violation. When imposing any fine under this paragraph, the department shall consider the degree and extent of harm caused by the violation, the cost of rectifying the damage, the amount of money the violator benefited from by noncompliance, whether the violation was committed willfully, and the compliance record of the violator.

(2) Any person who violates any provision of this part ~~chapter~~ or rules adopted pursuant thereto commits a misdemeanor of the second degree and upon conviction is punishable as provided in s. ~~ss.~~ 775.082 or s. ~~and~~ 775.083. For a subsequent violation, such person commits a misdemeanor of the first degree and upon conviction is punishable as provided in s. ~~ss.~~ 775.082 or s. ~~and~~ 775.083.

(3) In addition to the remedies provided in this part ~~chapter~~ and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin the violation or threatened violation of any provision of this part ~~chapter~~, or rule adopted under this part ~~chapter~~, in the circuit court of the county in which the violation occurred or is about to occur. Upon the department's presentation of competent and substantial evidence to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction shall be issued without bond. A single act in violation of any provision of this part ~~chapter~~ shall be sufficient to authorize the issuance of an injunction.

Section 45. Subsection (1) of section 482.242, Florida Statutes, is amended to read:

482.242 Preemption.--

(1) This chapter is intended as comprehensive and exclusive regulation of pest control in this state. The provisions of this chapter preempt to the state all regulation of the activities and operations of pest control services, including the pesticides used pursuant to labeling and registration approved under part I of chapter 487. No local government or political subdivision of the state may enact or enforce an ordinance that regulates pest control, except that the preemption in this section does not prohibit a local government or political subdivision from enacting an ordinance regarding any of the following:

(a) Local occupational licenses adopted pursuant to chapter 205.

(b) Land development regulations adopted pursuant to chapter 163 which include regulation of any aspect of development, including a subdivision, building construction, sign regulation or any other regulation concerning the development of land, or landscaping or tree protection ordinances which do not include pesticide application restrictions.

(c) Regulations that:

1. Require, for multicomplex dwellings in excess of 10 units, annual termite inspections for termite activity or damage, including Formosan termites, which must be performed by a person licensed under this chapter.

2. Require pest control treatments of structures that have termite activity or damage which must be performed by a person licensed under this chapter.

3. Require property owners or other persons to obtain inspections or pest control treatments performed by a person licensed under this chapter.

An ordinance by a local government or political subdivision which requires an annual inspection or pest control treatment must conform to current law.

(d) Protection of wellhead protection areas and high recharge areas.

(e) Hazardous materials reporting as set forth in part II of chapter 252, storage, and containment including as relating to stormwater management.

(f) Hazardous material unlawful discharge and disposal.

(g) Hazardous materials remediation.

Section 46. Section 487.2011, Florida Statutes, is created to read:

487.2011 Popular name; administration.--This part may be known by the popular name the "Florida Agricultural Worker Safety Act" and shall be administered by the Department of Agriculture and Consumer Services.

Section 47. Section 487.2021, Florida Statutes, is created to read:

487.2021 Legislative intent.--It is the intent of the Legislature to ensure that agricultural workers employed in the state receive protection from agricultural pesticides. The Legislature intends to ensure that agricultural workers be given information concerning agricultural pesticides.

Section 48. Section 487.2031, Florida Statutes, is created to read:

487.2031 Definitions.--For the purposes of this part, the term:

(1) "Agricultural employer" means any person who hires or contracts for the services of workers to perform activities related to the production of agricultural plants or any person who is an owner of, or responsible for, the management or condition of an agricultural establishment that uses such workers.

(2) "Agricultural establishment" means any farm, forest, nursery, or greenhouse.

(3) "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, fiber plants, trees, turfgrass, flowers, shrubs, ornamentals, and seedlings.

(4) "Department" means the Department of Agriculture and Consumer Services.

(5) "Designated representative" means any organization or person to whom a worker gives written authorization to exercise the right to request the agricultural pesticide information pursuant to this part.

(6) "Fact sheet" means an agricultural pesticide fact sheet approved by the state or federal government that provides information about the impacts of the use of an agricultural pesticide.

(7) "Material safety data sheet" means written or printed material concerning an agricultural pesticide that sets forth the following information:

(a) The chemical name and the common name of the agricultural pesticide.

(b) The hazards or other risks in the use of the agricultural pesticide, including:

1. The potential for fire, explosions, corrosivity, and reactivity.

2. The known acute health effects and chronic health effects of exposure to the agricultural pesticide, including those medical conditions that are generally recognized as being aggravated by exposure to the agricultural pesticide.

3. The primary routes of entry and symptoms of overexposure.

(c) The proper handling practices, necessary personal protective equipment, and other proper or necessary safety precautions in circumstances that involve the use of or exposure to the agricultural pesticide, including appropriate emergency treatment in case of overexposure.

(d) The emergency procedures for spills, fire, disposal, and first aid.

(e) A description of the known specific potential health risks posed by the agricultural pesticide, which is written in lay terms and is intended to alert any person who reads the information.

(f) The year and month, if available, that the information was compiled and the name, address, and emergency telephone number of the manufacturer responsible for preparing the information.

(8) "Retaliatory action" means an action, such as dismissal, demotion, harassment, blacklisting with other employers, reducing pay or work hours, or taking away company housing, that is taken by any agricultural employer against a worker who exercises any right under the provisions of the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 1707(b), or this part.

(9) "Trainer" means any person who is qualified to train workers under the pesticide safety training requirements of the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.130.

(10) "Worker" means any person, including a farmworker or a self-employed person, who receives any type of compensation for employment that involves tasks relating to the production of agricultural plants on an agricultural establishment. The term "worker" does not include any person employed by a commercial pesticide handling establishment to perform tasks as a crop advisor.

Section 49. Section 487.2041, Florida Statutes, is created to read:

487.2041 Enforcement of federal worker protection regulations.--The department shall, to the extent that resources are available, continue to operate under the United States Environmental Protection Agency regulations regarding the Labeling Requirement for Pesticides and Devices, 40 C.F.R. part 156, and the Worker Protection Standard, 40 C.F.R. part 170, which the department adopted by rule during the 1995-1996 fiscal year and published in

the Florida Administrative Code. Any provision of this part not preempted by federal law shall continue to apply.

Section 50. Section 487.2051, Florida Statutes, is created to read:

487.2051 Availability of agricultural pesticide information to workers and medical personnel.--

(1) An agricultural employer shall make available agricultural pesticide information concerning any agricultural pesticide to any worker:

(a) Who enters an agricultural-pesticide-treated area on an agricultural establishment where:

1. An agricultural pesticide has been applied within 30 days of that entry; or

2. A restricted-entry interval has been in effect; or

(b) Who may be exposed to the agricultural pesticide during normal conditions of use or in a foreseeable emergency.

(2) The agricultural pesticide information provided pursuant to subsection (1) must be in the form of a fact sheet or a material safety data sheet. The agricultural employer shall provide a written copy of the information provided pursuant to subsection (1) within 2 working days after a request for the information by a worker or a designated representative. In the case of a pesticide-related medical emergency, the agricultural employer shall provide a written copy of the information promptly upon the request of the worker, the designated representative, or medical personnel treating the worker.

(3) Upon the initial purchase of a product and with the first purchase after the material safety data sheet is updated, the distributor, manufacturer, or importer of agricultural pesticides shall obtain or develop and provide each direct purchaser of an agricultural pesticide with a material safety data sheet. If the material safety data sheet or fact sheet for the agricultural pesticide is not available when the agricultural pesticide is purchased, the agricultural employer shall take appropriate and timely steps to obtain the material safety data sheet or fact sheet from the distributor, the manufacturer, the department, a federal agency, or another distribution source.

(4) The department shall produce and make available to a trainer a one-page general agricultural pesticide safety sheet. The safety sheet must be in a language understandable to the worker and must include, but need not be limited to, illustrated instructions on preventing agricultural pesticide exposure and toll-free telephone numbers to the Florida Poison Control Centers. The trainer shall provide the safety sheet to the worker pursuant to the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.130.

Section 51. Section 487.2061, Florida Statutes, is created to read:

487.2061 Prohibited acts.--Any person covered by this part may not:

(1) Fail to provide agricultural pesticide information as required in this part; or

(2) Take retaliatory action.

Section 52. Section 487.2071, Florida Statutes, is created to read:

487.2071 Penalties against violators; worker relief; monitoring complaints of retaliation.--

(1) Penalties set forth in this part shall be applied to any person who violates this part. A persons who violates this part is subject to federal penalties as provided in the United States Environmental Protection Agency Worker Protection Standard, 40 C.F.R. s. 170.9(b).

(2) A worker who has been subject to retaliatory action and seeks relief under this section may file a complaint with the department.

(3) In any action brought pursuant to this section that involves retaliatory action, if the retaliatory action is predicated on the disclosure by a worker of an illegal action, policy, or practice of any person covered by this part to an appropriate governmental agency, the worker may not be required to show that the disclosure was under oath or in writing or that the worker notified the employer in writing of the illegal action, policy, or practice.

(4) The department shall monitor all complaints of retaliation that it receives and report its findings to the President of the Senate and the Speaker of the House of Representatives on or before October 1, 2008. The report shall include the number of such complaints received, the circumstances surrounding the complaints, and the actions taken concerning the complaints.

Section 53. Paragraph (x) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.--

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

(x) "Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is a "pesticide" within the meaning of the Florida Pesticide Law, part I of chapter 487, and which is used in the production, storage, or transportation of raw agricultural commodities.

Section 54. Subsections (1) and (6) of section 570.44, Florida Statutes, are amended to read:

570.44 Division of Agricultural Environmental Services; powers and duties.--The duties of the Division of Agricultural Environmental Services include, but are not limited to:

(1) Inspecting and drawing samples of: commercial feeds offered for sale in this state and enforcing those provisions of chapter 580 authorized by the department; seeds offered for sale in this state and enforcing those provisions of chapter 578 authorized by the department; certified seed grown in this state; fertilizers offered for sale in this state and enforcing those provisions of chapter 576 authorized by the department; and pesticides offered for sale in this state, and soil and water in this state for the presence of pesticides, and enforcing those provisions of part I of chapter 487 authorized by the department.

(6) Analyzing samples of pesticide formulations offered for sale in this state and tank mix, soil, water, and other environmental samples related to pesticide use investigations, as required under part I of chapter 487.

Section 55. Subsection (7) of section 440.16, Florida Statutes, is amended to read:

440.16 Compensation for death.--

~~(7) Compensation under this chapter to aliens not residents (or about to become nonresidents) of the United States or Canada shall be the same in amount as provided for residents, except that dependents in any foreign country shall be limited to surviving spouse and child or children, or if there be no surviving spouse or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of 1 year prior to the date of the injury, and except that the judge of compensation claims may, at the option of the judge of compensation claims, or upon the application of the insurance carrier, commute all future installments of compensation to be paid to such aliens by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the judge of compensation claims, and provided further that compensation to dependents referred to in this subsection shall in no case exceed $75,000.~~

Section 56. The Division of Statutory Revision is requested to designate sections 487.011-487.175, Florida Statutes, as part I of chapter 487, entitled the "Florida Pesticide Law," and sections 487.2011-487.2071, Florida Statutes, as created by this act, as part II of that chapter, entitled the "Florida Agricultural Worker Safety Act."

Section 57. This act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to agricultural and migrant labor; amending s. 381.008, F.S.; revising a definition; amending s. 381.0086, F.S.; requiring the Department of Health to adopt rules relating to residential migrant housing; providing guidelines for the filing of interstate clearance orders; amending s. 381.0087, F.S.; revising a provision relating to who may issue certain citations; requiring the department to provide notice of suspected violations; amending s. 403.088, F.S.; clarifying a provision relating to water pollution operation permits; amending s. 450.191, F.S.; authorizing and directing the Executive Office of the Governor to advise and consult on certain issues relating to migrant and seasonal workers; directing the office to coordinate enforcement of certain provisions with the Department of Business and Professional Regulation; including farm labor contractors in the enforcement of certain laws; authorizing and directing the office to cooperate with the Agency for Workforce Innovation in the recruitment and referral of migrant workers and certain other laborers; amending s. 450.201, F.S.; renaming the Legislative Commission on Migrant Labor as the Legislative Commission on Migrant and Seasonal Labor; providing a deadline for appointments to the commission; providing a deadline for the commission's first meeting; amending s. 450.231, F.S.; providing a deadline for certain reports; amending s. 450.27, F.S.; providing a popular name; amending s. 450.271, F.S.; authorizing the department to enter into certain agreements with the Secretary of Labor of the United States; amending s. 450.28, F.S.; providing definitions; amending s. 450.30, F.S.; revising requirements for retaking examinations for renewal of certificates of registration; requiring fees for certain programs to be deposited

in the Professional Regulation Trust Fund; amending s. 450.31, F.S.; providing criteria for issuance or renewal of certificates of registration; authorizing payment for certificates of registration by cashier's check; increasing the application fee for such registration; requiring fees to be deposited in the Professional Regulation Trust Fund; providing criteria for revocation, suspension, or refusal to issue or renew certificates of registration; conforming a provision; providing criteria for permanent revocation or refusal to issue or renew certificates of registration; authorizing the department to inspect certain documents upon receipt and acceptance of a certificate of registration; creating s. 450.321, F.S.; creating the best practices incentive program for farm labor contractors; requiring farm labor contractors to meet certain requirements; restricting the transfer or unauthorized use of best practices designations; authorizing the department to enter into certain partnership agreements; authorizing the department to revoke certain designations; providing that certain designations are not department endorsements; limiting certain civil liability of the department; requiring the department to establish an incentive program; amending s. 450.33, F.S.; removing department requirements for the suspension or revocation of farm labor contractors' certificates of registration; requiring farm labor contractors to keep certain records; amending s. 450.34, F.S.; providing certain prohibited acts for farm labor contractors; amending s. 450.35, F.S.; prohibiting certain contracts or employment; providing penalties; amending s. 450.37, F.S.; authorizing the department to enter into agreements with other state agencies for certain purposes; amending s. 450.38, F.S.; providing civil and criminal penalties for minor and major violations; increasing certain civil penalties; authorizing payment of certain civil penalties by cashier's check; removing authorization to pay certain civil penalties by cash; increasing the scope of where a complaint may be filed; providing for a warning to contractors committing minor violations; providing civil penalties for contractors committing major violations; creating s. 450.39, F.S.; providing guidelines for the sale of certain commodities to farmworkers; providing a definition; amending s. 487.011, F.S.; providing a popular name; amending ss. 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; revising references to make the "Florida Pesticide Law" part I of ch. 487, F.S.; amending s. 482.242, F.S.; clarifying a provision relating to the labeling and registration of approved pesticides; creating s. 487.2011, F.S., the "Florida Agricultural Worker Safety Act"; providing for administration by the Department of Agriculture and Consumer Services; creating s. 487.2021, F.S.; providing legislative intent; creating s. 487.2031, F.S.; providing definitions; creating s. 487.2041, F.S.; providing enforcement of federal worker protection regulations; creating s. 487.2051, F.S.; requiring agricultural employers to make certain pesticide information available; creating s. 487.2061, F.S.; prohibiting certain acts; creating s. 487.2071, F.S.; providing penalties; requiring monitoring and reporting of complaints; amending ss. 500.03 and 570.44, F.S.; clarifying provisions relating to the definition of the term "pesticide chemical" and duties of the Division of Agricultural Environmental Services, respectively; amending s. 440.16, F.S.; deleting a provision relating to compensation paid to dependents of aliens; directing the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

Rep. Poppell moved the adoption of the amendment.

Representative Peterman offered the following:

(Amendment Bar Code: 757977)

Amendment 1 to Amendment 1 (with directory and title amendments)—Between lines 4 and 5, insert:

Section 1. This act may be known by the popular name the "Alfredo Bahena Act."

Between lines 1744 and 1745, insert:
providing a popular name;

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

Rep. Bowen moved that a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

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

Further consideration of **HB 1307** was temporarily postponed under Rule 11.10.

HB 2005 was taken up. On motion by Rep. Green, the rules were waived and CS for SB 1762 was substituted for HB 2005. Under Rule 5.13, the House bill was laid on the table. On motion by Rep. Green, the rules were waived and—

CS for SB 1762—A bill to be entitled An act relating to trauma care; amending s. 381.74, F.S.; requiring hospitals and trauma centers to provide data on moderate-to-severe brain or spinal cord injuries to the Department of Health; amending s. 381.745, F.S.; defining "department" for purposes of the "Charlie Mack Overstreet Brain or Spinal Cord Injuries Act"; amending s. 395.003, F.S.; requiring a report by the Agency for Health Care Administration regarding the licensure of emergency departments located off the premises of hospitals; prohibiting the issuance of licenses for such departments before July 1, 2005; amending s. 395.40, F.S.; revising legislative findings; revising duties of the Department of Health to implement and plan for a statewide trauma system; amending s. 395.4001, F.S.; revising definitions; amending s. 395.401, F.S.; revising components for local and regional trauma services system plans; correcting references to the term "trauma center"; amending s. 395.4015, F.S.; requiring that the boundaries of the trauma regions administered by the Department of Health be coterminous with the boundaries of the regional domestic security task forces established within the Department of Law Enforcement; providing exceptions for certain interlocal agreements for trauma services in a regional system; eliminating requirements for the Department of Health to develop the minimum components for systems plans in defined trauma regions; amending s. 395.402, F.S.; providing additional legislative intent with respect to trauma service areas; providing a treatment capacity for certain trauma centers; providing that current trauma service areas shall be used until the Department of Health completes an assessment of the trauma system; requiring a report; providing guidelines for such assessment; requiring annual review; amending s. 395.4025, F.S.; revising requirements for the Department of Health's development of a state trauma system plan; deleting obsolete references; correcting references to the term "trauma center"; revising requirements for the department's approval and verification of a facility as a trauma center; granting the department authority to adopt rules for the procedures and process for notification, duration, and explanation of a trauma center's termination of trauma services; revising the requirements for notice that a hospital must give before it terminates or substantially reduces trauma service; exempting from certain time limits on applications to operate as trauma centers certain hospitals in areas having no trauma center; limiting applications until the completion of a specified review; amending s. 395.403, F.S.; correcting references to the term "trauma center"; revising eligibility requirements for state funding of trauma centers; providing that trauma centers may request that their distributions from the Administrative Trust Fund be used as intergovernmental transfer funds in the Medicaid program; amending s. 395.404, F.S.; revising reporting requirements to the trauma registry data system maintained by the Department of Health; providing that hospitals and trauma centers subject to reporting trauma registry data to the department are required to comply with other duties concerning the moderate-to-severe brain or spinal cord injury registry maintained by the department; correcting references to the term "trauma center"; amending s. 395.405, F.S.; authorizing the Department of Health to adopt and enforce rules necessary to administer part II of ch. 395, F.S.; establishing a task force on distribution of funds; providing for a trauma center matching grant program; amending s. 318.14, F.S.; providing additional civil penalties for certain traffic infractions; providing for disposition of such penalties; amending s. 318.21, F.S.; providing for disposition of mandatory civil penalties; amending s. 322.0261, F.S.; revising provisions relating to driver-improvement courses; amending s. 322.27, F.S.; prescribing points for violation of a traffic-control signal; amending s. 318.18, F.S.; providing penalty for specified violation of traffic control signal devices and for failure to submit to test for impairment or

intoxication; providing for distribution of moneys collected; directing the clerk of court to collect a fee for each civil and criminal violation of ch. 316, F.S.; creating s. 322.751, F.S.; directing the Department of Highway Safety and Motor Vehicles to assess specified annual surcharges against a motor vehicle licensee who accumulates eight or more points against his or her license within the previous 36 months; requiring the department to notify a licensee by first-class mail upon receipt of four points against his or her license; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 316.193, F.S.; directing the department to assess specified annual surcharges against motor vehicle licensees who have a final conviction within the previous 36 months for a DUI offense; directing the department to remit all such penalties to the Administrative Trust Fund in the Department of Health; amending s. 794.056, F.S.; providing that funds credited to the Rape Crisis Program Trust Fund shall include both funds collected as an additional court assessment in certain cases and certain funds deposited in the Administrative Trust Fund in the Department of Health; revising a requirement relating to the distribution of moneys from the trust fund pursuant to a rule by the Department of Health; creating s. 322.7525, F.S.; requiring the department to notify licensees of the surcharges and the time period in which to pay the surcharges; creating s. 322.753, F.S.; requiring the department to accept installment payments for the surcharges; providing sanctions for a licensee's failure to pay an installment; allowing the department to permit licensees to pay assessed surcharges with credit cards; requiring the department to suspend a driver's license if the licensee does not pay the surcharge or arrange for installment payments within a specified time after the notice of surcharge is sent; repealing s. 395.4035, F.S., relating to the Trauma Services Trust Fund; providing for distribution of collections in the Administrative Trust Fund in the Department of Health; providing an appropriation; providing that a governing body of certain counties, municipalities, or special districts may levy a sales surtax for the purpose of funding of trauma services if approved by a majority vote of the electors of the county; requiring a statement regarding a brief description of the purposes of the surtax to be placed on the ballot by the governing body; requiring the ordinance or resolution to set forth a plan for providing trauma services; requiring the Department of Revenue to distribute moneys to the clerk of court or the custodian of the funds; providing duties of the custodian of the funds; providing an effective date.

—was read the second time by title.

Representative Kyle offered the following:

(Amendment Bar Code: 543191)

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

Section 1. Subsection (4) of section 212.055, Florida Statutes, is amended to read:

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

(4) INDIGENT CARE AND TRAUMA CENTER SURTAX.--

(a)1. The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

2.~~(b)~~ If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE. . . .CENTS TAX

AGAINST THE. . . .CENTS TAX

3.~~(c)~~ The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in subparagraph 4. ~~paragraph (d)~~. Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. The plan must also address the services to be provided by the Level I trauma center. It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, including hospitals with a Level I trauma center, will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases, and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

4.~~(d)~~ For the purpose of this paragraph ~~subsection~~, the term "qualified resident" means residents of the authorizing county who are:

a.~~1.~~ Qualified as indigent persons as certified by the authorizing county;

b.~~2.~~ Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or

c.~~3.~~ Participating in innovative, cost-effective programs approved by the authorizing county.

5.~~(e)~~ Moneys collected pursuant to this paragraph ~~subsection~~ remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

a.~~1.~~ Maintain the moneys in an indigent health care trust fund;

b.~~2.~~ Invest any funds held on deposit in the trust fund pursuant to general law;

c.~~3.~~ Disburse the funds, including any interest earned, to any provider of health care services, as provided in subparagraphs 3. and 4. ~~paragraphs (c) and (d)~~, upon directive from the authorizing county. However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this paragraph ~~subsection~~, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of $6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of $3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any

additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act; and

d.~~4.~~ Prepare on a biennial basis an audit of the trust fund specified in sub-subparagraph a. ~~subparagraph 1.~~ Commencing February 1, 2004, such audit shall be delivered to the governing body and to the chair of the legislative delegation of each authorizing county.

6.~~(f)~~ Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this paragraph ~~subsection~~ and subsections (2) and (3) in excess of a combined rate of 1 percent.

(b) Notwithstanding any other provision of this section, the governing body in each county the government of which is not consolidated with that of one or more municipalities and which has a population of less than 800,000 residents, may levy, by ordinance subject to approval by a majority of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.25 percent for the sole purpose of funding trauma services provided by a trauma center licensed pursuant to chapter 395.

1. A statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following shall be placed on the ballot:

FOR THE. . . .CENTS TAX
AGAINST THE. . . .CENTS TAX

2. The ordinance adopted by the governing body of the county providing for the imposition of the surtax shall set forth a plan for providing trauma services to trauma victims presenting in the trauma service area in which such county is located.

3. Moneys collected pursuant to this paragraph remain the property of the state and shall be distributed by the Department of Revenue on a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

a. Maintain the moneys in a trauma services trust fund.

b. Invest any funds held on deposit in the trust fund pursuant to general law.

c. Disburse the funds, including any interest earned on such funds, to the trauma center in its trauma service area, as provided in the plan set forth pursuant to subparagraph 2., upon directive from the authorizing county. If the trauma center receiving funds requests such funds be used to generate federal matching funds under Medicaid, the custodian of the funds shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that the agency is allowed through the General Appropriations Act.

d. Prepare on a biennial basis an audit of the trauma services trust fund specified in sub-subparagraph a., to be delivered to the authorizing county.

4. A discretionary sales surtax imposed pursuant to this paragraph shall expire 4 years after the effective date of the surtax, unless reenacted by ordinance subject to approval by a majority of the electors of the county voting in a subsequent referendum.

5. Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this paragraph and subsections (2) and (3) in excess of a combined rate of 1 percent.

Section 2. Subsections (5) and (6) of section 395.40, Florida Statutes, are amended to read:

395.40 Legislative findings and intent.--

(5) In addition, the agencies listed in subsection (4) should undertake to:

(a) Establish a coordinated methodology for monitoring, evaluating, and enforcing the requirements of the state's inclusive trauma system which recognizes the interests of each agency.

(b) Develop appropriate roles for trauma agencies, to assist in furthering the operation of trauma systems at the regional level. This should include issues of system evaluation as well as managed care.

(c) Develop and submit appropriate requests for waivers of federal requirements which will facilitate the delivery of trauma care.

(d) Develop criteria that will become the future basis for ~~mandatory~~ consultation between acute care hospitals and trauma centers on the care of trauma victims and the mandatory transfer of appropriate trauma victims to trauma centers.

(e) Develop a coordinated approach to the care of the trauma victim. This shall include the movement of the trauma victim through the system of care and the identification of medical responsibility for each phase of care for out-of-hospital and in-hospital trauma care.

(f) Require the medical director of an emergency medical services provider to have medical accountability for a trauma victim during interfacility transfer.

(6) Furthermore, the Legislature encourages the department to actively foster the provision of trauma care and serve as a catalyst for improvements in the process and outcome of the provision of trauma care in an inclusive trauma system. Among other considerations, the department is required ~~encouraged~~ to:

(a) Promote the development of at least one trauma center in every trauma service area.

(b) Promote the development of a trauma agency for each trauma region.

(c) Update the state trauma system plan by February 2005 ~~December 2000~~ and at least annually ~~every 5th year~~ thereafter.

Section 3. Section 395.4001, Florida Statutes, is amended to read:

395.4001 Definitions.--As used in this part, the term:

(1) "Agency" means the Agency for Health Care Administration.

(2) "Charity care" or "uncompensated trauma ~~charity~~ care" means that portion of hospital charges reported to the agency for which there is no compensation, other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of 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 ~~150~~ 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.

(3) "Department" means the Department of Health.

(4) "Interfacility trauma transfer" means the transfer of a trauma victim between two facilities licensed under this chapter, pursuant to this part.

(5) "Level I trauma center" means a trauma center that:

(a) Has formal research and education programs for the enhancement of trauma care; ~~and~~ is verified ~~determined~~ by the department to be in substantial compliance with Level I trauma center and pediatric trauma ~~referral~~ center standards; and has been approved by the department to operate as a Level I trauma center.

(b) Serves as a resource facility to Level II trauma centers, pediatric trauma referral centers, and general hospitals through shared outreach, education, and quality improvement activities.

(c) Participates in an inclusive system of trauma care, including providing leadership, system evaluation, and quality improvement activities.

(6) "Level II trauma center" means a trauma center that:

(a) Is verified ~~determined~~ by the department to be in substantial compliance with Level II trauma center standards and has been approved by the department to operate as a Level II trauma center.

(b) Serves as a resource facility to general hospitals through shared outreach, education, and quality improvement activities.

(c) Participates in an inclusive system of trauma care.

(7) "Pediatric trauma referral center" means a hospital that is verified ~~determined~~ by the department to be in substantial compliance with pediatric trauma ~~referral~~ center standards as established by rule of the department and has been approved by the department to operate as a pediatric trauma center.

(8) "Provisional trauma center" means a hospital that has been verified by the department to be in substantial compliance with the requirements in s. 395.4025 and has been approved by the department to operate as a provisional Level I trauma center, Level II trauma center, or pediatric trauma center.

~~(8) "State-approved trauma center" means a hospital that has successfully completed the selection process pursuant to s. 395.4025 and has been approved by the department to operate as a trauma center in the state.~~

~~(9) "State-sponsored trauma center" means a trauma center or pediatric trauma referral center that receives state funding for trauma care services under s. 395.403.~~

(9)~~(10)~~ "Trauma agency" means a department-approved agency established and operated by one or more counties, or a department-approved

entity with which one or more counties contract, for the purpose of administering an inclusive regional trauma system.

(10)~~(11)~~ "Trauma alert victim" means a person who has incurred a single or multisystem injury due to blunt or penetrating means or burns, who requires immediate medical intervention or treatment, and who meets one or more of the adult or pediatric scorecard criteria established by the department by rule.

(11)~~(12)~~ "Trauma center" means a ~~any~~ hospital that has been verified ~~determined~~ by the department to be in substantial compliance with the requirements in s. 395.4025 and has been approved by the department to operate as a Level I trauma center, Level II trauma center, or pediatric trauma center ~~verification standards as either state approved or provisional state approved~~.

(12)~~(13)~~ "Trauma scorecard" means a statewide methodology adopted by the department by rule under which a person who has incurred a traumatic injury is graded as to the severity of his or her injuries or illness and which methodology is used as the basis for making destination decisions.

(13)~~(14)~~ "Trauma transport protocol" means a document which describes the policies, processes, and procedures governing the dispatch of vehicles, the triage, prehospital transport, and interfacility trauma transfer of trauma victims.

(14)~~(15)~~ "Trauma victim" means any person who has incurred a single or multisystem injury due to blunt or penetrating means or burns and who requires immediate medical intervention or treatment.

Section 4. Subsection (1) of section 395.401, Florida Statutes, is amended to read:

395.401 Trauma services system plans; approval ~~verification~~ of trauma centers and pediatric trauma ~~referral~~ centers; procedures; renewal.--

(1)(a) The local and regional trauma agencies shall plan, implement, and evaluate trauma services systems, in accordance with this section and ss. 395.4015, 395.404, and 395.4045, which consist of organized patterns of readiness and response services based on public and private agreements and operational procedures. The department shall establish, by rule, processes and procedures for establishing a trauma agency and obtaining its approval from the department.

(b) The local and regional trauma agencies shall develop and submit to the department plans for local and regional trauma services systems. The plans must include, at a minimum, the following components:

1. The organizational structure of the trauma system.

2. Prehospital care management guidelines for triage and transportation of trauma cases.

3. Flow patterns of trauma cases and transportation system design and resources, including air transportation services, provision for interfacility trauma transfer, and the prehospital transportation of trauma victims. The trauma agency shall plan for the development of a system of transportation of trauma alert victims to trauma centers where the distance or time to a trauma center or transportation resources diminish access by trauma alert victims.

4. The number and location of needed ~~state approved~~ trauma centers based on local needs, population, and location and distribution of resources.

5. Data collection regarding system operation and patient outcome.

6. Periodic performance evaluation of the trauma system and its components.

7. The use of air transport services within the jurisdiction of the local trauma agency.

8. Public information and education about the trauma system.

9. Emergency medical services communication system usage and dispatching.

10. The coordination and integration between the ~~verified~~ trauma center ~~care facility~~ and other acute care hospitals ~~the nonverified health care facilities~~.

11. Medical control and accountability.

12. Quality control and system evaluation.

(c) The department shall receive plans for the implementation of inclusive trauma systems from trauma agencies. The department may approve or not approve trauma agency plans based on the conformance of the plan with this section and ss. 395.4015, 395.404, and 395.4045 and the rules and definitions adopted by the department pursuant to those sections. The department shall approve or disapprove the plans within 120 days after the date the plans are submitted to the department. The department shall, by rule, provide an application process for establishing a trauma agency. The application must, at a minimum, provide requirements for the trauma agency plan submitted for review, a process for reviewing the application for a ~~state approved~~ trauma agency, a process for reviewing the trauma transport protocols for the trauma agency, and a process for reviewing the staffing requirements for the agency. The department shall, by rule, establish minimum requirements for a trauma agency to conduct an annual performance evaluation and submit the results to the department.

(d) A trauma agency shall not operate unless the department has approved the local or regional trauma services system plan of the agency.

(e) The department may grant an exception to a portion of the rules adopted pursuant to this section or s. 395.4015 if the local or regional trauma agency proves that, as defined in the rules, compliance with that requirement would not be in the best interest of the persons served within the affected local or regional trauma area.

(f) A local or regional trauma agency may implement a trauma care system only if the system meets the minimum standards set forth in the rules for implementation established by the department and if the plan has been submitted to, and approved by, the department. At least 60 days before the local or regional trauma agency submits the plan for the trauma care system to the department, the local or regional trauma agency shall hold a public hearing and give adequate notice of the public hearing to all hospitals and other interested parties in the area to be included in the proposed system.

(g) Local or regional trauma agencies may enter into contracts for the purpose of implementing the local or regional plan. If local or regional agencies contract with hospitals for trauma services, such agencies must contract only with hospitals which are verified trauma centers.

(h) Local or regional trauma agencies providing service for more than one county shall, as part of their formation, establish interlocal agreements between or among the several counties in the regional system.

(i) This section does not restrict the authority of a health care facility to provide service for which it has received a license pursuant to this chapter.

(j) Any hospital which is verified as a trauma center shall accept all trauma victims that are appropriate for the facility regardless of race, sex, creed, or ability to pay.

(k) It is unlawful for any hospital or other facility to hold itself out as a trauma center unless it has been so verified.

(l) A county, upon the recommendations of the local or regional trauma agency, may adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the local or regional trauma agency. These ordinances must be consistent with s. 395.4045, ordinances adopted under s. 401.25(6), and the local or regional trauma system plan and, to the furthest possible extent, must ensure that individual patients receive appropriate medical care while protecting the interests of the community at large by making maximum use of available emergency medical care resources.

(m) The local or regional trauma agency shall, consistent with the regional trauma system plan, coordinate and otherwise facilitate arrangements necessary to develop a trauma services system.

(n) After the submission of the initial trauma system plan, each trauma agency shall, every 5th year, submit to the department for approval an updated plan that identifies the changes, if any, to be made in the regional trauma system.

(o) This section does not preclude a local or regional trauma agency from adopting trauma care system standards.

Section 5. Section 395.4015, Florida Statutes, is amended to read:

395.4015 State regional trauma planning; trauma regions.--

(1) The department shall establish a state trauma system plan. As part of the state trauma system plan, the department shall establish trauma regions that ~~which~~ cover all geographical areas of the state and have boundaries that are coterminous with the boundaries of the regional domestic security task forces established under s. 943.0312. These regions may serve as the basis for the development of department-approved local or regional trauma plans. However, the delivery of trauma services by or in coordination with a trauma agency established before July 1, 2004, may continue in accordance with public and private agreements and operational procedures entered into as provided in s. 395.401. ~~The department shall base its definition of the regions upon:~~

~~(a) Geographical considerations so as to ensure rapid access to trauma care by patients;~~

~~(b) Historical patterns of patient referral and transfer in an area;~~
~~(c) Inventories of available trauma care resources;~~
~~(d) Predicted population growth characteristics;~~
~~(e) Transportation capabilities, including ground and air transport;~~
~~(f) Medically appropriate ground and air travel times; and~~
~~(g) Other appropriate criteria.~~

~~(2) The department shall develop trauma systems plans for the department-defined trauma regions which include at a minimum the following components:~~

~~(a) An assessment of current and future trauma care needs of the population, based upon incidence rates and acuity indicators developed by the department, as well as other relevant characteristics of the region.~~

~~(b) The organizational structure of the regional trauma system, including the identification of local trauma agency service areas within the region.~~

~~(c) Prehospital care management guidelines for triage and transportation of trauma cases.~~

~~(d) Flow patterns of trauma cases and transportation system design and resources, including air transportation services, provision for interfacility trauma transfer, and the prehospital transportation of trauma victims. The department shall plan for the development of a system of transportation of trauma alert victims to trauma centers where the distance or time to a trauma center or transportation resources diminish access by trauma alert victims.~~

~~(e) The current and projected number, acuity level, and geographic location of trauma cases expected so as to assure that the assessed current and future trauma care needs of the population are adequately met and that state-sponsored trauma centers will maintain the volume of cases sufficient to provide quality care to trauma cases referred to them.~~

~~(f) The availability of qualified health professionals, including physicians and surgeons, capable of staffing trauma centers to the level of current and future assessed needs.~~

~~(g) Data collection regarding system operation and patient outcome, as well as the number, type, and generalized locations of state-sponsored trauma centers needed to meet the needs of the population.~~

~~(h) Periodic performance evaluation of the trauma system and its components.~~

~~(i) The type and extent of air transport services available and needed in each region.~~

~~(j) Public information and education about the trauma system.~~

~~(k) Emergency medical services communication system usage and dispatching.~~

~~(l) The coordination and integration between the trauma centers and other health care facilities which may provide services to trauma victims.~~

~~(m) Medical control and accountability.~~

~~(n) Quality management and system evaluation.~~

(2)~~(3)~~ The department shall consider the advice and recommendations of any affected local or regional trauma agency in developing the state trauma system ~~systems~~ plan. ~~The department may, in lieu of specific regional components of its own plan, accept components developed by local or regional trauma agencies.~~

(3)~~(4)~~ The department shall use the state trauma system plan as the basis for establishing a statewide inclusive trauma system.

Section 6. Section 395.402, Florida Statutes, is amended to read:

395.402 Trauma service areas; number and location of trauma centers.--

(1) The Legislature recognizes the need for a statewide, cohesive, uniform, and integrated trauma system. Within the trauma service areas, ~~that~~ Level I and Level II trauma centers shall ~~should~~ each be capable of annually treating a minimum of 1,000 and 500 patients, respectively, with an injury severity score (ISS) of 9 or greater. Level II trauma centers in counties with a population of more than 500,000 shall have the capacity to care for 1,000 patients per year. ~~Further, the Legislature finds that, based on the numbers and locations of trauma victims with these injury severity scores, there should be 19 trauma service areas in the state, and, at a minimum, there should be at least one trauma center in each service area.~~

~~(2) It is the intent of the Legislature that, as a planning guideline, Level I and Level II trauma centers should generally each provide care annually to a minimum of 1,000 and 500 patients, respectively. Level II trauma centers in counties of more than 500,000 population are expected to be able to care for 1,000 patients per year, as a planning guideline.~~

(2)~~(3)~~ Trauma service areas as defined in this section are to be utilized until the Department of Health completes an assessment of the trauma system and reports its finding to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees. The report shall be submitted by February 1, 2005. The department shall review the existing trauma system and determine whether it is effective in providing trauma care uniformly throughout the state. The assessment shall:

(a) Consider aligning trauma service areas within the trauma region boundaries as established in July 2004.

(b) Review the number and level of trauma centers needed for each trauma service area to provide a statewide integrated trauma system.

(c) Establish criteria for determining the number and level of trauma centers needed to serve the population in a defined trauma service area or region.

(d) Consider including a criteria within trauma center approval standards based upon the number of trauma victims served within a service area.

(e) Review the Regional Domestic Security Task Force structure and determine whether integrating the trauma system planning with interagency regional emergency and disaster planning efforts is feasible and identify any duplication of efforts between the two entities.

(f) Make recommendations regarding a continued revenue source which shall include a local participation requirement.

(g) Make recommendations regarding a formula for the distribution of funds identified for trauma centers which shall address incentives for new centers where needed and the need to maintain effective trauma care in areas served by existing centers, with consideration for the volume of trauma patients served, and the amount of charity care provided.

(3) In conducting such assessment and subsequent annual reviews, the department shall consider:

(a) The recommendations made as part of the regional trauma system plans submitted by regional trauma agencies.

(b) Stakeholder recommendations.

(c) The geographical composition of an area to ensure rapid access to trauma care by patients.

(d) Historical patterns of patient referral and transfer in an area.

(e) Inventories of available trauma care resources, including professional medical staff.

(f) Population growth characteristics.

(g) Transportation capabilities, including ground and air transport.

(h) Medically appropriate ground and air travel times.

(i) Recommendations of the Regional Domestic Security Task Force.

(j) The actual number of trauma victims currently being served by each trauma center.

(k) Other appropriate criteria.

(4) Annually thereafter, ~~used.~~ the department shall ~~periodically~~ review the assignment of the 67 counties to trauma service areas, in addition to the requirements of paragraphs (2)(b)–(g) and subsection (3). County ~~These~~ assignments are made for the purpose of developing a system of trauma centers. Revisions made by the department shall ~~should~~ take into consideration the recommendations made as part of the regional trauma system plans approved by the department, and ~~as well as~~ the recommendations made as part of the state trauma system plan. In cases where a trauma service area is located within the boundaries of more than one trauma region, the trauma service area's needs, response capability, and system requirements shall be considered by each trauma region served by that trauma service area in its regional system plan ~~These areas must, at a minimum, be reviewed in the year 2000 and every 5 years thereafter~~. Until the department completes the February 2005 assessment ~~its initial review~~, the assignment of counties shall remain as established in this section ~~pursuant to chapter 90-284, Laws of Florida~~.

(a) The following trauma service areas are hereby established:

1. Trauma service area 1 shall consist of Escambia, Okaloosa, Santa Rosa, and Walton Counties.

2. Trauma service area 2 shall consist of Bay, Gulf, Holmes, and Washington Counties.

3. Trauma service area 3 shall consist of Calhoun, Franklin, Gadsden, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.

4. Trauma service area 4 shall consist of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwannee, and Union Counties.

5. Trauma service area 5 shall consist of Baker, Clay, Duval, Nassau, and St. Johns Counties.

6. Trauma service area 6 shall consist of Citrus, Hernando, and Marion Counties.

7. Trauma service area 7 shall consist of Flagler and Volusia Counties.

8. Trauma service area 8 shall consist of Lake, Orange, Osceola, Seminole, and Sumter Counties.

9. Trauma service area 9 shall consist of Pasco and Pinellas Counties.

10. Trauma service area 10 shall consist of Hillsborough County.

11. Trauma service area 11 shall consist of Hardee, Highlands, and Polk Counties.

12. Trauma service area 12 shall consist of Brevard and Indian River Counties.

13. Trauma service area 13 shall consist of DeSoto, Manatee, and Sarasota Counties.

14. Trauma service area 14 shall consist of Martin, Okeechobee, and St. Lucie Counties.

15. Trauma service area 15 shall consist of Charlotte, Glades, Hendry, and Lee Counties.

16. Trauma service area 16 shall consist of Palm Beach County.

17. Trauma service area 17 shall consist of Collier County.

18. Trauma service area 18 shall consist of Broward County.

19. Trauma service area 19 shall consist of Dade and Monroe Counties.

(b) Each trauma service area should have at least one Level I or Level II trauma center. The department shall allocate, by rule, the number of trauma centers needed for each trauma service area.

(c) There shall be no more than a total of 44 ~~state-sponsored~~ trauma centers in the state.

Section 7. Section 395.4025, Florida Statutes, is amended to read:

395.4025 ~~State-approved~~ Trauma centers; selection; quality assurance; records.--

(1) For purposes of developing a system of ~~state-approved~~ trauma centers, the department shall use the 19 trauma service areas established in s. 395.402. Within each service area and based on the state trauma system plan, the local or regional trauma services system plan, and recommendations of the local or regional trauma agency~~, and the 1990 Report and Proposal for Funding State-Sponsored Trauma Centers~~, the department shall establish the approximate number of ~~state-approved~~ trauma centers needed to ensure reasonable access to high-quality trauma services. The ~~Using the guidelines and procedures outlined in the 1990 report, except when in conflict with those prescribed in this section, the~~ department shall select those hospitals that are to be recognized as ~~state-approved~~ trauma centers ~~and shall include all trauma centers verified as of October 1, 1990, and subsequently, subject to specific programmatic and quality of care standards~~.

(2)(a) The department shall annually notify each acute care general hospital and each local and each regional trauma agency in the state that the department is accepting letters of intent from hospitals that are interested in becoming ~~state-approved~~ trauma centers. In order to be considered by the department, a hospital that operates within the geographic area of a local or regional trauma agency must certify that its intent to operate as a ~~state-approved~~ trauma center is consistent with the trauma services plan of the local or regional trauma agency, as approved by the department, if such agency exists. Letters of intent must be postmarked no later than midnight October 1. ~~This paragraph does not apply to any hospital that is a provisional or verified trauma center on January 1, 1992.~~

(b) By October 15, the department shall send to all hospitals that submitted a letter of intent an application package that will provide the hospitals with instructions for submitting information to the department for selection as a ~~state-approved~~ trauma center. The standards for ~~verification of~~ trauma centers ~~and pediatric trauma referral centers~~ provided for in s. 395.401(2), as adopted by rule of the department, shall serve as the basis for these instructions.

(c) In order to be considered by the department, applications from those hospitals seeking selection as ~~state-approved~~ trauma centers, including those current verified trauma centers that seek a change or redesignation in approval status as a trauma center ~~to be state-approved trauma centers~~, must be received by the department no later than the close of business on April 1. The department shall conduct a provisional review of each application for the purpose of determining that the hospital's application is complete and that the hospital has the critical elements required for a ~~state-approved~~ trauma center. This critical review will be based on trauma center ~~verification~~ standards and shall include, but not be limited to, a review of whether the hospital has:

1. Equipment and physical facilities necessary to provide trauma services.

2. Personnel in sufficient numbers and with proper qualifications to provide trauma services.

3. An effective quality assurance process.

4. Submitted written confirmation by the local or regional trauma agency that ~~the verification of~~ the hospital applying to become ~~as~~ a ~~state-approved~~ trauma center is consistent with the plan of the local or regional trauma agency, as approved by the department, if such agency exists. ~~This subparagraph applies to any hospital that is not a provisional or verified trauma center on January 1, 1992.~~

(d)1. Notwithstanding other provisions in this section, the department may grant up to an additional 18 months to a hospital applicant that is unable to meet all requirements as provided in paragraph (c) at the time of application if the number of applicants in the service area in which the applicant is located is equal to or less than the service area allocation, as provided by rule of the department. An applicant that is granted additional time pursuant to this paragraph shall submit a plan for departmental approval which includes timelines and activities that the applicant proposes to complete in order to meet application requirements. Any applicant that demonstrates an ongoing effort to complete the activities within the timelines outlined in the plan shall be included in the number of ~~state-approved~~ trauma centers at such time that the department has conducted a provisional review of the application and has determined that the application is complete and that the hospital has the critical elements required for a ~~state-approved~~ trauma center.

2. Timeframes provided in subsections (1)-(8) shall be stayed until the department determines that the application is complete and that the hospital has the critical elements required for a ~~state-approved~~ trauma center.

(3) After April 30, any hospital that submitted an application found acceptable by the department based on provisional review, ~~including all trauma centers verified as of December 1, 1989,~~ shall be eligible to operate as a provisional ~~state-approved~~ trauma center.

(4) Between May 1 and October 1 of each year, the department shall conduct an in-depth evaluation of all applications found acceptable in the provisional review. The applications shall be evaluated against criteria enumerated in the application packages as provided to the hospitals by the department.

(5) Beginning October 1 of each year and ending no later than June 1 of the following year, a review team of out-of-state experts assembled by the department shall make onsite visits to all provisional ~~state-approved~~ trauma centers. The department shall develop a survey instrument to be used by the expert team of reviewers. The instrument shall include objective criteria and guidelines for reviewers based on existing trauma center ~~and pediatric trauma referral center verification~~ standards such that all trauma centers ~~and pediatric trauma referral centers~~ are assessed equally. The survey instrument shall also include a uniform rating system that will be used by reviewers to indicate the degree of compliance of each trauma center with specific standards, and to indicate the quality of care provided by each trauma center as determined through an audit of patient charts. In addition, hospitals being considered as provisional ~~state-approved~~ trauma centers shall meet all the requirements of a ~~verified~~ trauma center ~~or pediatric trauma referral center~~, and shall be located in a trauma service area that has a need for such a trauma center.

(6) Based on recommendations from the review team, the department shall select ~~state-approved~~ trauma centers by July 1. An applicant for designation as a ~~state-approved~~ trauma center ~~or a state-approved pediatric trauma referral center~~ may request an extension of its provisional status if it submits a corrective action plan to the department. The corrective action plan must demonstrate the ability of the applicant to correct deficiencies noted during the applicant's onsite review conducted by the department between the previous October 1 and June 1. The department may extend the provisional status of an applicant for designation as a ~~state-approved~~ trauma center ~~or a state-approved pediatric trauma referral center~~ through December 31 if the applicant provides a corrective action plan acceptable to the department. The department or a team of out-of-state experts assembled by the department shall conduct an onsite visit on or before November 1 to confirm that the deficiencies have been corrected. The provisional ~~state-approved~~ trauma center ~~or the provisional state-approved pediatric trauma referral center~~ is responsible for all costs associated with the onsite visit in a manner prescribed by rule of the department. By January 1, the department must approve or deny

the application of any provisional applicant granted an extension. Each ~~state-approved~~ trauma center shall be granted a 7-year approval ~~verification~~ period during which time it must continue to maintain trauma center ~~verification~~ standards and acceptable patient outcomes as determined by department rule. An approval ~~A verification~~, unless sooner suspended or revoked, automatically expires 7 years after the date of issuance and is renewable upon application for renewal as prescribed by rule of the department. ~~After July 1, 1992, only those hospitals selected as state approved trauma centers may operate as trauma centers.~~

(7) Any hospital that wishes to protest a decision made by the department based on the department's preliminary or in-depth review of applications or on the recommendations of the site visit review team pursuant to this section shall proceed as provided in chapter 120. Hearings held under this subsection shall be conducted in the same manner as provided in ss. 120.569 and 120.57. Cases filed under chapter 120 may combine all disputes between parties.

(8) Notwithstanding any provision of chapter 381, a hospital licensed under ss. 395.001-395.3025 that operates a ~~state approved~~ trauma center may not terminate or substantially reduce the availability of trauma service without providing at least 180 days' ~~6 months'~~ notice of its intent to terminate such service. Such notice shall be given to the department ~~of Health~~, to all affected local or regional trauma agencies, and to all ~~state approved~~ trauma centers, hospitals, and emergency medical service providers in the trauma service area. The department shall adopt by rule the procedures and process for notification, duration, and explanation of the termination of trauma services.

(9) Except as otherwise provided in this subsection, the department or its agent may collect trauma care and registry data, as prescribed by rule of the department, from trauma centers, ~~pediatric trauma referral centers,~~ hospitals, emergency medical service providers, local or regional trauma agencies, or medical examiners for the purposes of evaluating trauma system effectiveness, ensuring compliance with the standards ~~of verification~~, and monitoring patient outcomes. A trauma center, ~~pediatric trauma referral center,~~ hospital, emergency medical service provider, medical examiner, or local trauma agency or regional trauma agency, or a panel or committee assembled by such an agency under s. 395.50(1) may, but is not required to, disclose to the department patient care quality assurance proceedings, records, or reports. However, the department may require a local trauma agency or a regional trauma agency, or a panel or committee assembled by such an agency to disclose to the department patient care quality assurance proceedings, records, or reports that the department needs solely to conduct quality assurance activities under s. 395.4015, or to ensure compliance with the quality assurance component of the trauma agency's plan approved under s. 395.401. The patient care quality assurance proceedings, records, or reports that the department may require for these purposes include, but are not limited to, the structure, processes, and procedures of the agency's quality assurance activities, and any recommendation for improving or modifying the overall trauma system, if the identity of a trauma center, ~~pediatric trauma referral center,~~ hospital, emergency medical service provider, medical examiner, or an individual who provides trauma services is not disclosed.

(10) Out-of-state experts assembled by the department to conduct onsite visits are agents of the department for the purposes of s. 395.3025. An out-of-state expert who acts as an agent of the department under this subsection is not liable for any civil damages as a result of actions taken by him or her, unless he or she is found to be operating outside the scope of the authority and responsibility assigned by the department.

(11) Onsite visits by the department or its agent may be conducted at any reasonable time and may include but not be limited to a review of records in the possession of trauma centers, ~~pediatric trauma referral centers,~~ hospitals, emergency medical service providers, local or regional trauma agencies, or medical examiners regarding the care, transport, treatment, or examination of trauma patients.

(12) Patient care, transport, or treatment records or reports, or patient care quality assurance proceedings, records, or reports obtained or made pursuant to this section, s. 395.3025(4)(f), s. 395.401, s. 395.4015, s. 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s. 395.50, or s. 395.51 must be held confidential by the department or its agent and are exempt from the provisions of s. 119.07(1). Patient care quality assurance proceedings, records, or reports obtained or made pursuant to these sections are not subject to discovery or introduction into evidence in any civil or administrative action.

(13) The department may adopt, by rule, the procedures and process by which it will select ~~state approved~~ trauma centers. Such procedures and process must be used in annually selecting ~~state approved~~ trauma centers and must be consistent with subsections (1)-(8) except in those situations in which it is in the best interest of, and mutually agreed to by, all applicants within a service area and the department to reduce the timeframes.

(14) Notwithstanding any other provisions of this section and rules adopted pursuant to this section, until the department has conducted the review provided under s. 395.402, only hospitals located in trauma services areas where there is no existing trauma center may apply.

Section 8. Section 395.403, Florida Statutes, is amended to read:

395.403 Reimbursement of ~~state-sponsored~~ trauma centers.--

~~(1) The Legislature finds that many hospitals which provide services to trauma victims are not adequately compensated for such treatment. The Legislature also recognizes that the current verified trauma centers are providing such services without adequate reimbursement. Therefore, it is the intent of the Legislature to provide financial support to the current verified trauma centers and to establish a system of state sponsored trauma centers as soon as feasibly possible. It is also the intent of the Legislature that this system of state sponsored trauma centers be assisted financially based on the volume and acuity of uncompensated trauma care provided.~~

(1)~~(2)~~ All provisional trauma centers and ~~state approved~~ trauma centers shall be considered eligible to receive state funding ~~state sponsored trauma centers~~ when state funds are specifically appropriated for state-sponsored trauma centers in the General Appropriations Act. Effective July 1, 2004, the department shall make one-time payments from the Administrative Trust Fund under s. 20.435 to the trauma centers and a hospital with a pending application for a Level I trauma center in recognition of the capital investment made by the hospital to establish the trauma service. Payments shall be in equal amounts for the trauma centers approved by the department as of July 1 of the fiscal year in which funding is appropriated, with lesser amounts for the hospital with an application pending for a Level I trauma center at the department as of April 1, 2004. In the event a trauma center does not maintain its status as a trauma center for any state fiscal year in which such funding is appropriated, the provisional trauma center or trauma center shall repay the state for the portion of the year during which it was not a trauma center.

(2) Provisional trauma centers and trauma centers eligible to receive distributions from the Administrative Trust Fund under s. 20.435 in accordance with subsection (1) may request that such funds be used as intergovernmental transfer funds in the Medicaid program.

~~(3) To receive state funding, a state sponsored trauma center shall submit a claim electronically via the Trauma Claims Processing System, designed, developed, implemented, and operated by the department's Medicaid program, to the department's Medicaid program upon discharge of a trauma patient. When a hospital stay spans a state fiscal year, a separate hospital claim shall be submitted for the hospital days incurred in each fiscal year.~~

~~(4)(a) State sponsored trauma centers shall determine each trauma patient's eligibility for state funding prior to the submission of a claim.~~

~~(b) A trauma patient treated must meet the definition of charity care, have been designated as having an ISS score of 9 or greater, and have received services that are medically necessary from a state sponsored trauma center in order for the state sponsored trauma center to receive state funding for that patient.~~

~~(c) Each state sponsored trauma center shall retain appropriate documentation showing a trauma patient's eligibility for state funding. Documentation recognized by the department as appropriate shall be limited to one of the following:~~

~~1. W-2 withholding forms.~~

~~2. Payroll stubs.~~

~~3. Income tax returns.~~

~~4. Forms approving or denying unemployment compensation or workers' compensation.~~

~~5. Written verification of wages from employer.~~

~~6. Written verification from public welfare agencies or any other governmental agency which can attest to the patient's income status for the past 12 months.~~

~~7. A witnessed statement signed by the patient or responsible party, as provided for in Pub. L. No. 79-725, as amended, known as the Hill-Burton Act, except that such statement need not be obtained within 48 hours of the patient's admission to the hospital as required by the Hill-Burton Act. The statement shall include acknowledgment that, in accordance with s. 817.50,~~

~~providing false information to defraud a hospital for the purposes of obtaining goods or services is a misdemeanor of the second degree.~~

~~(d) The department shall conduct an audit or shall contract with an independent party to conduct an audit of each state-sponsored trauma center's claims to ensure that state funding was only provided for eligible trauma patients and medically necessary services.~~

~~(e) The department's Medicaid program office shall check each claim to confirm that the patient is not covered under the Medicaid program and shall pay the claim out of the Trauma Services Trust Fund. Trauma patients who are eligible for the Medicaid program shall not be considered eligible for the state-sponsored trauma center program except for Medicaid noncovered services. If a claim is denied by the Trauma Claims Processing System as a result of Medicaid eligibility for Medicaid covered services, the hospital shall submit a claim to the Medicaid fiscal agent for payment.~~

~~(5) State funding shall be at a per diem rate equal to $860 to provisional state-approved and state-approved trauma centers. This rate shall be effective for the first 12 months of funding, after which time payment to provisional state-approved and state-approved trauma centers shall be based on a trauma cost-based reimbursement methodology developed by the department. The department shall consult with representatives from the hospital industry including the Florida Hospital Association, the Association of Voluntary Hospitals of Florida, and the Florida League of Hospitals in the development of the reimbursement methodology.~~

~~(6)(a) To ensure a fair distribution of funds appropriated for state-sponsored trauma centers and to ensure that no state-sponsored trauma center gains an unfair advantage due solely to its ability to bill more quickly than another state-sponsored trauma center, the total amount of state funds appropriated in the General Appropriations Act for this section shall be divided into 19 trauma fund accounts with an account for each service area established in s. 395.402(3). The amount of funds distributed to a service area shall be based on the following formula:~~

~~$$SAAA = \frac{SATD}{TTD} \times TA$$~~

~~where:~~

~~SAAA = service area appropriation amount.~~

~~SATD = uncompensated service area trauma days with ISS score of 9 or greater.~~

~~TTD = uncompensated total trauma days with ISS score of 9 or greater for all 19 service areas.~~

~~TA = total dollars appropriated for state-sponsored trauma centers.~~

~~(b) The database to be used for this calculation shall be the detailed patient discharge data of the most recently completed calendar year for which the board possesses data. Out-of-state days that are included in the database shall be allocated to the service area where the treating hospital is located.~~

~~(c) Fifty percent of the funds allocated to those service areas which had one or more trauma centers as of December 1, 1989, shall be distributed to those verified trauma centers proportionately based on volume and acuity of uncompensated trauma care provided during the most recently completed calendar year for which the board possesses data in a lump sum payment on the date funding becomes available. These trauma centers shall submit claims pursuant to subsection (3) in order to justify this funding. Effective 9 months after funding becomes available, any trauma center which fails to submit claims for reimbursement equal to or greater than the amount the trauma center received under the initial allocation shall return any unearned funds to the department for distribution pursuant to paragraph (e). Once this 50 percent lump sum is depleted, a trauma center will be reimbursed from the remaining 50 percent of the service area's original allocation.~~

~~(d) The department shall pay trauma claims on a monthly basis. In a given month when the outstanding claims will exceed the unexpended funds allocated to a service area, the department shall pay all of the submitted claims for the service area on a pro rata basis.~~

~~(e) At the end of the fiscal year, the unexpended funds for each service area shall be placed in one large state trauma account from which all remaining claims are paid without regard to service area on a pro rata basis until such funds are depleted.~~

~~(f) For any state fiscal year, reimbursement for any patient residing outside the trauma service area of the state-sponsored trauma center where the patient is treated shall be paid out of the funds allocated for the trauma service area where the patient resides. Out-of-state days shall be paid from the service area where the treating hospital is located.~~

(3)~~(7)~~ In order to receive state funding ~~payments under this section~~, a hospital shall be a ~~state-sponsored~~ trauma center and shall:

(a) Agree to conform to all departmental requirements as provided by rule to assure high-quality trauma services.

(b) Agree to provide information concerning the provision of trauma services to the department, in a form and manner prescribed by rule of the department.

(c) Agree to accept all trauma patients, regardless of ability to pay, on a functional space-available basis.

(4)~~(8)~~ A ~~state-sponsored~~ trauma center that ~~which~~ fails to comply with any of the conditions listed in subsection (3) ~~(7)~~ or the applicable rules of the department shall not receive payments under this section for the period in which it was not in compliance.

Section 9. Section 401.24, Florida Statutes, is amended to read:

401.24 Emergency medical services state plan.--The department is responsible, at a minimum, for the improvement and regulation of basic and advanced life support programs. The department shall develop and biennially revise a comprehensive state plan for basic and advanced life support services, the emergency medical services grants program, ~~state-approved~~ trauma centers, ~~state-approved pediatric trauma referral centers,~~ the injury control program, and medical disaster preparedness. The state plan shall include, but need not be limited to:

(1) Emergency medical systems planning, including the prehospital and hospital phases of patient care, and injury control effort and unification of such services into a total delivery system to include air, water, and land services.

(2) Requirements for the operation, coordination, and ongoing development of emergency medical services, which includes: basic life support or advanced life support vehicles, equipment, and supplies; communications; personnel; training; public education; state trauma system; injury control; and other medical care components.

(3) The definition of areas of responsibility for regulating and planning the ongoing and developing delivery service requirements.

Section 10. The sum of $300,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund for the Department of Health to contract with a state university to conduct the study required under s. 395.402, Florida Statutes.

Section 11. The sum of $20,700,000 is appropriated from the General Revenue Fund to the Administrative Trust Fund for the Department of Health to provide $1 million for each existing trauma center as of July 1, 2004, and $700,000 for a hospital with a Level I trauma center application pending with the department as of April 1, 2004.

Section 12. This act shall take effect July 1, 2004.

Remove the entire title and insert:

A bill to be entitled

An act relating to trauma care; amending s. 212.055, F.S.; authorizing certain counties to levy a surtax to fund trauma services by ordinance, subject to referendum approval; amending s. 395.40, F.S.; requiring the Department of Health to promote development of trauma centers and agencies; requiring the department to update the trauma system annually; amending s. 395.4001, F.S.; revising definitions; amending ss. 395.401 and 401.24, F.S.; removing references to center verification, referral centers, and state-approved centers; amending s. 395.4015, F.S.; providing boundaries for the state trauma system plan; deleting requirements for defining a region; amending s. 395.402, F.S.; revising legislative intent; requiring the department to perform an assessment of the trauma system and report its findings to the Governor and Legislature; providing guidelines for such assessment and annual reviews; requiring annual reviews; amending s. 395.4025, F.S.; deleting outdated provisions; providing for centers that seek a change or redesignation in approval status; amending s. 395.403, F.S.; removing legislative intent; providing for funding of trauma centers; requiring the department to recommend an effective grant program to the Governor and the Legislature by a certain date; deleting other funding guidelines; providing appropriations; providing an effective date.

Rep. Green moved the adoption of the amendment.

Representative Green offered the following:

(Amendment Bar Code: 215683)

Amendment 1 to Amendment 1—Remove line(s) 1109-1110 and insert: the Department of Health to provide equal funding for each existing trauma center as of July 1, 2004, and an amount not to exceed 70 percent of the amount received by an existing trauma center for a hospital

Rep. Green 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.

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

CS for CS for SB 2882—A bill to be entitled An act relating to scholarship programs; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising the definition of an eligible student; revising the eligibility requirements of the program to extend the term of the scholarship; prohibiting certain students from receiving a scholarship; revising the parental notification requirements; authorizing certain scholarship students to participate in a distance learning or correspondence course under certain circumstances; providing a definition of timely parental notification; providing requirements for district school boards with respect to completing and making changes to the matrix of services for scholarship students; requiring school districts to provide parental notification related to reassessments; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring annual registration of private schools; providing requirements for documentation and notice; providing additional requirements for participating private schools; requiring annual sworn and notarized compliance statements to be filed with the department; requiring specific documentation for participating scholarship students; requiring that the private school maintain a physical location in this state; requiring that information be made available to potential scholarship students and the department; requiring scholarship students to participate in assessments; requiring notification to parents regarding student skill levels; requiring notification to the department regarding changes in information; requiring notification to local health departments; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring that costs of background checks be borne by certain parties; prohibiting a private school from acting as an attorney in fact for the parent of a scholarship student or endorsing scholarship warrants on behalf of a parent; prohibiting participating private schools from sending or directing scholarship funds to parents of a scholarship student who receives instruction at home; prohibiting a participating school from being a correspondence or distance learning school; prohibiting a participating school from accepting students pending verification of information; authorizing a participating private school to request, and the department to grant, closed-enrollment status for a school; prohibiting the parent of a scholarship student from designating a participating private school as the parent's attorney in fact to sign a scholarship warrant; clarifying that the school district must report to the department the students who are attending a private school under the program; establishing additional obligations of the Department of Education; requiring the department to review, approve, and verify information and review background checks; requiring the department to determine the eligibility of a private school to participate in the program; requiring the department to publish an on-line list of current eligible private schools; requiring the department to deny or refuse to allow the participation of a private school for failing to meet certain requirements; requiring the department to issue a notice of noncompliance for minor violations; providing for an emergency order revoking the registration of a private school for failing to satisfy the requirements in the notice; requiring the Department of Education to immediately revoke the registration of a private school for certain other violations; requiring the department to revoke the scholarship for a participant for failing to comply with statutory requirements or for engaging in specified practices; requiring the department to conduct investigations of legally sufficient complaints of violations; authorizing the department to require supporting information or documentation; authorizing the Department of Education to change the matrix of services under certain circumstances; providing for audits by the Auditor General; providing requirements for the audits; requiring the State Board of Education to adopt rules; specifying the required rules; requiring the State Board of Education to initiate the adoption of rules by a time certain and report to the Legislature; providing exceptions for certain participating private schools subject to specific conditions; amending s. 220.187, F.S., relating to the Corporate Tax Credit Scholarship Program; providing definitions; prohibiting certain private schools and other entities from participating in the scholarship program; prohibiting certain students from participating in the scholarship program; revising limitations on the allocation of annual credits granted under the program; providing limitations on eligible contributions; requiring the Auditor General to review certain audits, request certain information, and report to the Legislative Auditing Committee any findings of noncompliance; authorizing the Legislative Auditing Committee to conduct hearings and compel the Department of Education to revoke eligibility of certain nonprofit scholarship-funding organizations; providing for audit reports to be submitted to the Department of Education; requiring audits be conducted within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year; requiring a nonprofit scholarship-funding organization to make scholarship payments at least on a quarterly basis; prohibiting commingling of certain scholarship funds; requiring a nonprofit scholarship-funding organization to maintain a separate account for scholarship funds; requiring a nonprofit scholarship-funding organization to verify student attendance at a private school prior to submission of scholarship funds; requiring a nonprofit scholarship-funding organization to verify income eligibility of qualified students at least once a year in accordance with State Board of Education rules; requiring a nonprofit scholarship-funding organization to submit certain reports to the Department of Education; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a nonprofit scholarship-funding organization comply with antidiscrimination provisions of 42 U.S.C. s. 2000d; prohibiting an owner or a nonprofit scholarship-funding organization from owning, operating, or administering an eligible private school under the scholarship program; requiring a nonprofit scholarship-funding organization to report any private school not in compliance with scholarship program requirements to the Department of Education; prohibiting provision of scholarship funds to a student to attend a private school not in compliance; authorizing a parent to transfer the scholarship; requiring award of scholarships on a first-come, first-served basis; prohibiting a nonprofit scholarship-funding organization from targeting certain students for scholarships; prohibiting the award of scholarships to a child of an owner of a nonprofit scholarship-funding organization; prohibiting the transfer of an eligible contribution between nonprofit scholarship-funding organizations; prohibiting a nonprofit scholarship-funding organization from securing financing in anticipation of eligible contributions; prohibiting a nonprofit scholarship-funding organization from participating in the program if the organization fails to meet statutory obligations; requiring students to meet certain attendance policies; requiring parents to meet certain parental involvement requirements unless excused; prohibiting a parent from authorizing a power of attorney for endorsement of scholarship warrant; requiring a parent to ensure that a scholarship student participates in testing requirements; prohibiting a student or parent of a student from participating in the scholarship program if the student or parent fails to meet statutory obligations; revising provisions with respect to private schools; revising requirements that a participating private school demonstrate fiscal soundness; requiring a surety bond; providing an exception; requiring a private school to employ or contract with teachers who have regular and direct contact with students at the school's physical location; requiring the private schools to employ or contract with teachers who have at least a baccalaureate degree, 3 years of teaching experience at a public or private school, or other skills that qualify the teacher to provide appropriate instruction; requiring a private school to report to the Department of Education the qualifications of teachers; requiring a private school to annually register with the Department of Education and provide certain information concerning the private school

organization, student list, and notice of intent to participate in the scholarship program; requiring certain individuals to undergo level 2 background screening requirements pursuant to s. 435.04, F.S.; providing for the Department of Law Enforcement to retain and search fingerprint records; providing for an annual fee as provided by rule of the Department of Law Enforcement; requiring costs of background checks be borne by certain parties; requiring a private school to administer or to make provision for administering certain tests to scholarship students; requiring reporting of scores to the student's parent and to the independent private research organization selected by the Department of Education; requiring a private school to file an affidavit; requiring a private school to notify the Department of Education in writing within 7 days if a student is ineligible to participate in the scholarship program; requiring a private school to report to the Department of Education and distribute to scholarship applicants information concerning accreditation and years in existence; requiring the Department of Education to make certain information concerning private school accreditation available to the public; prohibiting a private school from participating in the scholarship program if the private school fails to meet its statutory obligations; requiring the Department of Education to determine the eligibility of certain nonprofit scholarship-funding organizations within 90 days after application; requiring a written notice with specific reasons for approval or denial; requiring the Department of Education to annually determine the eligibility of nonprofit scholarship-funding organizations and private schools; requiring the Department of Education to make accessible to the public a list of eligible private schools; requiring the Department of Education to annually verify the eligibility of students; requiring the Department of Education to maintain a student database of program participants and to update the database at least quarterly; requiring the Department of Education to notify a nonprofit scholarship-funding organization of any ineligible student; requiring the Department of Education to annually account for and verify the eligibility of program expenditures; requiring the Department of Education to review audits; requiring the Department of Education to select an independent private research organization for reporting of student scores; providing limitations on reporting; requiring the Department of Education to revoke the eligibility of program participants for failure to comply with statutory obligations; requiring the Department of Education to annually report on accountability activities; requiring the State Board of Education to adopt rules regarding identification of documentation to establish eligibility of nonprofit scholarship-funding organizations, requiring an affidavit, and identification of independent income verification for determining the eligibility of students; authorizing the State Board of Education to delegate its authority to the Commissioner of Education with the exception of rulemaking authority; providing an effective date.

—was read the third time by title.

Representatives Goodlette and Kilmer offered the following:

(Amendment Bar Code: 308089)

Amendment 6 (with title amendment)— Remove everything after the enacting clause and insert:

Section 1. Subsections (1), (2), and (4), paragraph (b) of subsection (3), paragraph (f) of subsection (5), and paragraphs (e) and (f) of subsection (6) of section 1002.39, Florida Statutes, are amended, paragraphs (g) through (k) are added to subsection (3), paragraph (g) is added to subsection (6), subsection (8) is renumbered as subsection (9) and amended, and a new subsection (8) is added to said section, to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.--There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.--The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are documented as having mental retardation; a ~~mentally handicapped,~~ speech or ~~and~~ language impairment; a ~~impaired, deaf or hard of~~ hearing impairment, including deafness; a visual impairment, including blindness; a~~, visually impaired,~~ dual sensory impairment; a physical impairment; a serious emotional disturbance, including an emotional handicap; a ~~impaired, physically impaired, emotionally handicapped,~~ specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; ~~disabled, hospitalized or homebound,~~ or autism ~~autistic~~.

(2) SCHOLARSHIP ELIGIBILITY.--

(a) The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

1.~~(a)~~ By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a Florida public school. Prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12.

2.~~(b)~~ The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment. The parental notification must be through a communication directly to the district or through the Department of Education to the district in a manner that creates a written or electronic record of the notification and the date of receipt of the notification.

~~This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs.~~ For purposes of continuity of educational choice, the scholarship shall remain in force until the student returns to a public school, ~~or~~ graduates from high school, or reaches the age of 22, whichever occurs first. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(b) A student is not eligible to receive a scholarship under this section if he or she:

1. Receives a scholarship from an eligible nonprofit scholarship-funding organization under s. 220.187;

2. Receives an opportunity scholarship under s. 1002.38;

3. Participates in a home education program as defined in s. 1002.01(1);

4. Receives instruction from a correspondence school, participates in distance learning courses, or participates in a private tutoring program;

5. Does not have regular and direct contact with his or her private school teachers at the school's physical location; or

6. Is enrolled in a school operating for the purpose of providing educational services to youth in commitment programs of the Department of Juvenile Justice.

Notwithstanding the prohibition set forth in subparagraph 4., a student who receives a John M. McKay Scholarship may participate in a course offered by a correspondence school, a distance learning course, or a private tutoring program the tuition and other costs of which are not paid by scholarship funds provided under this section.

(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION OBLIGATIONS.--

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the Department of Education of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the scholarship program.

b. A school district may change a matrix of services only if the change is to:

(I) Correct a technical, typographical, or calculation error; or

(II) Align the matrix of services with the student's individual education plan completed by the public school district for use in the public school prior to the student enrolling in or attending a private school.

3. The Department of Education shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

4. Within 10 school days after it receives notification of a parent's intent to apply for a John M. McKay Scholarship, a district school board must notify the student's parent if the matrix has not been completed and provide the parent with the date for completion of the matrix required in this paragraph.

(g) The Department of Education shall establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.

(h) The Department of Education shall establish a process by which individuals may notify the department of any violation by a private school of state laws relating to program participation. The department shall conduct an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education or other state agency has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant.

(i) The Department of Education shall require an annual notarized sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(j) The Department of Education shall regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(k) A school district shall provide notification to parents of the availability of a reassessment of each student who receives a John M. McKay Scholarship at least every 3 years.

(4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, as defined in s. 1002.01(2), may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 3 school years or obtain ~~1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement,~~ a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to ~~may~~ be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.

(b) Notify the Department of Education of its intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.

2. Building codes.

(e) Be academically accountable to the parent for meeting the educational needs of the student by providing to the parent a written explanation of the student's progress.

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of private schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).

2. Retention of records required in s. 1002.42(3).

3. Attendance records and reports required in s. 1003.23(2).

4. School-entry health examinations and immunizations required in s. 1003.22.

5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(h) Publish and adhere to the tenets of its adopted ~~published~~ disciplinary procedures prior to the expulsion of a scholarship student.

(i) Within 60 days after employment, for any individual with direct student contact with John M. McKay Scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. An "individual with direct student contact" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of John M. McKay Scholarship students;

2. Is the owner or operator of the private school; or

3. Has unsupervised access to a John M. McKay Scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check shall be reported to the Department of Education. The owner or operator of the private school shall immediately report to the Department of Education any individual with direct student contact with John M. McKay Scholarship students who has been convicted of a crime that bears upon the individual's fitness to have responsibility for the safety and well-being of children. Employment of such an individual shall cause a private school to be ineligible for participation in the program. An individual holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(j) Annually comply with the requirements of the Department of Education to submit a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (3). The form and timeline for submission of the compliance statement shall be specified in rules adopted by the State Board of Education.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Not operate as a home education program as defined in ss. 1002.01 and 1002.41, a private tutoring program as described in s. 1002.43, a correspondence school, or a distance learning school.

(m) Maintain a physical private school location in this state where a scholarship student regularly attends classes consistent with s. 1003.01(13)(b) or s. 1003.01(13)(c). However, this paragraph does not preclude a private school from offering services through a satellite-based service network that implements portions of the education or training of a John M. McKay Scholarship student as directed by a professional trained in special education. Such a school must meet all requirements relating to private schools and all other requirements in this section and shall:

1. Make no payments to the parent of the child for services, equipment, instruction, or instructional materials.

2. Employ and direct payment to qualified specialists who can meet the needs of the child as identified in the educational plan developed for the child.

3. Have a physical location for processing services and providing oversight of the child's educational progress.

4. Monitor and supervise work done by the parent and the specialists to follow the educational plan developed for the child.

(n) Require the parent of each scholarship student to personally restrictively endorse the scholarship check to the school. The school may not:

1. Act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents, or under any other authority, to endorse scholarship warrants on behalf of parents.

2. Send or direct John M. McKay Scholarship funds to parents of a scholarship student who is home schooled pursuant to s. 1002.41.

3. Accept a John M. McKay Scholarship student until the notarized sworn compliance statement has been completed and has been submitted to and verified by the Department of Education.

(o) Annually register with the Department of Education. Each owner or administrator of a private school must provide the following information:

1. The legal business and trade name, mailing address, and business location of the private school.

2. The full name, address, and telephone number of each owner or administrator of the private school.

3. A notification of the private school's intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(p) Provide the Department of Education with all documentation required for each scholarship student's participation in the scholarship program, including, but not limited to:

1. The private school's fee schedule, including, but not limited to, fees for services, tuition, and instructional materials, and each individual scholarship student's schedule of fees and charges, at least 30 days before the first quarterly scholarship payment is made for the student.

2. The enrollment and attendance information, including an on-line attendance verification form, for each scholarship student at the private school, prior to each scholarship payment.

(q) Notify the Department of Education of any change in the school's registered name or location prior to any such change and notify the Department of Education within 15 days after any other change in the registration information submitted to the department.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(5) OBLIGATION OF PROGRAM PARTICIPANTS.--

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. A private school may not act as attorney in fact pursuant to paragraph (4)(n).

(6) SCHOLARSHIP FUNDING AND PAYMENT.--

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the Department of Education shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. When a student enters the scholarship program, the Department of Education must receive all documentation required for the student's participation, including, but not limited to, the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The Department of Education may not make any retroactive payments.

(f) Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 ~~15~~ of each academic year in which the scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) Subsequent to each scholarship payment, the Department of Financial Services shall randomly review endorsed warrants to confirm compliance with endorsement requirements.

(8) COMMISSIONER AUTHORITY.--The Commissioner of Education may suspend or prohibit a private school or a student from participation in the scholarship program and take other action necessary to ensure compliance with the provisions of this section.

(9)~~(8)~~ RULES.--The State Board of Education shall ~~may~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules for:

(a) Administering the annual notarized sworn compliance statement to all participating private schools. The rules related to the annual notarized sworn compliance statement shall establish a deadline for the receipt of the initial sworn and notarized compliance statement from the private school and shall enumerate the items to be included in the statement. The rules shall enumerate the items to be included in a subsequent annual notarized sworn compliance statement that is required in January of each year from the private school.

(b) Establishing forms for changes to a matrix by a school district and the Department of Education.

(c) Implementing the requirement that a private school timely notify the Department of Education of material changes to the school's registration information.

(d) Establishing attendance-verification procedures and forms.

(e) Establishing procedures for determining student eligibility and approving scholarships.

However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 2. Section 220.187, Florida Statutes, is amended to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.--

(1) PURPOSE.--The purpose of this section is to:

(a) Encourage private, voluntary contributions to nonprofit scholarship-funding organizations.

(b) Expand educational opportunities for children of families that have limited financial resources.

(c) Enable children in this state to achieve a greater level of excellence in their education.

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

(a) "Department" means the Department of Revenue.

(b) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution. The taxpayer may not contribute more than $5 million to any single eligible nonprofit scholarship-funding organization.

(c)~~(d)~~ "Eligible nonprofit scholarship-funding organization" means a charitable organization that is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code, that is a Florida entity formed under chapter 607, chapter 608, or chapter 617 and whose principal office is located in the state, and that complies with the provisions of subsection (4).

(d)~~(c)~~ "Eligible private ~~nonpublic~~ school" means a private ~~nonpublic~~ school, as defined in s. 1002.01(2), located in Florida that offers an education to students in any grades K-12 and ~~that~~ meets the requirements in subsection (6) ~~(5)~~. An eligible private school:

1. Must maintain a physical location in this state where each scholarship student regularly attends classes.

2. May not be a correspondence school or distance learning school.

3. May not direct or provide scholarship funds to a parent of a scholarship student who receives instruction under the program at home.

4. May not be a home education program as defined in s. 1002.01(1).

5. May not be a private tutoring program as described in s. 1002.43.

(e) "Owner or operator" includes:

1. An owner, president, officer, or director of an eligible nonprofit scholarship-funding organization or a person with equivalent decisionmaking authority over an eligible nonprofit scholarship-funding organization.

2. An owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(f)~~(e)~~ "Qualified student" means a student who qualifies for free or reduced-price school lunches under the National School Lunch Act and who:

1. Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;

2. Received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year; or

3. Is eligible to enter kindergarten or first grade.

A student is not eligible to receive a scholarship under this section if the student is participating in the Opportunity Scholarship Program under s. 1002.38, the John M. McKay Scholarships for Students with Disabilities Program under s. 1002.39, or a home education program as defined in s.

1002.01(1). A student is not eligible to receive a scholarship from more than one eligible nonprofit scholarship-funding organization at the same time.

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

(a) There is allowed a credit of 100 percent of an eligible contribution against any tax due for a taxable year under this chapter. However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year, after the application of any other allowable credits by the taxpayer. ~~However, at least 5 percent of the total statewide amount authorized for the tax credit shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.~~ The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

(b) The total amount of tax credits and carryforward of tax credits which may be granted each state fiscal year under this section is $88 million. However, at least 1 percent of the total statewide amount authorized for tax credits shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(d) A taxpayer may rescind all or part of its allocated tax credit under this section. The amount of the rescindment shall become available for purposes of the cap for that state fiscal year under this section to an eligible taxpayer as approved by the department if the taxpayer receives notice from the department that the rescindment has been accepted by the department and the taxpayer has not previously rescinded any or all of its tax credit allocation under this section more than once in the previous 3 tax years. Any amount rescinded under this paragraph shall become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-funding organization participating in the scholarship program established in this section shall have the following obligations:

(a) An eligible nonprofit scholarship-funding organization shall provide corporate tax credit scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible private ~~nonpublic~~ school. At least 75 percent of each ~~the~~ scholarship ~~funding~~ must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) An eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39. In addition, an eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving a corporate income tax credit scholarship from another eligible nonprofit scholarship-funding organization.

(d)~~(c)~~ The amount of a scholarship provided to any child for any single school year by an ~~all~~ eligible nonprofit scholarship-funding organization ~~organizations~~ from eligible contributions shall not exceed the following annual limits:

1. Three thousand five hundred dollars for a scholarship awarded to a student enrolled in an eligible private ~~nonpublic~~ school.

2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

(e)~~(d)~~ The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible private ~~nonpublic~~ schools have been identified.

(f)~~(e)~~ An eligible nonprofit scholarship-funding organization that receives an eligible contribution must obligate ~~spend~~ 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(g) An eligible nonprofit scholarship-funding organization must maintain separate accounts for scholarship funds and operating funds.

(h) An eligible nonprofit scholarship-funding organization may transfer funds to another eligible nonprofit scholarship-funding organization when additional funds are required to meet scholarship demand. The scholarship-funding organization transferring funds must request approval for the transfer from the Department of Education and provide documentation to support the transfer, including a listing of the scholarships to be funded from the transfer. The Department of Education shall verify the listing of students to receive scholarships from the transfer. No funds may be transferred unless matching eligible scholarship recipients can be identified by the scholarship-funding organization receiving the transfer.

(i)~~(f)~~ An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General and the Department of Education an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The audit must be conducted in compliance with generally accepted auditing standards and must include a report on financial statements presented in accordance with Generally Accepted Accounting Principles set forth by the American Institute of Certified Public Accountants for not-for-profit organizations and a determination of compliance with the statutory eligibility and expenditure requirements set forth in this section. Audits must be provided to the Auditor General and the Department of Education within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year.

(j)~~(g)~~ An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school prior to each scholarship payment. Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis. Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible private ~~nonpublic~~ school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the private ~~nonpublic~~ school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the private ~~nonpublic~~ school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the private ~~nonpublic~~ school of the parent's choice for deposit into the account of the private ~~nonpublic~~ school.

(k) An eligible nonprofit scholarship-funding organization must prepare and submit quarterly reports to the Department of Education pursuant to subsection (7). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

(l) An eligible nonprofit scholarship-funding organization must verify the income of all applicants participating in the scholarship program each year with independent income documentation.

(m)1. An owner or operator of an eligible nonprofit scholarship-funding organization must, within 5 days after assuming ownership or decisionmaking authority, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. The costs of fingerprinting and the background check shall not be borne by the state.

2. The results of a criminal background check shall be reported to the owner or operator of the eligible nonprofit scholarship-funding organization and to the Department of Education.

3. A nonprofit scholarship-funding organization whose owner or operator has been convicted of a crime involving moral turpitude or a crime that bears upon the fitness of the owner or operator to have responsibility for the safety and well-being of children shall not be eligible to provide scholarships under this section.

(n) A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation in which he or she owned more than 20 percent of the corporation shall not be eligible to provide scholarships under this section.

(o) An owner or operator of an eligible nonprofit scholarship-funding organization is prohibited from owning or operating an eligible private school that is participating in the scholarship program.

(p) An eligible nonprofit scholarship-funding organization shall report to the Department of Education any private school that is not in compliance with the requirements of the scholarship program. The eligible nonprofit scholarship-funding organization shall not provide additional scholarship funds to a parent for a student to attend the private school until a determination is made by the Commissioner of Education that the school is in compliance with the requirements of the scholarship program.

(q) An eligible nonprofit scholarship-funding organization must comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(r) An eligible nonprofit scholarship-funding organization shall allow a qualified student to attend any eligible private school and shall allow a parent to transfer a scholarship during a school year to any other eligible private school of the parent's choice.

(s) An eligible nonprofit scholarship-funding organization must provide a scholarship to a qualified student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (b). An eligible nonprofit scholarship-funding organization may not target scholarships to a particular private school or provide scholarships to a child of an owner or operator.

(t) An eligible nonprofit scholarship-funding organization may obtain a secured line of credit to fund scholarship payments based on estimated contributions to be received within a 6- month period. These funds may only be used to provide scholarship payments. Interest and fees related to the line of credit shall be paid from the scholarship-funding organization's operating budget and not from contributions or loan proceeds.

(5) ~~PARENT~~ OBLIGATIONS OF PARENTS AND STUDENTS.--

(a) As a condition for scholarship payment pursuant to paragraph (4)(j)~~(g)~~, if the parent chooses for his or her child to attend an eligible private ~~nonpublic~~ school, the parent must inform the child's school district within 15 days after such decision.

(b) Upon receipt of a scholarship warrant or check from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant or check is made must restrictively endorse the warrant or check to the private school for deposit into the account of the private school. A private school may not act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents or under any other authority allowing endorsement of scholarship warrants on behalf of parents. If a parent refuses to restrictively endorse a warrant to which a private school is entitled, that student's scholarship shall be forfeited immediately.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year unless excused by the school for illness or other good cause and must comply fully with the school's code of conduct.

(d) The parent of a student participating in the scholarship program must comply fully with the private school's parental involvement requirements unless excused by the school for illness or other good cause.

(e) The parent of a student participating in the scholarship program must ensure that the student participates in the nationally norm-referenced testing required by this section. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement.

(f) A participant in the scholarship program who fails to comply with this subsection forfeits the scholarship.

(6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL OBLIGATIONS.--An eligible private ~~nonpublic~~ school must:

(a) Demonstrate fiscal soundness by being in operation for 3 school years or obtain ~~one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement,~~ a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to ~~may~~ be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.

(b) Notify the Department of Education of its intent to participate in the scholarship program. The notice must specify the grade levels that the private school has available for students participating in the scholarship program.

(c)~~(b)~~ Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d)~~(c)~~ Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.

2. Building codes.

(e)~~(d)~~ Comply with all state laws relating to general regulation of private ~~nonpublic~~ schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).

2. Retention of records required in s. 1002.42(3).

3. Attendance records and reports required in s. 1003.23(2).

4. School-entry health examinations and immunizations required in s. 1003.22.

5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Annually administer or make provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the Department of Education. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education pursuant to subsection (7).

(h) Within 60 days after employment, for any individual with direct student contact with corporate tax credit scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. An "individual with direct student contact" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of corporate tax credit scholarship students;

2. Is the owner or operator of the private school; or

3. Has unsupervised access to a corporate tax credit scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check shall be reported to the Department of Education. The owner or operator of the private school shall immediately report to the Department of Education any individual with direct student contact with corporate tax credit scholarship students who has been convicted of a crime that bears upon the individual's fitness to have responsibility for the safety and well-being of children. Employment of such an individual shall cause a private school to be ineligible for participation in the scholarship program. An individual holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(i) Annually comply with the requirements of the Department of Education to complete a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (7).

(j) Notify the Department of Education and the eligible nonprofit scholarship-funding organization if any participating student is receiving a warrant or check from more than one eligible nonprofit scholarship-funding organization.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Publish and report, as part of the annual database survey form and notarized statement of compliance required pursuant to s. 1002.42(2), to the Department of Education and distribute to the scholarship applicants:

1. Whether the private school is accredited by an in-state or regional accrediting association that is validated by a third-party accreditor at the state or national level which has been in existence at least 3 years.

2. The name of the accrediting association that accredits the private school.

3. Whether the private school is in the process of receiving candidate status.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(7) DEPARTMENT OF EDUCATION, COMMISSIONER OF EDUCATION, AND STATE BOARD OF EDUCATION OBLIGATIONS; RESPONSIBILITIES.--

(a) The Department of Education shall:

1. Annually submit to the Department of Revenue, by March 15, a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

2. Verify the eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

3. Verify the eligibility of private schools that meet the requirements of paragraph (2)(d).

4. Verify the eligibility of expenditures as provided in subsection (4).

5. Establish a toll-free hotline that provides parents, private schools, and nonprofit scholarship-funding organizations with information on participation in the scholarship program.

6. Establish a process by which individuals may notify the Department of Education of any violation by a private school or nonprofit scholarship-funding organization of state laws relating to scholarship program participation. The department shall conduct an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education or other state agency has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant.

7. Require annual completion of a notarized sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

8. Identify all nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT).

9. Select an independent private research organization to which participating private schools must report the scores of participating students on the nationally norm-referenced tests administered by the private school. The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent private research organization must analyze and report student performance data in a manner that protects the rights of students and parents as mandated in 20 U.S.C. s. 1232g and must not disaggregate data to a level that will disclose the academic level of individuals or of individual schools. To the extent possible, the independent private research organization must accumulate historical performance data on students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies. To minimize costs and reduce time required for third-party analysis and evaluation, the Department of Education shall conduct analyses of matched students from public school assessment data and calculate control group learning gains using an agreed upon methodology outlined in the contract with the third-party evaluator. The sharing of student data must be in accordance with the Family Educational Rights and Privacy Act requirements and shall be for the sole purpose of conducting the evaluation. All parties must preserve the confidentiality of such information.

10. Provide a private school profile on-line for those private schools participating in the scholarship program.

11. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39.

12. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving a corporate income tax credit scholarship from another eligible nonprofit scholarship-funding organization.

13. Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools at which the students are enrolled, and other information deemed necessary by the Department of Education.

14. Regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(b) The Commissioner of Education is authorized to suspend or prohibit an eligible nonprofit scholarship-funding organization from participation in the scholarship program and to take other action necessary to ensure compliance with the provisions of this section.

(c) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection, including rules to determine the eligibility of nonprofit scholarship-funding organizations and to identify qualified students.

(8)~~(7)~~ ADMINISTRATION; RULES.--

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. ~~The total amount of tax credits and carryforward of tax credits granted each state fiscal year under this section is $88 million.~~ This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(b) An application for a tax credit pursuant to this section shall be submitted to the department on forms established by rule of the department.

(c) The department and the Department of Education shall develop a cooperative agreement to assist in the administration of this section. ~~The Department of Education shall be responsible for annually submitting, by March 15, to the department a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d) and for monitoring eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(d), eligibility of nonpublic schools that meet the requirements of paragraph (2)(e), and eligibility of expenditures under this section as provided in subsection (4).~~

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

(e) The State Board ~~Department~~ of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including, but not limited to, rules:

1. Determining ~~necessary to determine~~ eligibility of nonprofit scholarship-funding organizations and private schools.

2. Identifying ~~as defined in paragraph (2)(d) and according to the provisions of subsection (4) and identify~~ qualified students ~~as defined in paragraph (2)(e)~~.

3. Identifying the documentation required to establish eligibility for nonprofit scholarship-funding organizations.

4. Requiring an annual notarized sworn statement of compliance for private schools that participate in the scholarship program.

5. Identifying the independent income-verification documentation required to establish student eligibility under this section.

(f) Subsequent to each scholarship payment, the Department of Financial Services shall randomly review endorsed warrants to confirm compliance with endorsement requirements.

(g) The State Board of Education may delegate its authority under this section to the Commissioner of Education with the exception of rulemaking authority.

(9)~~(8)~~ DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible contributions received by an eligible nonprofit scholarship-funding organization shall be deposited in a manner consistent with s. 17.57(2).

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

Remove the entire title and insert:

A bill to be entitled

An act relating to scholarship program accountability; amending s. 1002.39, F.S., relating to the John M. McKay Scholarships for Students with Disabilities Program; revising definition of the term "students with disabilities"; restricting eligibility to receive a John M. McKay Scholarship; revising and adding school district and Department of Education obligations; providing for department investigation of private school violations; revising requirements for private school fiscal soundness; revising eligibility requirements for private schools, including compliance with specified laws and requirements of the department and maintenance of a physical location in the state, with an exception; requiring fingerprinting and criminal background checks; requiring annual completion of a notarized sworn compliance statement; prohibiting certain types of educational programs; prohibiting power of attorney for endorsing scholarship checks; requiring annual registration with the department; revising provisions relating to scholarship payment; providing for Department of Financial Services obligations; providing Commissioner of Education authority to suspend or prohibit program participation; requiring the adoption of specified rules; amending s. 220.187, F.S., relating to credits for contributions to nonprofit scholarship-funding organizations; revising definition of the terms "eligible nonprofit scholarship-funding organization" and "qualified student"; defining the terms "eligible private school" and "owner or operator"; reducing small business tax credit reservation; providing for rescindment of tax credit allocation; revising obligations of eligible nonprofit scholarship-funding organizations; authorizing scholarships for certain transportation expenses; providing restrictions on provision of a scholarship; providing for obligation of eligible contributions; requiring a separate account for scholarship funds; authorizing transfer of funds between scholarship-funding organizations; specifying audit requirements; requiring quarterly scholarship payments and reports; requiring income verification; requiring fingerprinting and criminal background checks; providing restrictions on scholarship-funding organization ownership or operation; providing for reporting of noncompliant private schools; providing for a line of credit to fund scholarship payments; providing parent and student obligations; prohibiting power of attorney for endorsing scholarship checks; revising requirements for private school fiscal soundness; providing additional private school obligations, including compliance with specified laws, employment of qualified teachers, and provision of student testing; requiring fingerprinting and criminal background checks; requiring annual completion of a notarized sworn compliance statement; providing Department of Education and Commissioner of Education obligations and responsibilities, including verification of eligibility of program participants, investigation of violations, selection of a research organization to analyze student performance data, and authority to suspend or prohibit participation in the scholarship program; requiring adoption of specified rules; providing for Department of Financial Services obligations; providing an effective date.

Rep. Goodlette moved the adoption of the amendment.

Representative Goodlette offered the following:

(Amendment Bar Code: 157425)

Amendment 2 to Amendment 6 (with title amendment)—Remove line(s) 144-381 and insert:

such records. The Department of Education shall approve a process for verifying the information provided by the private school.

(j) The Department of Education shall regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(k) A school district shall provide notification to parents of the availability of a reassessment of each student who receives a John M. McKay Scholarship at least every 3 years.

(4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, as defined in s. 1002.01(2), may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 2 or more consecutive school years or obtain ~~1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement,~~ a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to ~~may~~ be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.

(b) Notify the Department of Education of its intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.

2. Building codes.

(e)1. Require each John M. McKay Scholarship student to participate at least annually in a student assessment which, as determined by the private school in consultation with the student's parent, will demonstrate the student's skill level to the student's parent.

2. Notify the student's parent at least annually about the student's skill level on a student assessment that is determined by the private school. ~~Be academically accountable to the parent for meeting the educational needs of the student.~~

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Comply with all state laws relating to general regulation of private schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).

2. Retention of records required in s. 1002.42(3).

3. Attendance records and reports required in s. 1003.23(2).

4. School-entry health examinations and immunizations required in s. 1003.22.

5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(h) Publish and adhere to the tenets of its adopted ~~published~~ disciplinary procedures prior to the expulsion of a scholarship student.

(i) Within 60 days after employment, for any individual with direct student contact with John M. McKay Scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. The Department of Law Enforcement shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing for a background check. An "individual with direct student contact with John M. McKay Scholarship students" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of John M. McKay Scholarship students;

2. Is the owner or operator of the private school accepting John M. McKay Scholarship students; or

3. Has unsupervised access to a John M. McKay Scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check for private school owners shall be reported to the Department of Education. The owner or operator of the private school shall receive the results of a criminal background check for all other persons subject to the private school background check requirements and immediately report to the Department of Education any individual with direct student contact with John M. McKay Scholarship students who has failed the Level 2 background check. Employment of such an individual shall cause a private school to be ineligible for participation in the scholarship program. An individual holding a valid

Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(j) Annually comply with the requirements of the Department of Education to submit a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (3). The form and timeline for submission of the compliance statement shall be specified in rules adopted by the State Board of Education. The statement must be filed with the Department of Education.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Not operate as a private tutoring program as described in s. 1002.43, a correspondence school, or a distance learning school or provide instruction to students at home.

(m) Maintain a physical private school location where a scholarship student regularly attends classes.

(n) Require the parent of each scholarship student to personally restrictively endorse the scholarship check to the school. The school may not:

1. Act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents, or under any other authority, to endorse scholarship warrants on behalf of parents.

2. Send or direct John M. McKay Scholarship funds to parents of a scholarship student who receives instruction at home.

3. Accept a John M. McKay Scholarship student until the notarized sworn compliance statement has been completed and has been submitted to and verified by the Department of Education.

(o) Annually register with the Department of Education. Each owner or administrator of a private school must provide the following information:

1. The legal business and trade name, mailing address, and business location of the private school.

2. The full name, address, and telephone number of each owner or administrator of the private school.

3. A notification of the private school's intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(p) Provide the Department of Education with all documentation required for each scholarship student's participation in the scholarship program, including, but not limited to:

1. The private school's fee schedule, including, but not limited to, fees for services, tuition, and instructional materials, and each individual scholarship student's schedule of fees and charges, at least 30 days before the first quarterly scholarship payment is made for the student.

2. The enrollment and attendance information, including an on-line attendance verification form, for each scholarship student at the private school, prior to each scholarship payment.

(q) Notify the Department of Education of any change in the school's registered name or location prior to any such change and notify the Department of Education within 15 days after any other change in the registration information submitted to the department.

(5) OBLIGATION OF PROGRAM PARTICIPANTS.--

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent of a student participating in the scholarship program may not designate any participating private school as the parent's attorney in fact to sign a scholarship warrant.

(6) SCHOLARSHIP FUNDING AND PAYMENT.--

(e) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the Department of Education shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. When a student enters the scholarship program, the Department of Education must receive all documentation required for the student's participation, including, but not limited to, the private school's and student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student. The Department of Education may not make any retroactive payments.

(f) Upon proper documentation reviewed and approved by the Department of Education, the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 ~~15~~ of each academic year in which the scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) Subsequent to each scholarship payment, the Department of Financial Services shall randomly review endorsed warrants to confirm compliance with endorsement requirements.

(8) COMMISSIONER AUTHORITY.--The Commissioner of Education may suspend or prohibit a private school or a student from participation in the scholarship program and take other action necessary to ensure compliance with the provisions of this section.

(9)~~(8)~~ RULES.--The State Board of Education shall ~~may~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules for:

(a) Administering the annual notarized sworn compliance statement to all participating private schools.

(b) Establishing forms for changes to a matrix by a school district and the Department of Education.

(c) Implementing the requirement that a private school timely notify the Department of Education of material changes to the school's registration information.

(d) Establishing attendance-verification procedures and forms.

(e) Establishing procedures for determining student eligibility and approving scholarships.

The rules related to the annual notarized sworn compliance statement shall establish a deadline for the receipt of the initial notarized sworn compliance statement from the private school and shall enumerate the items to be included in the statement. The rules shall enumerate the items to be included in a subsequent annual notarized sworn compliance statement that is required in January of each year from the private school.

However, the inclusion of eligible private schools within

Remove line(s) 975-976 and insert:

of the department, annual assessment of students, and maintenance of a physical location in the state; requiring fingerprinting

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

Representative Goodlette offered the following:

(Amendment Bar Code: 433557)

Amendment 3 to Amendment 6 (with title amendment)—Remove line(s) 476-897 and insert:

this section is $88 million. However, effective for tax years beginning January 1, 2004, at least 1 percent of the total statewide amount authorized for tax credits shall be reserved for taxpayers who meet the definition of a small business provided in s. 288.703(1) at the time of application.

(c) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under paragraph (a).

(d) Effective for tax years beginning January 1, 2004, a taxpayer may rescind all or part of its allocated tax credit under this section. The amount of the rescindment shall become available for purposes of the cap for that state fiscal year under this section to an eligible taxpayer as approved by the department if the taxpayer receives notice from the department that the rescindment has been accepted by the department, the taxpayer has rescinded its tax credit prior to the conclusion of the taxpayer's tax year, and the taxpayer has not previously rescinded any or all of its tax credit allocation under this section more than once in the previous 3 tax years. Any amount rescinded under this paragraph shall become available to an eligible taxpayer

on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-funding organization participating in the scholarship program established in this section shall have the following obligations:

(a) An eligible nonprofit scholarship-funding organization shall provide corporate tax credit scholarships, from eligible contributions, to qualified students for:

1. Tuition or textbook expenses for, or transportation to, an eligible private ~~nonpublic~~ school. At least 75 percent of each ~~the~~ scholarship ~~funding~~ must be used to pay tuition expenses; or

2. Transportation expenses to a Florida public school that is located outside the district in which the student resides or to a lab school as defined in s. 1002.32.

(b) An eligible nonprofit scholarship-funding organization shall give priority to qualified students who received a scholarship from an eligible nonprofit scholarship-funding organization during the previous school year.

(c) An eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39. In addition, an eligible nonprofit scholarship-funding organization shall not provide a scholarship to a student who is receiving a corporate tax credit scholarship from another eligible nonprofit scholarship-funding organization.

(d)~~(c)~~ The amount of a scholarship provided to any child for any single school year by an ~~all~~ eligible nonprofit scholarship-funding organization ~~organizations~~ from eligible contributions shall not exceed the following annual limits:

1. Three thousand five hundred dollars for a scholarship awarded to a student enrolled in an eligible private ~~nonpublic~~ school.

2. Five hundred dollars for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32.

(e)~~(d)~~ The amount of an eligible contribution which may be accepted by an eligible nonprofit scholarship-funding organization is limited to the amount needed to provide scholarships for qualified students which the organization has identified and for which vacancies in eligible private ~~nonpublic~~ schools have been identified.

(f)~~(e)~~ An eligible nonprofit scholarship-funding organization that receives an eligible contribution must spend 100 percent of the eligible contribution to provide scholarships in the same state fiscal year in which the contribution was received. No portion of eligible contributions may be used for administrative expenses. All interest accrued from contributions must be used for scholarships.

(g) An eligible nonprofit scholarship-funding organization must maintain separate accounts for scholarship funds and operating funds.

(h) An eligible nonprofit scholarship-funding organization may transfer funds to another eligible nonprofit scholarship-funding organization when additional funds are required to meet scholarship demand. The scholarship-funding organization transferring funds must request approval for the transfer from the Department of Education and provide documentation to support the transfer, including a listing of the scholarships to be funded from the transfer. The Department of Education shall verify the listing of students to receive scholarships from the transfer. No funds may be transferred unless matching eligible scholarship recipients can be identified by the scholarship-funding organization receiving the transfer.

(i)~~(f)~~ An eligible nonprofit scholarship-funding organization that receives eligible contributions must provide to the Auditor General and the Department of Education an annual financial and compliance audit of its accounts and records conducted by an independent certified public accountant and in accordance with rules adopted by the Auditor General. The audit must be conducted in compliance with generally accepted auditing standards and must include a report on financial statements presented in accordance with Generally Accepted Accounting Principles set forth by the American Institute of Certified Public Accountants for not-for-profit organizations and a determination of compliance with the statutory eligibility and expenditure requirements set forth in this section. Audits must be provided to the Auditor General and the Department of Education within 180 days after completion of the nonprofit scholarship-funding organization's fiscal year.

(j)~~(g)~~ An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school prior to each scholarship payment. Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis. Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant or check made payable to the student's parent. If the parent chooses for his or her child to attend an eligible private ~~nonpublic~~ school, the warrant or check must be mailed by the eligible nonprofit scholarship-funding organization to the private ~~nonpublic~~ school of the parent's choice, and the parent shall restrictively endorse the warrant or check to the private ~~nonpublic~~ school. An eligible nonprofit scholarship-funding organization shall ensure that, upon receipt of a scholarship warrant or check, the parent to whom the warrant or check is made restrictively endorses the warrant or check to the private ~~nonpublic~~ school of the parent's choice for deposit into the account of the private ~~nonpublic~~ school.

(k) An eligible nonprofit scholarship-funding organization must prepare and submit quarterly reports to the Department of Education pursuant to subsection (7). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

(l) An eligible nonprofit scholarship-funding organization must verify the income of all applicants participating in the scholarship program each year with independent income documentation.

(m)1. An owner or operator of an eligible nonprofit scholarship-funding organization must, within 5 days after assuming ownership or decisionmaking authority, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check and the Department of Law Enforcement shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing for a background check. The costs of fingerprinting and the background check shall not be borne by the state.

2. The results of a criminal background check shall be reported to the owner or operator of the eligible nonprofit scholarship-funding organization and to the Department of Education.

3. A nonprofit scholarship-funding organization whose owner or operator has been convicted of a crime involving moral turpitude or a crime that bears upon the fitness of the owner or operator to have responsibility for the safety and well-being of children shall not be eligible to provide scholarships under this section.

(n) A nonprofit scholarship-funding organization whose owner or operator in the last 7 years has filed for personal bankruptcy or corporate bankruptcy in a corporation in which he or she owned more than 20 percent of the corporation shall not be eligible to provide scholarships under this section.

(o) An owner or operator of an eligible nonprofit scholarship-funding organization is prohibited from owning or operating an eligible private school that is participating in the scholarship program.

(p) An eligible nonprofit scholarship-funding organization shall report to the Department of Education any private school that is not in compliance with the requirements of the scholarship program. The eligible nonprofit scholarship-funding organization shall not provide additional scholarship funds to a parent for a student to attend the private school until a determination is made by the Commissioner of Education that the school is in compliance with the requirements of the scholarship program.

(q) An eligible nonprofit scholarship-funding organization must comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(r) An eligible nonprofit scholarship-funding organization shall allow a qualified student to attend any eligible private school and shall allow a parent to transfer a scholarship during a school year to any other eligible private school of the parent's choice.

(s) An eligible nonprofit scholarship-funding organization must provide a scholarship to a qualified student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (b). An eligible nonprofit scholarship-funding organization may not target scholarships to a particular private school or provide scholarships to a child of an owner or operator.

(5) ~~PARENT~~ OBLIGATIONS OF PARENTS AND STUDENTS.--

(a) As a condition for scholarship payment pursuant to paragraph (4)(j)~~(g)~~, if the parent chooses for his or her child to attend an eligible private ~~nonpublic~~ school, the parent must inform the child's school district within 15 days after such decision.

(b) Upon receipt of a scholarship warrant or check from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant or check is made must restrictively endorse the warrant or check to the private school for deposit into the account of the private school. A private school may not act as attorney in fact for parents of a scholarship student under the authority of a power of attorney executed by such parents or under any other authority allowing endorsement of scholarship warrants on behalf of parents. If a parent refuses to restrictively endorse a warrant to which a private school is entitled, that student's scholarship shall be forfeited immediately.

(c) Any student participating in the scholarship program must remain in attendance throughout the school year unless excused by the school for illness or other good cause and must comply fully with the school's code of conduct.

(d) The parent of a student participating in the scholarship program must comply fully with the private school's parental involvement requirements unless excused by the school for illness or other good cause.

(e) The parent of a student participating in the scholarship program must ensure that the student participates in the nationally norm-referenced testing required by this section. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement.

(f) A participant in the scholarship program who fails to comply with this subsection forfeits the scholarship.

(6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL OBLIGATIONS.--An eligible private ~~nonpublic~~ school must:

(a) Demonstrate fiscal soundness by being in operation for 2 or more consecutive school years or obtain ~~one school year or provide the Department of Education with a statement by a certified public accountant confirming that the nonpublic school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement,~~ a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter to ~~may~~ be filed with the Department of Education. The surety bond or letter of credit shall serve to secure expenditures of scholarship funds should such funds be found to have been used for unlawful purposes. However, if during the school year a private school exhibits financial difficulty or is otherwise not in compliance with this section, the Commissioner of Education may impose additional requirements on the private school, which may include additional security bonding.

(b) Notify the Department of Education of its intent to participate in the scholarship program. The notice must specify the grade levels that the private school has available for students participating in the scholarship program.

(c)~~(b)~~ Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d)~~(c)~~ Meet state and local health and safety laws and codes, including, but not limited to, laws pertaining to:

1. Fire safety.

2. Building codes.

(e)~~(d)~~ Comply with all state laws relating to general regulation of private ~~nonpublic~~ schools, including, but not limited to, laws pertaining to:

1. Annual private school survey required in s. 1002.42(2).

2. Retention of records required in s. 1002.42(3).

3. Attendance records and reports required in s. 1003.23(2).

4. School-entry health examinations and immunizations required in s. 1003.22.

5. Attendance requirements prescribed in ss. 1003.01(13) and 1003.21(1).

(f) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(g) Annually administer or make provision for students participating in the scholarship program to take the Iowa Test of Basic Skills, the Stanford-9, or subsequent versions of these tests, or an assessment identified by the Department of Education under subsection (7). A participating private school must report a student's scores to the parent and to the independent private research organization selected by the Department of Education pursuant to subsection (7).

(h) Within 60 days after employment, for any individual with direct student contact with corporate tax credit scholarship students, file with the Department of Law Enforcement a complete set of fingerprints for state processing for a criminal background check. The Department of Law Enforcement shall in turn submit the fingerprints to the Federal Bureau of Investigation for federal processing for a background check. An "individual with direct student contact with corporate tax credit scholarship students" means any individual who:

1. Is employed by a private school in any capacity, including an individual employed as a child care provider, a teacher, or another member of school personnel, and who is responsible for the provision of care, treatment, education, training, instruction, supervision, or recreation of corporate tax credit scholarship students;

2. Is the owner or operator of the private school accepting corporate tax credit scholarship students; or

3. Has unsupervised access to a corporate tax credit scholarship student for whom the private school is responsible.

The costs of fingerprinting and the background check shall not be borne by the state. The results of a criminal background check for private school owners shall be reported to the Department of Education. The owner or operator of the private school shall receive the results of a criminal background check for all other persons subject to the private school background check requirements and immediately report to the Department of Education any individual with direct student contact with corporate tax credit scholarship students who has failed the Level 2 background check. Employment of such an individual shall cause a private school to be ineligible for participation in the scholarship program. An individual holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 shall not be required to comply with the provisions of this paragraph.

(i) Annually comply with the requirements of the Department of Education to complete a notarized sworn compliance statement certifying compliance with state laws pursuant to subsection (7).

(j) Notify the Department of Education and the eligible nonprofit scholarship-funding organization if any participating student is receiving a warrant or check from more than one eligible nonprofit scholarship-funding organization.

(k) Comply with all applicable state agency rules relating to private schools.

(l) Publish and report, as part of the annual database survey form and notarized statement of compliance required pursuant to s. 1002.42(2), to the Department of Education and distribute to the scholarship applicants:

1. Whether the private school is accredited by an in-state or regional accrediting association that is validated by a third-party accreditor at the state or national level which has been in existence at least 3 years.

2. The name of the accrediting association that accredits the private school.

3. Whether the private school is in the process of receiving candidate status.

The inability of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the Department of Education.

(7) DEPARTMENT OF EDUCATION, COMMISSIONER OF EDUCATION, AND STATE BOARD OF EDUCATION OBLIGATIONS; RESPONSIBILITIES.--

(a) The Department of Education shall:

1. Annually submit to the Department of Revenue, by March 15, a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

2. Annually verify the eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(c).

3. Annually verify the eligibility of private schools that meet the requirements of paragraph (2)(d).

4. Annually verify the eligibility of expenditures as provided in subsection (4).

5. Establish a toll-free hotline that provides parents, private schools, and nonprofit scholarship-funding organizations with information on participation in the scholarship program.

6. Establish a process by which individuals may notify the Department of Education of any violation by a private school or nonprofit scholarship-funding organization of state laws relating to scholarship program participation. The department shall conduct an investigation of any written complaint of a violation of this section if the complaint is signed by the

complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education or other state agency has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant. In addition, the department is authorized to investigate anonymous complaints.

7. Require annual completion of a notarized sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

8. Identify all nationally norm-referenced tests that are comparable to the norm-referenced test portions of the Florida Comprehensive Assessment Test (FCAT).

9. Select an independent private research organization to which participating private schools must report the scores of participating students on the assessments administered by the private school under paragraph (6)(g). The independent private research organization must annually report to the Department of Education on the year-to-year improvements of the participating students. The independent private research organization must analyze and report student performance data, including student scores by grade level, in a manner that protects the rights of students and parents as mandated in 20 U.S.C. s. 1232g and must not disaggregate data to a level that will disclose the academic level of individuals or of individual schools. To the extent possible, the independent private research organization must accumulate historical performance data on students from the Department of Education and private schools to describe baseline performance and to conduct longitudinal studies. To minimize costs and reduce time required for third-party analysis and evaluation, the Department of Education shall conduct analyses of matched students from public school assessment data and calculate control group learning gains using an agreed upon methodology outlined in the contract with the third-party evaluator. The sharing of student data must be in accordance with the Family Educational Rights and Privacy Act requirements and shall be for the sole purpose of conducting the evaluation. All parties must preserve the confidentiality of such information.

10. Provide a private school profile on-line for those private schools participating in the scholarship program.

11. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving an opportunity scholarship pursuant to s. 1002.38 or a John M. McKay Scholarship pursuant to s. 1002.39.

12. Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving a corporate tax credit scholarship from another eligible nonprofit scholarship-funding organization.

13. Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools at which the students are enrolled, and other information deemed necessary by the Department of Education.

14. Regularly cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(b) The Commissioner of Education shall revoke the eligibility of a nonprofit scholarship-funding organization, private school, or student to participate in the scholarship program for noncompliance with this section.

Remove line(s) 997-1021 and insert:
provision of a scholarship; requiring a separate account for scholarship funds; authorizing transfer of funds between scholarship-funding organizations; specifying audit requirements; requiring quarterly scholarship payments and reports; requiring income verification; requiring fingerprinting and criminal background checks; providing restrictions on scholarship-funding organization ownership or operation; providing for reporting of noncompliant private schools; providing parent and student obligations; prohibiting power of attorney for endorsing scholarship checks; revising requirements for private school fiscal soundness; providing additional private school obligations, including compliance with specified laws, employment of qualified teachers, and provision of student testing; requiring fingerprinting and criminal background checks; requiring annual completion of a notarized sworn compliance statement; providing Department of Education and Commissioner of Education obligations and responsibilities, including verification of eligibility of program participants, investigation of violations, selection of a research organization to analyze student performance data, and revocation of eligibility to participate in the scholarship program; requiring

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

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted by the required two-thirds vote.

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

HB 1307— A bill to be entitled An act relating to agricultural and migrant labor; amending s. 381.008, F.S.; revising a definition; amending s. 381.0086, F.S.; requiring the Department of Health to adopt rules relating to residential migrant housing; providing guidelines for the filing of interstate clearance orders; amending s. 381.0087, F.S.; revising a provision relating to who may issue certain citations; requiring the department to provide notice of suspected violations; amending s. 403.088, F.S.; clarifying a provision relating to water pollution operation permits; amending s. 420.507, F.S.; requiring the Florida Housing Finance Corporation to utilize federal and state resources in a certain manner; amending s. 450.191, F.S.; authorizing and directing the Executive Office of the Governor to advise and consult on certain issues relating to migrant workers; directing the office to coordinate enforcement of certain provisions with the Department of Business and Professional Regulation; including farm labor contractors in the enforcement of certain laws; authorizing and directing the office to cooperate with the Agency for Workforce Innovation in the recruitment and referral of migrant workers and certain other laborers; amending s. 450.201, F.S.; renaming the Legislative Commission on Migrant Labor as the Legislative Commission on Migrant and Seasonal Labor; providing a deadline for appointments to the commission; providing a deadline for the commission's first meeting; amending s. 450.211, F.S.; revising the membership of the commission's advisory committee; amending s. 450.221, F.S.; conforming terminology; amending s. 450.231, F.S.; providing a deadline for certain reports; amending s. 450.261, F.S.; conforming terminology; amending s. 450.27, F.S.; providing a popular name; amending s. 450.271, F.S.; authorizing the department to enter into certain agreements with the Secretary of Labor of the United States; amending s. 450.28, F.S.; providing definitions; amending s. 450.30, F.S.; revising requirements for retaking examinations for renewal of certificates of registration; requiring fees for certain programs to be deposited in the Professional Regulation Trust Fund; amending s. 450.31, F.S.; providing criteria for issuance or renewal of certificates of registration; authorizing payment for certificates of registration by cashier's check; increasing the application fee for such registration; requiring fees to be deposited in the Professional Regulation Trust Fund; providing criteria for revocation, suspension, or refusal to issue or renew certificates of registration; conforming a provision; providing criteria for permanent revocation or refusal to issue or renew certificates of registration; authorizing the department to inspect certain documents upon receipt and acceptance of a certificate of registration; creating s. 450.321, F.S.; creating the best practices incentive program for farm labor contractors; requiring farm labor contractors to meet certain requirements; authorizing the department to enter into certain partnership agreements; authorizing the department to revoke certain designations; prohibiting the unauthorized use of designations; limiting certain civil liability of the department; requiring the department to establish an incentive program; amending s. 450.33, F.S.; removing department requirements for the suspension or revocation of farm labor contractors' certificates of registration; requiring farm labor contractors to keep certain records; amending s. 450.34, F.S.; providing certain prohibited acts for farm labor contractors; amending s. 450.35, F.S.; prohibiting certain contracts or employment; providing a penalty; amending s. 450.37, F.S.; authorizing the department to enter into agreements with other state agencies for certain purposes; amending s. 450.38, F.S.; providing civil and criminal penalties for minor and major violations; increasing certain civil penalties; authorizing payment of certain civil penalties by cashier's check; removing authorization to pay certain civil penalties by cash; increasing the scope of where a complaint may be filed; providing for a warning to contractors committing minor violations; providing civil penalties; authorizing the revocation of certificates of registration under certain circumstances; requiring the department to provide notice of suspected violations; creating s. 450.39, F.S.; providing guidelines for the sale of certain commodities to farmworkers; providing penalties; amending s. 487.011, F.S.; providing a popular name; amending ss. 487.012, 487.021, 487.025, 487.031,

487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; revising references to make the "Florida Pesticide Law" part I of ch. 487, F.S.; amending s. 482.242, F.S.; clarifying a provision relating to the labeling and registration of approved pesticides; creating s. 487.2011, F.S., the "Florida Agricultural Worker Safety Act"; providing for administration by the Department of Agriculture and Consumer Services; creating s. 487.2021, F.S.; providing legislative intent; creating s. 487.2031, F.S.; providing definitions; creating s. 487.2041, F.S.; providing enforcement of federal worker protection regulations; creating s. 487.2051, F.S.; requiring agricultural employers to make certain pesticide information available; creating s. 487.2061, F.S.; prohibiting certain acts; creating s. 487.2071, F.S.; providing penalties; requiring monitoring and reporting of complaints; amending ss. 500.03 and 570.44, F.S.; clarifying provisions relating to the definition of the term "pesticide chemical" and duties of the Division of Agricultural Environmental Services, respectively; directing the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

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

Representative Bowen offered the following:

(Amendment Bar Code: 685113)

Amendment 2 to Amendment 1 (with title amendment)—Between lines 1738 and 1739, insert:

Section 57. There is hereby appropriated to the Department of Agriculture and Consumer Services the sum of $900,000 for the purpose of funding the Future Farmers of America Leadership Training Institute in Polk County.

Remove line 1846 and insert:
designate parts I and II of ch. 487, F.S.; providing an appropriation; providing an

Rep. Bowen 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.

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

CS for SB 364—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; amending requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

—was taken up, having been read the second time earlier today; now pending on motion by Rep. Pickens to adopt Amendment 1.

The question recurred on the adoption of **Amendment 1**.

Subsequently, **Amendment 1** was withdrawn.

Rep. Pickens moved that the rules be waived and a late-filed amendment be allowed for consideration, which was agreed to by the required two-thirds vote.

Further consideration of **CS for SB 364** was temporarily postponed under Rule 11.10.

Motion

Rep. Cantens moved that a late-filed amendment to CS for CS for CS for CS for SB 700 be allowed for consideration, which was agreed to by the required two-thirds vote.

HB 1307—A bill to be entitled An act relating to agricultural and migrant labor; amending s. 381.008, F.S.; revising a definition; amending s. 381.0086, F.S.; requiring the Department of Health to adopt rules relating to residential migrant housing; providing guidelines for the filing of interstate clearance orders; amending s. 381.0087, F.S.; revising a provision relating to who may issue certain citations; requiring the department to provide notice of suspected violations; amending s. 403.088, F.S.; clarifying a provision relating to water pollution operation permits; amending s. 420.507, F.S.; requiring the Florida Housing Finance Corporation to utilize federal and state resources in a certain manner; amending s. 450.191, F.S.; authorizing and directing the Executive Office of the Governor to advise and consult on certain issues relating to migrant workers; directing the office to coordinate enforcement of certain provisions with the Department of Business and Professional Regulation; including farm labor contractors in the enforcement of certain laws; authorizing and directing the office to cooperate with the Agency for Workforce Innovation in the recruitment and referral of migrant workers and certain other laborers; amending s. 450.201, F.S.; renaming the Legislative Commission on Migrant Labor as the Legislative Commission on Migrant and Seasonal Labor; providing a deadline for appointments to the commission; providing a deadline for the commission's first meeting; amending s. 450.211, F.S.; revising the membership of the commission's advisory committee; amending s. 450.221, F.S.; conforming terminology; amending s. 450.231, F.S.; providing a deadline for certain reports; amending s. 450.261, F.S.; conforming terminology; amending s. 450.27, F.S.; providing a popular name; amending s. 450.271, F.S.; authorizing the department to enter into certain agreements with the Secretary of Labor of the United States; amending s. 450.28, F.S.; providing definitions; amending s. 450.30, F.S.; revising requirements for retaking examinations for renewal of certificates of registration; requiring fees for certain programs to be deposited in the Professional Regulation Trust Fund; amending s. 450.31, F.S.; providing criteria for issuance or renewal of certificates of registration; authorizing payment for certificates of registration by cashier's check; increasing the application fee for such registration; requiring fees to be deposited in the Professional Regulation Trust Fund; providing criteria for revocation, suspension, or refusal to issue or renew certificates of registration; conforming a provision; providing criteria for permanent revocation or refusal to issue or renew certificates of registration; authorizing the department to inspect certain documents upon receipt and acceptance of a certificate of registration; creating s. 450.321, F.S.; creating the best practices incentive program for farm labor contractors; requiring farm labor contractors to meet certain requirements; authorizing the department to enter into certain partnership agreements; authorizing the department to revoke certain designations; prohibiting the unauthorized use of designations; limiting certain civil liability of the department; requiring the department to establish an incentive program; amending s. 450.33, F.S.; removing department requirements for the suspension or revocation of farm labor contractors' certificates of registration; requiring farm labor contractors to keep certain records; amending s. 450.34, F.S.; providing certain prohibited acts for farm labor contractors; amending s. 450.35, F.S.; prohibiting certain contracts or employment; providing a penalty; amending s. 450.37, F.S.; authorizing the department to enter into agreements with other state agencies for certain purposes; amending s. 450.38, F.S.; providing civil and criminal penalties for minor and major violations; increasing certain civil penalties; authorizing payment of certain civil penalties by cashier's check; removing authorization to pay certain civil penalties by cash; increasing the scope of where a complaint may be filed; providing for a warning to contractors committing minor violations; providing civil penalties; authorizing the revocation of certificates of registration under certain circumstances; requiring the department to provide notice of suspected violations; creating s. 450.39, F.S.; providing guidelines for the sale of certain commodities to farmworkers; providing penalties; amending s. 487.011, F.S.; providing a popular name; amending ss. 487.012, 487.021, 487.025, 487.031, 487.041, 487.0435, 487.045, 487.046, 487.047, 487.049, 487.051, 487.0615, 487.071, 487.081, 487.091, 487.101, 487.111, 487.13, 487.156, 487.159, 487.161, 487.163, 487.171, and 487.175, F.S.; revising references to make the

"Florida Pesticide Law" part I of ch. 487, F.S.; amending s. 482.242, F.S.; clarifying a provision relating to the labeling and registration of approved pesticides; creating s. 487.2011, F.S., the "Florida Agricultural Worker Safety Act"; providing for administration by the Department of Agriculture and Consumer Services; creating s. 487.2021, F.S.; providing legislative intent; creating s. 487.2031, F.S.; providing definitions; creating s. 487.2041, F.S.; providing enforcement of federal worker protection regulations; creating s. 487.2051, F.S.; requiring agricultural employers to make certain pesticide information available; creating s. 487.2061, F.S.; prohibiting certain acts; creating s. 487.2071, F.S.; providing penalties; requiring monitoring and reporting of complaints; amending ss. 500.03 and 570.44, F.S.; clarifying provisions relating to the definition of the term "pesticide chemical" and duties of the Division of Agricultural Environmental Services, respectively; directing the Division of Statutory Revision to designate parts I and II of ch. 487, F.S.; providing an effective date.

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

Representative Poppell offered the following:

(Amendment Bar Code: 863195)

Amendment 3 to Amendment 1—Remove lines 410-415, and insert:
~~violates any provision~~ of this part and, upon conviction, is guilty of ~~commits~~ a misdemeanor of the second degree, is punishable as provided in s. 775.082 or s. 775.083.
(2) Any person, firm, association, or corporation that commits a major violation of this part and, upon conviction, is guilty of a felony of the third degree, is punishable as provided in s. 775.082, s. 775.083,

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

CS for SB 364—A bill to be entitled An act relating to options for accelerated high school graduation; amending s. 1003.429, F.S.; amending requirements applicable to the selection of such an accelerated option; amending required courses for the 3-year standard college preparatory program; deleting provisions authorizing a student to select a 3-year standard career preparatory program; revising requirements for grades that must be earned to participate in the accelerated program; providing for default to the standard graduation requirements in certain circumstances; providing an effective date.

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

Representative Pickens offered the following:

(Amendment Bar Code: 510371)

Amendment 2 (with title amendment)—Remove the entire body and insert:
Section 1. Section 1003.429, Florida Statutes, is amended to read:
1003.429 Accelerated high school graduation options.--
(1) Students who enter grade 9 in the 2004-2005 school year ~~Beginning with the 2003-2004 school year, all students scheduled to graduate in 2004~~ and thereafter may select one of the following three high school graduation options:
(a) Completion of the general requirements for high school graduation pursuant to s. 1003.43;
(b) Completion of a 3-year standard college preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. At least 6 of the 18 credits required for completion of this program must be received in classes that are honors, dual enrollment, advanced placement, International Baccalaureate, Advanced International Certificate of Education, specifically listed or identified by the Department of Education as rigorous pursuant to s. 1009.531(3), or weighted by the district school board for class ranking purposes. The 18 credits required for completion of this program shall be primary requirements and shall be distributed as follows:
1. Four credits in English, with major concentration in composition and literature;
2. Three credits in mathematics at the Algebra I level or higher from the list of courses that qualify for state university admission;
3. Three credits in natural science, two of which must have a laboratory component;
4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;
5. Two credits in the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses; and
6. Three credits in electives; or
(c) Completion of a 3-year career preparatory program requiring successful completion of a minimum of 18 academic credits in grades 9 through 12. The 18 credits shall be primary requirements and shall be distributed as follows:
1. Four credits in English, with major concentration in composition and literature;
2. Three credits in mathematics, one of which must be Algebra I;
3. Three credits in natural science, two of which must have a laboratory component;
4. Three credits in social sciences, which must include one credit in American history, one credit in world history, one-half credit in American government, and one-half credit in economics;
5. Three ~~Two~~ credits in a single vocational or career education program, three credits in career and technical certificate dual enrollment courses, or five credits in vocational or career education courses ~~the same second language unless the student is a native speaker of or can otherwise demonstrate competency in a language other than English. If the student demonstrates competency in another language, the student may replace the language requirement with two credits in other academic courses~~; and
6. Two ~~Three~~ credits in electives unless five credits are earned pursuant to subparagraph 5.

Any student who selected an accelerated graduation program before July 1, 2004, may continue that program, and all statutory program requirements that were applicable when the student made the program choice shall remain applicable to the student as long as the student continues that program.
(2) Prior to selecting a program described in paragraph (1)(b) or paragraph (1)(c), the following requirements must be met:
(a) Designated school personnel shall meet with the student and student's parent to give an explanation of the relative requirements, advantages, and disadvantages of each graduation option.
(b) The student shall submit to the high school principal and guidance counselor a signed parental consent to enter the 3-year accelerated graduation program.
(c) The student shall have achieved at least an FCAT reading achievement level of 3, an FCAT mathematics achievement level of 3, and an FCAT Writing score of 3 on the most recent assessments taken by the student.
(3)~~(2)~~ Beginning with the 2004-2005 ~~2003-2004~~ school year, each district school board shall provide each student in grades 6 through 9 ~~12~~ and their parents with information concerning the 3-year and 4-year high school graduation options listed in subsection (1), including the respective curriculum requirements for those options, so that ~~with curriculum for~~ the students and their parents may ~~to~~ select the postsecondary education or career plan that best fits their needs. The information ~~options~~ shall include a timeframe for achieving each graduation option.
(4)~~(3)~~ Selection of one of the graduation options listed in subsection (1) must be completed by the student prior to the end of grade 9 and is exclusively up to the student and parent, subject to the requirements in subsection (2). Each district school board shall establish policies for extending this deadline to the end of a student's first semester of grade 10 for a student who entered a Florida public school after grade 9 upon transfer from a private school or another state or who was prevented from choosing a graduation option due to illness during grade 9. If the student and parent fail to select a graduation option, the student shall be considered to have selected the general requirements for high school graduation pursuant to paragraph (1)(a).
(5)~~(4)~~ District school boards shall not establish requirements for

accelerated 3-year high school graduation options in excess of the requirements in paragraphs (1)(b) and (c).

(6)~~(5)~~ Students pursuing accelerated 3-year high school graduation options pursuant to paragraph (1)(b) or paragraph (1)(c) are required to:

(a) Earn passing scores on the FCAT as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

(b)1. Achieve a cumulative weighted grade point average of 3.0 ~~2.0~~ on a 4.0 scale, or its equivalent, in the courses required for the college preparatory ~~by the chosen~~ accelerated 3-year high school graduation option pursuant to paragraph (1)(b); or

2. Achieve a cumulative weighted grade point average of 3.0 on a 4.0 scale, or its equivalent, in the courses required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

(c) Receive a weighted or unweighted grade that earns at least 3.0 points, or its equivalent, to earn course credit toward the 18 credits required for the college preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(b).

(d) Receive a weighted or unweighted grade that earns at least 2.0 points, or its equivalent, to earn course credit toward the 18 credits required for the career preparatory accelerated 3-year high school graduation option pursuant to paragraph (1)(c).

Weighted grades referred to in paragraphs (b), (c), and (d) shall be applied to those courses specifically listed or identified by the department as rigorous pursuant to s. 1009.531(3) or weighted by the district school board for class ranking purposes.

(7) If, at the end of grade 10, a student is not on track to meet the credit, assessment, or grade-point-average requirements of the accelerated graduation option selected, the school shall notify the student and parent of the following:

(a) The requirements that the student is not currently meeting.

(b) The specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements.

(c) The right of the student to change to the 4-year program set forth in s. 1003.43.

(8) A student who selected one of the accelerated 3-year graduation options shall automatically move to the 4-year program set forth in s. 1003.43 if the student:

(a) Exercises his or her right to change to the 4-year program;

(b) Fails to earn 5 credits by the end of grade 9 or fails to earn 11 credits by the end of grade 10;

(c) Does not achieve a score of 3 or higher on the grade 10 FCAT Writing assessment; or

(d) By the end of grade 11 does not meet the requirements of subsections (1) and (6).

(9)~~(6)~~ A student who meets all requirements prescribed in subsections (1) and (6)~~(5)~~ shall be awarded a standard diploma in a form prescribed by the State Board of Education.

Section 2. Paragraph (a) of subsection (5) of section 1003.43, Florida Statutes, is amended to read:

1003.43 General requirements for high school graduation.--

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c) or scores on a standardized test that are concordant with passing scores on the FCAT as defined in s. 1008.22(9).

The standards required in this subsection, and any subsequent modifications, shall be reprinted in the Florida Administrative Code even though not defined as "rules."

Section 3. Subsection (9) of section 1008.22, Florida Statutes, is amended to read:

1008.22 Student assessment program for public schools.--

(9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

(a) The Commissioner of Education shall ~~determine the comparable validity of other available standardized tests, including the SAT, ACT, College Placement Test, PSAT, PLAN, and tests used for entry into the military. If such tests are deemed to be valid and reliable measures, the commissioner shall~~ approve the use of the SAT and ACT ~~such~~ tests as alternative ~~alternate~~ assessments to the grade 10 FCAT for the 2003-2004 ~~2002-2003~~ school year. Students who attain scores on the SAT or ACT which ~~that~~ equate to the passing scores on the grade 10 FCAT for purposes of high school graduation ~~on any of the approved alternative assessments~~ shall satisfy the assessment requirement for a standard high school diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) for the 2003-2004 ~~2002-2003~~ school year ~~graduating class~~ if the students meet the requirement in paragraph (b). ~~Prior to the application of these alternative assessments in subsequent school years, the Legislature shall review the continued use of these alternative tests.~~

(b) A student shall be required to take the grade 10 FCAT a total of three times without earning a passing score in order to use the scores on an alternative assessment pursuant to paragraph (a). This requirement shall not apply to a student who is a new student to the public school system in grade 12.

Section 4. Subsection (1) of section 1013.735, Florida Statutes, is amended to read:

1013.735 Classrooms for Kids Program.--

(1) ALLOCATION.--The department shall allocate funds appropriated for the Classrooms for Kids Program. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(a), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms for Kids Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation shall be prorated to the districts based on each district's percentage of K-12 base capital outlay full-time equivalent membership, and 65 percent shall be based on each district's percentage of K-12 growth capital outlay full-time equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a), excluding adult vocational technical facilities.

Section 5. Subsections (11) through (22) of section 1002.20, Florida Statutes, are renumbered as subsections (12) through (23), respectively, and a new subsection (11) is added to said section to read:

1002.20 K-12 student and parent rights.--Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(11) STUDENTS WITH READING DEFICIENCIES.--Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a detailed academic improvement plan, as described in s. 1008.25(4)(b); and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected. This subsection operates in addition to the remediation and notification provisions contained in s. 1008.25 and in no way reduces the rights of a parent or the responsibilities of a school district under that section.

Section 6. Subsection (5) and paragraph (b) of subsection (6) of section 1008.25, Florida Statutes, are amended, subsections (7), (8), and (9) are renumbered as subsections (8), (9), and (10), respectively, and a new subsection (7) is added to said section, to read:

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

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

(a) It is the ultimate goal of the Legislature that every student read at or above grade level. Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2002-2003 school year, if the student's reading

deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade 3, the student must be retained.

(c) ~~Beginning with the 2002-2003 school year,~~ The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies for parents to use in helping their child succeed in reading proficiency.

6. That the Florida Comprehensive Assessment Test (FCAT) is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for mid-year promotion. Mid-year promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

(6) ELIMINATION OF SOCIAL PROMOTION.--

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

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

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

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

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

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

6. Students who have received the intensive remediation in reading as required by paragraph (4)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, ~~or~~ grade 2, or grade 3 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The district school board shall assist schools and teachers to implement reading strategies that research has shown to be successful in improving reading among low performing readers.

(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

(a) Students retained under the provisions of paragraph (5)(b) must be provided intensive interventions in reading to ameliorate the student's specific reading deficiency, as identified by a valid and reliable diagnostic assessment. This intensive intervention must include effective instructional strategies, participation in the school district's summer reading camp, and appropriate teaching methodologies necessary to assist those students in becoming successful readers, able to read at or above grade level, and ready for promotion to the next grade.

(b) Beginning with the 2004-2005 school year, each school district shall:

1. Conduct a review of student academic improvement plans for all students who did not score above Level 1 on the reading portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

a. Small group instruction.

b. Reduced teacher-student ratios.

c. More frequent progress monitoring.

d. Tutoring or mentoring.

e. Transition classes containing 3rd and 4th grade students.

f. Extended school day, week, or year.

g. Summer reading camps.

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(14) and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

4. Implement a policy for the mid-year promotion of any student retained under the provisions of paragraph (5)(b) who can demonstrate that he or she is a successful and independent reader, reading at or above grade level, and ready to be promoted to grade 4. Tools that school districts may use in reevaluating any student retained may include subsequent assessments, alternative assessments, and portfolio reviews, in accordance with rules of the State Board of Education. Students promoted during the school year after November 1 must demonstrate proficiency above that required to score at Level 2 on the grade 3 FCAT, as determined by the State Board of Education. The State Board of Education shall adopt standards that provide a reasonable expectation that the student's progress is sufficient to master appropriate 4th grade level reading skills.

5. Provide students who are retained under the provisions of paragraph (5)(b) with a high-performing teacher as determined by student performance data and above-satisfactory performance appraisals.

6. In addition to required reading enhancement and acceleration strategies, provide parents of students to be retained with at least one of the following instructional options:

a. Supplemental tutoring in scientifically research-based reading services in addition to the regular reading block, including tutoring before and/or after school.

b. A "Read at Home" plan outlined in a parental contract, including participation in "Families Building Better Readers Workshops" and regular parent-guided home reading.

c. A mentor or tutor with specialized reading training.

7. Establish a Reading Enhancement and Acceleration Development (READ) Initiative. The focus of the READ Initiative shall be to prevent the retention of grade 3 students and to offer intensive accelerated reading instruction to grade 3 students who failed to meet standards for promotion to grade 4 and to each K-3 student who is assessed as exhibiting a reading deficiency. The READ Initiative shall:

a. Be provided to all K-3 students at risk of retention as identified by the statewide assessment system used in Reading First schools. The assessment must measure phonemic awareness, phonics, fluency, vocabulary, and comprehension.

b. Be provided during regular school hours in addition to the regular reading instruction.

c. Provide a state-identified reading curriculum that has been reviewed by the Florida Center for Reading Research at Florida State University and meets, at a minimum, the following specifications:

(I) Assists students assessed as exhibiting a reading deficiency in developing the ability to read at grade level.

(II) Provides skill development in phonemic awareness, phonics, fluency, vocabulary, and comprehension.

(III) Provides scientifically based and reliable assessment.

(IV) Provides initial and ongoing analysis of each student's reading progress.

(V) Is implemented during regular school hours.

(VI) Provides a curriculum in core academic subjects to assist the student in maintaining or meeting proficiency levels for the appropriate grade in all academic subjects.

8. Establish at each school, where applicable, an Intensive Acceleration Class for retained grade 3 students who subsequently score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in one school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech language therapist.

f. Include weekly progress monitoring measures to ensure progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and has received intensive instructional services but is still not ready for grade promotion, as determined by the school district, the option of being placed in a transitional instructional setting. Such setting shall specifically be designed to produce learning gains sufficient to meet grade 4 performance standards while continuing to remediate the areas of reading deficiency.

Section 7. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to public K-12 educational instruction; amending s. 1003.429, F.S.; revising course requirements in the college preparatory accelerated high school graduation program; revising course requirements in the career preparatory accelerated high school graduation program; providing students already participating in an accelerated graduation program the right to continue in the current program; establishing requirements for selection of accelerated graduation options; requiring districts to establish a policy for extending the deadline for certain students to choose an accelerated graduation option; authorizing use of alternate assessments; revising requirements for grades that must be earned to participate in the accelerated graduation program; requiring schools to provide specific notices to students and parents if, at the end of the grade 10, the student is not on track to graduate; specifying certain situations in which a student shall be moved from a 3-year to a 4-year graduation program; amending s. 1003.43, F.S., relating to general requirements for high school graduation; authorizing use of alternate assessments; amending s. 1008.22, F.S.; authorizing the SAT and the ACT as alternative assessments to the grade 10 FCAT required for high school graduation if students have attempted to pass the grade 10 FCAT at least 3 times; deleting obsolete language; amending s. 1013.735, F.S.; modifying the formula for the allocation of funds from the Classrooms for Kids appropriation; amending s. 1002.20, F.S.; providing certain rights to parents of students with reading deficiencies; requiring that parents receive understandable information and are consulted regarding a child's academic progress; amending s. 1008.25, F.S.; removing an obsolete date; providing notification of additional information to parents of students who exhibit a substantial reading deficiency; revising certain good cause exemptions from mandatory retention; requiring school districts to provide certain reading interventions to students who have been retained; providing school district requirements relating to remediation of student reading deficiencies, parental notification, implementation of a mid-year promotion policy, provision of instructional options for students, establishment of a Reading Enhancement and Acceleration Development (READ) Initiative and an Intensive Acceleration Class, and reporting; providing an effective date.

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

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

HJR 1979—A joint resolution proposing the creation of Section 8 of Article XI of the State Constitution to impose additional requirements on proposed constitutional amendments that require state spending above a specified amount.

—was read the third time by title.

Further consideration of **HJR 1979** was temporarily postponed under Rule 11.10.

CS for CS for CS for CS for SB 700—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; defining and redefining terms used in part I of ch. 394, F.S., "the Baker Act"; amending s. 394.4598, F.S., relating to guardian advocates; amending provisions to conform to changes made by the act; amending s. 394.4615, F.S., relating to confidentiality of clinical records; providing additional circumstances in which information from a clinical record may be released; amending s. 394.463, F.S.; revising criteria for an involuntary examination; revising requirements for filing a petition for involuntary placement; creating s. 394.4655, F.S.; providing for involuntary outpatient placement; providing criteria; providing procedures; providing for a voluntary examination for outpatient placement; providing for a petition for involuntary outpatient placement; requiring the appointment of counsel; providing for a continuance of hearing; providing procedures for the hearing on involuntary outpatient placement; providing a procedure for continued involuntary outpatient placement; amending s. 394.467, F.S., relating to involuntary placement; conforming terminology to changes made by the act; providing for rulemaking authority; providing for severability; providing an effective date.

—was taken up, having been read the first and second times, and amended, earlier today.

Representative Cantens offered the following:

(Amendment Bar Code: 381609)

Amendment 2 (with directory and title amendments)—On page 44, between lines 29 and 30, insert:

Section 14. Paragraph (b) of subsection (4) of section 409.912, Florida Statutes, is amended 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.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid

arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must be licensed under chapter 624, chapter 636, or chapter 641 and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody prior to enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. The agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients in an AHCA area. Each entity must offer sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph shall require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations, to be expended for the provision of behavioral health care services. In the event the managed care plan expends less than 80 percent of the capitation paid pursuant to this paragraph for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the managed care plan with a certification letter indicating the amount of capitation paid during each calendar year for the provision of behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. By January 1, 2001, the agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. By July 1, 2003, the agency and the Department of Children and Family Services shall execute a written agreement that requires collaboration and joint development of all policy, budgets, procurement documents, contracts, and monitoring plans that have an impact on the state and Medicaid community mental health and targeted case management programs.

3. By July 1, 2006, the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid health maintenance organization ~~plan~~ in AHCA areas where the eligible population exceeds 150,000. In AHCA area 11, the agency shall award a pilot project to a provider service network as described in paragraph (4)(d) with a minimum of 150,000 lives for purposes of demonstrating the cost effectiveness and improvements in the provision of quality mental health services through a provider-based managed care model. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations shall be eligible to compete. Only single managed care plans which are contracted to provide comprehensive behavioral health services to Medicaid recipients not enrolled in an health maintenance organization shall be capitated to provide and receive payment for the comprehensive behavioral health benefits as provided in agency rules, including handbooks incorporated by reference.

4. By October 1, 2003, the agency and the department shall submit a plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides for the full implementation of capitated prepaid behavioral health care in all areas of the state. The plan shall include provisions which ensure that children and families receiving foster care and other related services are appropriately served and that these services assist the community-based care lead agencies in meeting the goals and outcomes of the child welfare system. The plan will be developed with the participation of community-based lead agencies, community alliances, sheriffs, and community providers serving dependent children.

a. Implementation shall begin in 2003 in those AHCA areas of the state where the agency is able to establish sufficient capitation rates.

b. If the agency determines that the proposed capitation rate in any area is insufficient to provide appropriate services, the agency may adjust the capitation rate to ensure that care will be available. The agency and the department may use existing general revenue to address any additional required match but may not over-obligate existing funds on an annualized basis.

c. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures that allow for certification of local and state funds.

5. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider shall not be included in a behavioral health care prepaid health plan pursuant to this paragraph.

6. In converting to a prepaid system of delivery, the agency shall in its procurement document require an entity providing comprehensive behavioral health care services to prevent the displacement of indigent care patients by enrollees in the Medicaid prepaid health plan providing behavioral health care services from facilities receiving state funding to provide indigent behavioral health care, to facilities licensed under chapter 395 which do not receive state funding for indigent behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

7. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

On page 1, remove line 24, and insert:
severability; legislative intent; amending s. 409.912, F.S.; authorizing the agency to contract for certain services; providing for funding of trauma; providing effective dates.

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

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

Motion to Adjourn

Rep. Bense moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 10:50 a.m., Thursday, April 29, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 333.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 401.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 403.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 413.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 449.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 465.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 489.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 601.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 625.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 629.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 631.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 639.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 711.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 733.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 749.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 771.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 785.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 817.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 823.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 825.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 827.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 883.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 919.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 921.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 923.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 925.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 927.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 961.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 963.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 971.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 987.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1023.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1091.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1145.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1151.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1159.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1227.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1277.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1381.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1389.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1391.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1393.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1395.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1397.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1399.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1401.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1407.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1409.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1411.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1413.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1415.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1417.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1449.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1453.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1483.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1485.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1487.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1491.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1545.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1577.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1599.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1607.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1609.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1625.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1645.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1647.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1649.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1669.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1671.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1675.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1709.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1737 by the required Constitutional two-thirds vote of the members of the Senate.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Johnnie Byrd, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1747.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Arza:

Yeas—April 26: 910, 914; April 27: 962

Rep. Bendross-Mindingall:

Yeas—March 16: 708

Rep. Byrd:

Yeas—April 23: 884

Rep. Dean:

Nays—April 27: 969

Rep. Evers:

Yeas—April 27: 963

Rep. Fields:

Nays to Yeas—April 26: 943

Rep. Kallinger:

Nays—April 27: 950

Rep. Machek:

Yeas—April 27: 965

Rep. Poppell:

Yeas—April 27: 950

Rep. Rubio:

Yeas—April 26: 940; April 27: 962

Nays—April 26: 943

Rep. Sorensen:

Yeas—April 12: 836; April 26: 907, 909, 910, 911, 913, 914, 915, 916, 921

Yeas to Nays—April 26: 915, 916, 921

Cosponsors

HB 23—Benson, Reagan

HB 63—Harper, Sorensen

HB 127—Baxley

HB 157—Hasner

HB 185—Cantens

HB 237—Sorensen

HB 461—Farkas, Murzin

HB 647—Galvano

HB 661—Baxley, Carroll

HB 1109—Joyner

HB 1121—Homan

HB 1139—Cantens

HB 1193—Cantens

HB 1195—Cantens, Homan

HB 1301—Cantens

HB 1307—Cantens

HB 1311—Homan

HB 1361—Altman

HB 1369—Harper

HB 1587—Homan

HB 1793—Homan

HR 1943—Kallinger

HB 1985—A. Gibson

Withdrawals as Cosponsor

HB 1513—Ambler

Reports of Standing Committees

Received April 27:

The Committee on Appropriations reported the following favorably:
HB 227 with committee substitute.

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

The Committee on Appropriations reported the following favorably:
HB 877 with committee substitute.

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

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills which he approved:

April 27—HB 251 and HB 1861

Excused

Rep. Bilirakis; Rep. Paul until 4:12 p.m.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 11:59 p.m., to reconvene at 10:50 a.m., Thursday, April 29, or upon call of the Chair.