



The Journal OF THE House of Representatives

Number 25

Thursday, April 28, 2005

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Paul Guthrie of the First Baptist Church of Umatilla in Eustis, upon invitation of Rep. Hays. Reverend Guthrie was awarded two Bronze Stars and one Silver Star for his heroic service in Vietnam with the U.S. Army's 82nd Airborne Division.

Gracious Father, I thank You; first that You not only allow us to enter Your presence, but that You, by Your Word beckon us there. In accordance with that Word, I pray this morning for all who are in authority over us and particularly for those men and women in this Chamber whom You have placed here for our good.

I am deeply grateful that You have birthed in their hearts a call to service. I ask that You, who commissioned them, would also sustain them and encourage them to good works as they endeavor in this calling.

God, I pray, too, for our men and women in harm's way, whether they be so in a far-flung land or on the streets of America. Thank You for the sacrifices on our behalf. May You cover them by Your loving kindness and keep them from harm. Grant to those who wait for them, as well, the surety of Your protection.

Thank You for this day, for our country, for our families, and for the very breath that we breathe. It is in Your name and by Your authority that we pray this. Amen.

The following members were recorded present:

Session Vote Sequence: 284

Speaker Bense in the Chair.

Adams	Baxley	Brown	Davis, M.
Allen	Bean	Bucher	Dean
Altman	Bendross-Mindingall	Bullard	Detert
Ambler	Bense	Cannon	Domino
Anderson	Benson	Carroll	Evers
Antone	Berfield	Clarke	Farkas
Arza	Bilirakis	Cretul	Fields
Attkisson	Bogdanoff	Culp	Flores
Ausley	Bowen	Cusack	Galvano
Barreiro	Brandenburg	Davis, D.	Gannon

Garcia	Jennings	Mealor	Rubio
Gardiner	Johnson	Murzin	Russell
Gelber	Jordan	Needelman	Ryan
Gibson, A.	Joyner	Negron	Sands
Gibson, H.	Justice	Patterson	Sansom
Glorioso	Kendrick	Peterman	Seiler
Goldstein	Kottkamp	Pickens	Simmons
Goodlette	Kravitz	Planas	Smith
Gottlieb	Kreegel	Poppell	Sobel
Grant	Kyle	Porth	Sorensen
Greenstein	Legg	Proctor	Stansel
Grimsley	Littlefield	Quinones	Stargel
Harrell	Llorente	Reagan	Taylor
Hasner	Lopez-Cantera	Rice	Traviesa
Hays	Machek	Richardson	Troutman
Henriquez	Mahon	Rivera	Vana
Holloway	Mayfield	Robaina	Waters
Homan	McInvale	Roberson	Williams
Hukill	Meadows	Ross	Zapata

(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: Tucker Cortese of Crystal River at the invitation of Rep. Sansom; Will Liner of Tallahassee at the invitation of Rep. Richardson; Preston Moore of Dover at the invitation of Rep. Traviesa; Marie Moyle of Tallahassee at the invitation of Rep. Ausley; and Julian Havlicak of Tallahassee at the invitation of the Speaker pro tempore.

House Physician

The Speaker introduced Dr. Thomas L. Hicks of Tallahassee, who served in the Clinic today upon invitation of Rep. Ausley.

Correction of the *Journal*

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

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense
Speaker, House of Representatives

April 26, 2005

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Thursday, April 28, 2005. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HCB 6003 CS - Health & Families Council, Benson & others
Medicaid Reform

HB 1221 CS - Smith, Seiler
Discretionary Surtax on Documents

HB 481 CS - Waters, Bucher & others
Unlawful Use of Personal Identification Information

HB 1725 CS - Economic Development, Trade & Banking Committee,
Bilirakis & others
Florida Enterprise Zone Act

HB 1935 CS - Judiciary Committee, Simmons
State Judicial System

HB 1159 CS - Bogdanoff, Porth
Firefighters' Pensions

HB 967 CS - Cannon, Sands
Offenses Involving Insurance

HB 1497 CS - Mayfield
Outdoor Advertising

HB 1037 CS - Russell
Franchised Motor Vehicle Dealers

HB 1551 CS - Harrell
Emergency Management

HB 529 CS - Kreegel, Baxley & others
Funeral and Cemetery Industry Regulation

HB 1469 CS - Kreegel
Public Records and Meetings Exemptions

HB 931 CS - Traviesa
Enterprise Florida, Inc.

HB 1003 CS - Stargel
Enterprise Zones

HB 371 CS - Legg, Anderson & others
Long-term Care Coverage

HB 1915 - Juvenile Justice Committee, Culp
Juvenile Justice

HB 1377 CS - Ryan
Ethics

HB 1299 CS - Mahon
Adoption

HB 75 CS - Mahon, Berfield & others
Title Insurance

HB 1347 CS - Evers
Controlled Substances

HB 1459 CS - Brown, Porth & others
Liens on Commercial Real Estate

HB 147 CS - Brummer, Berfield & others
Retirement

HB 955 CS - Berfield, Adams & others
Waterfront Property

HB 1325 CS - Attkisson
Governmental Authority in Communication Services

II. Expedited Local Bill Calendar:

HB 619 CS - Bean
Ocean Highway and Port Authority, Nassau County

HB 765 CS - Bowen
Polk County

HB 783 CS - Reagan
Sarasota County Public Hospital District

HB 1053 CS - Harrell
St. Lucie County

HB 1243 - Joyner, Ambler & others
City of Tampa, Hillsborough County

HB 1355 - Sobel
Broward County

HB 1361 CS - Sobel
Performing Arts Center Authority, Broward County

HB 1423 CS - Poppell
St. Johns Water Control District, Indian River County

HB 1425 CS - Poppell
Technological Research and Development Authority, Brevard County

HB 1479 CS - Sobel
North Springs Improvement District, Broward County

HB 1555 - Proctor
Hastings Drainage District, Putnam and St. Johns Counties

HB 1657 CS - Sobel
Downtown Development Authority of the City of Fort Lauderdale,
Broward County

HB 1685 - Brown, Coley
Bay County Law Library

HB 1793 CS - Kendrick
Alligator Point Water Resources District, Franklin County

HB 1829 CS - Brown
Holmes County

III. Consideration of the following Local Bills:

HB 1487 - Grimsley
Spring Lake Improvement District, Highlands County

HB 1515 - Brown, Coley
Board of Trustees of Bay Medical Center, Bay County

HB 777 CS - Domino
City of West Palm Beach, Palm Beach County

HB 899 CS - Allen
Ranger Drainage District, Orange County

HB 1043 CS - Sobel
North Lauderdale Water Control District, Broward County

HB 1045 - Sobel, Goldstein & others
Broward County

HB 1167 - Gibson, A., Kravitz & others
City of Jacksonville, Duval County

HB 1245 CS - Joyner, Ambler & others
Hillsborough County

HB 1291 CS - Sorensen
Key Largo Fire Rescue and Emergency Medical Services District,
Monroe County

HB 1309 CS - Kravitz, Mahon
City of Jacksonville

HB 1537 CS - Brown
Walton County

HB 1707 - Peterman, Reagan
Trailer Estates Fire Control District, Manatee County

HB 1477 CS - Sobel
Broward County

HB 1335 - Needelman
City of Melbourne, Brevard County

HB 1359 - Sobel
Broward County

HB 1429 CS - Reagan
Manatee and Sarasota Counties

IV. Consideration of the following bills:

HB 207 CS - Benson, Allen & others
Criminal Acts Committed During a State of Emergency

HB 257 CS - Llorente, Domino & others
Student Athletics

HB 811 CS - Kreegel, Berfield & others
Employee Health Care Access Act

HB 209 CS - Barreiro, Antone & others
Administration of Medication to Public School Students

HB 937 CS - Galvano, Ambler & others
Contamination Notification

HB 509 CS - Reagan, Attkisson & others
Prompt Payment for Construction Services

HB 381 CS - Detert, Carroll & others
Financial Entities and Transactions

HB 71 CS - Quinones, Cannon
Motor Vehicle Speed Competitions

HB 189 - McInvale, Benson & others
Hospice Facilities

HB 307 - Brown, Grimsley & others
Physical Examinations

HB 1071 - Galvano, Bullard & others
Vehicular Accidents Involving Death or Personal Injuries

HB 1387 CS - Rice
Career Offender and Murderer Registration

HB 1593 CS - Farkas, Domino
Community Associations

HB 1651 CS - Patterson, Farkas
Chiropractic Education

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

Expedited Local Bill Calendar Procedure

The Honorable Allan G. Bense
Speaker, Florida House of Representatives

April 26, 2005

Dear Mr. Speaker,

The following report is submitted for the purpose of outlining a procedure for the Expedited Local Bill Calendar, Section II of the Special Order for Thursday, April 28, 2005.

1. Without objection, a single roll call on all bills will be taken at the conclusion of the reading of local bills.

Because a "no" vote would be cast against every bill on the local roll call, anyone wishing to vote against a specific bill or bills should do so by filing a Nay Vote - Local bills form with the Clerk. Those forms may be obtained at the Clerk's desk.

Local Calendar in these procedures refers to the section of the Special Order Calendar reserved for the expedited consideration of local bills. Removal of a specific bill from the Local Calendar requires notice by five members received during consideration of the bill. The notice may be presented by a raising of hands or in written form delivered to the Chair of the Council on Rules and Calendar.

Members should:

- a. Determine the location of their bill on the Local Calendar so prompt response may be made when the Speaker inquires who is moving the bill.
 - b. Determine whether there may be a bill that they wish to have temporarily postponed.
2. The Chair will take up each bill as it appears on the Local Calendar. Bill numbers will not appear on the board since House action moves too fast for numbers to be useful.
 3. Without separate motions, each local bill will be read twice by caption title and the Chair will announce "Pass the bill on the motion of (bill sponsor)."
 4. Floor amendments to a local bill must be accompanied by a local bill amendment form signed by the delegation chair explaining the necessity for the amendment. Any bill with a properly filed amendment accompanied by the aforementioned form offered on the floor will be dropped from the list, and the amendment and the bill will return to the Special Order calendar.
 5. All local bills are immediately certified to the Senate, without motion.
 6. Adoption of this procedure shall constitute consent on the part of the House to a blanket motion to waive the Rules between each reading of each bill, and for immediate certification.

Sincerely,

J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the above Special Order Calendar and the Expedited Local Bill Calendar Procedure were adopted.

On further motion by Rep. Goodlette, by the required two-thirds vote, the rules were waived and HB 181 was added to the Special Order Calendar for Friday, after HB 1817.

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

Special Orders

Section I.

HC B 6003 (for HBs 1869, 1871, 1873, 1875)—A bill to be entitled An act relating to Medicaid reform; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; requiring managed care plans to include mandatory Medicaid services and behavioral health and pharmacy services; requiring managed care plans to provide a wellness and disease management program for certain Medicaid recipients participating in the waiver; requiring managed care plans to provide pharmacy benefits; requiring managed care plans to provide behavioral health benefits; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing for certification requirements; providing for reimbursement of provider service networks; providing an exemption under certain circumstances; providing for continuance of contracts

previously awarded; providing for cost sharing by recipients, and requirements; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to establish and provide for funding of catastrophic coverage; providing for the agency to develop a rate setting and risk adjustment system; requiring the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts and individual development accounts; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; providing for the agency to expand certain demonstration project waivers under certain conditions; providing for integration of state funding to persons who are age 60 and above; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons age 60 and above; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the agency to establish and implement a Medicaid buy-in program to assist certain working individuals with disabilities with medical coverage; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; providing an effective date.

The Fiscal Council recommended the following:

HC B 6003 (for HBs 1869, 1871, 1873, 1875) CS—A bill to be entitled An act relating to Medicaid reform; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, and behavioral health care benefits; requiring the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts and individual development accounts; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; providing for cost sharing by recipients, and requirements; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate

setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; providing for integration of state funding to persons who are age 60 and above; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons age 60 and above; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the agency conduct a study of the feasibility of establishing a Medicaid buy-in program for individuals with disabilities; providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; providing an effective date.

—was read the second time by title.

Representative(s) Benson offered the following:

(Amendment Bar Code: 317791)

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

Section 1. Popular name.—This act shall be known as the "Medicaid Reform Act of 2005."

Section 2. Medicaid reform.--

(1) WAIVER AUTHORITY.-- The Agency for Health Care Administration is authorized to seek experimental, pilot, or demonstration project waivers, pursuant to s. 1115 of the Social Security Act, to reform the Florida Medicaid program pursuant to this section in two geographic areas. One pilot program shall include only Broward County. A second pilot program shall initially include Duval County and shall be expanded to include Baker, Clay, and Nassau Counties within the timeframes approved in the implementation plan. This waiver authority is contingent upon federal approval to preserve the upper-payment-limit funding mechanisms for hospitals and contingent upon protection of the disproportionate share program authorized pursuant to chapter 409, Florida Statutes. The agency is directed to negotiate with the Centers for Medicare and Medicaid Services to include in the approved waiver a methodology whereby savings from the demonstration waiver may be used to increase total upper-payment-limit and disproportionate share payments. Any increased funds shall be reinvested in programs that provide direct services to uninsured individuals in a cost-effective manner and reduce reliance on hospital emergency care.

(3) IMPLEMENTATION OF DEMONSTRATION PROJECTS.--The agency shall include in the federal waiver request the authority to establish managed care demonstration projects as provided in this section and as approved by the Legislature in the waiver.

(4) DEFINITIONS.--As used in this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Enhanced benefit coverage" means additional health care services or alternative health care coverage which can be purchased by qualified recipients.

(c) "Flexible spending account" means an account that encourages

consumer ownership and management of resources available for enhanced benefit coverage, wellness activities, preventive services, and other services to improve the health of the recipient.

(d) "Managed care plan" or "plan" means an entity certified by the agency to accept a capitation payment, including, but not limited to, a health maintenance organization authorized under part I of chapter 641, Florida Statutes; an entity under part II or part III of chapter 641, Florida Statutes, or under chapter 627, chapter 636, chapter 391, or s. 409.912, Florida Statutes; a licensed mental health provider under chapter 394, Florida Statutes; a licensed substance abuse provider under chapter 397, Florida Statutes; a hospital under chapter 395, Florida Statutes; a provider service network as defined in this section; or a state-certified contractor as defined in this section.

(e) "Medicaid opt-out option" means a program that allows a recipient to purchase health care insurance through an employer-sponsored plan instead of through a Medicaid-certified plan.

(f) "Plan benefits" means the mandatory services specified in s. 409.905, Florida Statutes; behavioral health services specified in s. 409.906(8), Florida Statutes; pharmacy services specified in s. 409.906(20), Florida Statutes; and other services, including, but not limited to, Medicaid optional services specified in s. 409.906, Florida Statutes, for which a plan is receiving a risk adjusted capitation rate. Plans shall provide all mandatory services and may cover optional services to attract recipients and provide needed care. Services to recipients under plan benefits shall include emergency services pursuant to s. 409.9128, Florida Statutes.

1. Mandatory and optional services as delineated in s. 409.905, and s. 409.906, Florida Statutes may vary in amount, duration and scope based on actuarial analysis and determination of service utilization among a categorical or predetermined risk group served by the plan.

2. A plan shall provide all mandatory and optional services as delineated in ss. 409.905, and 409.906, Florida Statutes, to a level of amount, duration and scope based on the actuarial analysis and corresponding capitation rate. Contractual stipulations for each risk or categorical group shall not vary among plans.

3. A plan shall be at risk for all services as defined in this section needed by a recipient up to a monetary catastrophic threshold pursuant to this section.

4. Catastrophic coverage pursuant to this section shall not release the plan from continued care management of the recipient and providing other services as stipulated in the contract with the agency.

(g) "Provider service network" means an incorporated network:

1. Established or organized, and operated, by a health care provider or group of affiliated health care providers;

2. That provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group;

3. That may make arrangements with physicians, other health care professionals, and health care institutions, to assume all or part of the financial risk on a prospective basis for the provision of basic health services; and

4. Within which health care providers have a controlling interest in the governing body of the provider service network organization, as authorized by s. 409.912, Florida Statutes.

(h) "Shall" means the agency must include the provision of a subsection as delineated in this section in the waiver application and implement the provision to the extent allowed in the demonstration project sites by the Centers for Medicare and Medicaid Services and as approved by the Legislature pursuant to this section.

(i) "State-certified contractor" means an entity not authorized under part I, part II, or part III of chapter 641, Florida Statutes, or under chapter 624, chapter 627, or chapter 636, Florida Statutes, qualified by the agency to be certified as a managed care plan. The agency shall develop the standards necessary to authorize an entity to become a state-certified contractor.

(5) ELIGIBILITY.--

(a) The agency shall pursue waivers to reform Medicaid for the

following categorical groups:

1. Temporary Assistance for Needy Families, consistent with ss. 402 and 1931 of the Social Security Act and chapter 409, chapter 414, or chapter 445, Florida Statutes.

2. Supplemental Security Income recipients as defined in Title XVI of the Social Security Act, except for persons who are dually eligible for Medicaid and Medicare, individuals 60 years of age or older, individuals who have developmental disabilities, and residents of institutions or nursing homes.

3. All children covered pursuant to Title XIX of the Social Security Act.

(b) The agency may pursue any appropriate federal waiver to reform Medicaid for the populations not identified by this subsection, including Title XXI children, if authorized by the Legislature.

(6) CHOICE COUNSELING.--

(a) At the time of eligibility determination, the agency shall provide the recipient with all the Medicaid health care options available in that community to assist the recipient in choosing health care coverage. The recipient shall choose a plan within 30 days after the recipient is eligible unless the recipient loses eligibility. Failure to choose a plan within 30 days will result in the recipient being assigned to a managed care plan.

(b) After a recipient has chosen a plan or has been assigned to a plan, the recipient shall have 90 days in which to voluntarily disenroll and select another managed care plan. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the managed care plan's grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(c) In the managed care demonstration projects, the Medicaid recipients who are already enrolled in a managed care plan shall remain with that plan until their next eligibility determination. The agency shall develop a method whereby newly eligible Medicaid recipients, Medicaid recipients with renewed eligibility, and Medipass enrollees shall enroll in managed care plans certified pursuant to this section.

(d) A Medicaid recipient receiving services under this section is eligible for only emergency services until the recipient enrolls in a managed care plan.

(e) The agency shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(f) The agency shall ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(g) To accommodate the needs of recipients, the agency shall ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also utilize language lines and other services for impaired recipients, such as TTD/TTY.

(h) The agency shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), Florida Statutes, the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(i) It is the intent of the Legislature, within the authority of the waiver and within available resources, that the agency promote health literacy and partner with the Department of Health to provide information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(j) The agency is authorized to contract with entities to perform choice counseling and may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(k) The agency shall develop processes to ensure that demonstration sites have sufficient levels of enrollment to conduct a valid test of the managed care demonstration project model within a 2-year timeframe.

(7) PLANS.--

(a) Plan benefits.--The agency shall develop a capitated system of care that promotes choice and competition. Plan benefits shall include the mandatory services delineated in federal law and specified in s. 409.905, Florida Statutes; behavioral health services specified in s. 409.906(8), Florida Statutes; pharmacy services specified in s. 409.906(20), Florida Statutes; and other services including, but not limited to, Medicaid optional services specified in s. 409.906, Florida Statutes, for which a plan is receiving a risk-adjusted capitation rate. Plans shall provide all mandatory services and may cover optional services to attract recipients and provide needed care. Mandatory and optional services may vary in amount, duration, and scope of benefits. Services to recipients under plan benefits shall include emergency services pursuant to s. 409.9128, Florida Statutes.

(b) Wellness and disease management.--

1. The agency shall require plans to provide a wellness disease management program for certain Medicaid recipients participating in the waiver. The agency shall require plans to develop disease management programs necessary to meet the needs of the population they serve.

2. The agency shall require a plan to develop appropriate disease management protocols and develop procedures for implementing those protocols, and determine the procedure for providing disease management services to plan enrollees. The agency is authorized to allow a plan to contract separately with another entity for disease management services or provide disease management services directly through the plan.

3. The agency shall provide oversight to ensure that the service network provides the contractually agreed upon level of service.

4. The agency may establish performance contracts that reward a plan when measurable operational targets in both participation and clinical outcomes are reached or exceeded by the plan.

5. The agency may establish performance contracts that penalize a

plan when measurable operational targets for both participation and clinical outcomes are not reached by the plan.

6. The agency shall develop oversight requirements and procedures to ensure that plans utilize standardized methods and clinical protocols for determining compliance with a wellness or disease management plan.

(c) Pharmacy benefits.--

1. The agency shall require plans to provide pharmacy benefits and include pharmacy benefits as part of the capitation risk structure to enable a plan to coordinate and fully manage all aspects of patient care as part of the plan or through a pharmacy benefits manager.

2. The agency may set standards for pharmacy benefits for managed care plans and specify the therapeutic classes of pharmacy benefits to enable a plan to coordinate and fully manage all aspects of patient care as part of the plan or through a pharmacy benefits manager.

3. Each plan shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for recipients inappropriately using their benefits, and other measures to reduce provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. The agency shall require plans to report incidences of pharmacy fraud and abuse and establish procedures for receiving and investigating fraud and abuse reports from plans in the demonstration project sites. Plans must report instances of fraud and abuse pursuant to chapter 641, Florida Statutes.

5. The agency may facilitate the establishment of a Florida managed care plan purchasing alliance. The purpose of the alliance is to form agreements among participating plans to purchase pharmaceuticals at a discount, to achieve rebates, or to receive best market price adjustments. Participation in the Florida managed care plan purchasing alliance shall be voluntary.

(d) Behavioral health care benefits.--

1. The agency shall include behavioral health care benefits as part of the capitation structure to enable a plan to coordinate and fully manage all aspects of patient care.

2. Managed care plans shall require their contracted behavioral health providers to have a member's behavioral treatment plan on file in the provider's medical record.

(e) Grievance resolution process.--A grievance resolution process shall be established that uses the subscriber assistance panel, as created in s. 408.7056, Florida Statutes, and the Medicaid fair hearing process to address grievances.

(8) ENHANCED BENEFIT COVERAGE.--

(a) The agency may establish enhanced benefit coverage and a methodology to fund the enhanced benefit coverage within funds provided in the General Appropriations Act.

(b) A recipient who complies with the objectives of a wellness or disease management plan, as determined by the agency, shall have access to the enhanced benefit coverage for the purpose of purchasing or securing health-care services or health-care products.

(c) The agency shall establish flexible spending accounts or similar accounts for recipients as approved in the waiver to be administered by the agency or by a managed care plan. The agency shall make deposits to a recipient's flexible spending account contingent upon compliance with a wellness plan or a disease management plan.

(d) It is the intent of the Legislature that enhanced benefits encourage consumer participation in wellness activities, preventive services, and other services to improve the health of the recipient.

(e) The agency shall develop standards and oversight procedures to monitor access to enhanced benefits during the eligibility period and up to 3 years after loss of eligibility as approved by the waiver.

(f) It is the intent of the Legislature that the agency may develop an electronic benefit transfer system for the distribution of enhanced benefit funds earned by the recipient.

(9) COST SHARING; REPORT.--The Agency for Health Care Administration shall submit to the President of the Senate and the Speaker of the House of Representatives by December 15, 2005, a report on the legal and administrative barriers to enforcing s. 409.9081, Florida Statutes. The report must describe how many services require copayments, which providers collect copayments, and the total amount of copayments collected from recipients for all services required under s. 409.9081, Florida Statutes, by provider type for the fiscal years 2001-2002 through 2004-2005. The agency shall recommend a mechanism to enforce the requirement for Medicaid recipients to make copayments which does not shift the copayment amount to the provider. The agency shall also identify the federal or state laws or regulations that permit Medicaid recipients to declare impoverishment in order to avoid paying the copayment and extent to which these statements of impoverishment are verified. If claims of impoverishment are not currently verified, the agency shall recommend a system for such verification. The report must also identify any other cost-sharing measures that could be imposed on Medicaid recipients.

(10) CATASTROPHIC COVERAGE.--

(a) To the extent of available appropriations contained in the annual General Appropriations Act for such purposes, all managed care plans shall provide coverage to the extent required by the agency up to a per-recipient service limitation threshold determined by the agency and within the capitation rate set by the agency. This limitation threshold may vary by eligibility group or other appropriate factors, including, but not limited to, recipients with special needs and recipients with certain disease states.

(b) The agency shall establish a fund or purchase stop-loss coverage from a plan under part I of chapter 641, Florida Statutes, or a health insurer authorized under chapter 624, Florida Statutes, for purposes of covering services in excess of those covered by the managed care plan. The catastrophic coverage fund or stop-loss coverage shall provide for payment of medically necessary care for recipients who are enrolled in a plan and whose care has exceeded the predetermined service threshold. The agency may establish an aggregate maximum level of coverage in the catastrophic fund or for the stop-loss coverage.

(c) The agency shall develop policies and procedures to allow all plans to utilize the catastrophic coverage fund or stop-loss coverage for a Medicaid recipient in the plan who has reached the catastrophic coverage threshold.

(d) The agency shall contract for an administrative structure to manage the catastrophic coverage fund.

(11) CERTIFICATION.--Before any entity may operate a managed care plan under the waiver, it shall obtain a certificate of operation from the agency.

(a) Any entity operating under part I, part II, or part III of chapter 641, Florida Statutes, or under chapter 627, chapter 636, chapter 391, or s. 409.912, Florida Statutes; a licensed mental health provider under chapter 394, Florida Statutes; a licensed substance abuse provider under chapter 397, Florida Statutes; a hospital under chapter 395, Florida Statutes; a provider service network as defined in this section; or a state-certified contractor as defined in this section shall be in compliance with the requirements and standards developed by the agency. For purposes of the waiver established under this section, provider service networks shall be exempt from the competitive bid requirements in s. 409.912, Florida Statutes. The agency, in consultation with the Office of Insurance Regulation, shall establish certification requirements. It is the intent of the Legislature that, to the extent possible, any project authorized by the state under this section include any federally qualified health center, federally qualified rural health clinic, county health department, or any other federally, state, or locally funded entity that serves the geographic area within the boundaries of that project. The certification process shall, at a minimum, include all requirements in the current Medicaid prepaid health plan contract and take into account the following requirements:

1. The entity has sufficient financial solvency to be placed at risk for the basic plan benefits under ss. 409.905, 409.906(8), and 409.906(20),

Florida Statutes, and other covered services.

2. Any plan benefit package shall be actuarially equivalent to the premium calculated by the agency to ensure that competing plan benefits are equivalent in value. In all instances, the benefit package must provide services sufficient to meet the needs of the target population based on historical Medicaid utilization.

3. The entity has sufficient service network capacity to meet the needs of members under ss. 409.905, 409.906(8), and 409.906(20), Florida Statutes, and other covered services.

4. The entity's primary care providers are geographically accessible to the recipient.

5. The entity has the capacity to provide a wellness or disease management program.

6. The entity shall provide for ambulance service in accordance with ss. 409.908(13)(d) and 409.9128, Florida Statutes.

7. The entity has the infrastructure to manage financial transactions, recordkeeping, data collection, and other administrative functions.

8. The entity, if not a fully indemnified insurance program under chapter 624, chapter 627, chapter 636, or chapter 641, Florida Statutes, must meet the financial solvency requirements under this section.

(b) The agency has the authority to contract with entities not otherwise licensed as an insurer or risk-bearing entity under chapter 627 or chapter 641, Florida Statutes, as long as these entities meet the certification standards of this section and any additional standards as defined by the agency to qualify as managed care plans under this section.

(c) In certifying a risk-bearing entity and determining the financial solvency of such an entity as a provider service network, the following shall apply:

1. The entity shall maintain a minimum surplus in an amount that is the greater of \$1 million or 1.5 percent of projected annual premiums.

2. In lieu of the requirements in subparagraph 1., the agency may consider the following:

a. If the organization is a public entity, the agency may take under advisement a statement from the public entity that a county supports the managed care plan with the county's full faith and credit. In order to qualify for the agency's consideration, the county must own, operate, manage, administer, or oversee the managed care plan, either partly or wholly, through a county department or agency.

b. The state guarantees the solvency of the organization;

c. The organization is a federally qualified health center or is controlled by one or more federally qualified health centers and meets the solvency standards established by the state for such organization pursuant to s. 409.912(4)(c), Florida Statute; or

d. The entity meets the solvency requirements for federally approved provider-sponsored organizations as defined in 42 C.F.R. ss. 422.380-422.390. However, if the provider service network does not meet the solvency requirements of either chapter 627 or chapter 641, Florida Statutes, the provider service network is limited to the issuance of Medicaid plans.

(d) Each entity certified by the agency shall submit to the agency any financial, programmatic, or patient-encounter data or other information required by the agency to determine the actual services provided and the cost of administering the plan.

(e) Notwithstanding the provisions of s. 409.912, Florida Statutes, the agency shall extend the existing contract with a hospital-based provider service network for a period not to exceed 3 years.

(12) ACCOUNTABILITY AND QUALITY ASSURANCE.--The agency shall establish standards for plan compliance, including, but not limited to, quality assurance and performance improvement standards, peer or professional review standards, grievance policies, and program integrity policies. The agency shall develop a data reporting system, work with managed care plans to establish reasonable patient-encounter reporting requirements, and ensure that the data reported is accurate and complete.

(a) In performing the duties required under this section, the agency

shall work with managed care plans to establish a uniform system to measure, improve, and monitor the clinical and functional outcomes of a recipient of Medicaid services. The system may use financial, clinical, and other criteria based on pharmacy, medical services, and other data related to the provision of Medicaid services, including, but not limited to:

1. Health Plan Employer Data and Information Set.

2. Member satisfaction.

3. Provider satisfaction.

4. Report cards on plan performance and best practices.

5. Quarterly reports on compliance with the prompt payment of claims requirements of ss. 627.613, 641.3155, and 641.513, Florida Statutes.

(b) The agency shall require the managed care plans that have contracted with the agency to establish a quality assurance system that incorporates the provisions of s. 409.912(27), Florida Statutes, and any standards, rules, and guidelines developed by the agency.

(c)1. The agency shall establish a medical care database to compile data on health services rendered by health care practitioners that provide services to patients enrolled in managed care plans in the demonstration sites. The medical care database shall:

a. Collect for each type of patient encounter with a health care practitioner or facility:

(I) The demographic characteristics of the patient.

(II) The principal, secondary, and tertiary diagnosis.

(III) The procedure performed.

(IV) The date and location where the procedure was performed.

(V) The payment for the procedure, if any.

(VI) If applicable, the health care practitioner's universal identification number.

(VII) If the health care practitioner rendering the service is a dependent practitioner, the modifiers appropriate to indicate that the service was delivered by the dependent practitioner.

b. Collect appropriate information relating to prescription drugs for each type of patient encounter.

c. Collect appropriate information related to health care costs, utilization, or resources from managed care plans participating in the demonstration sites.

2. To the extent practicable, when collecting the data required under sub-subparagraph 1.a., the agency shall utilize any standardized claim form or electronic transfer system being used by health care practitioners, facilities, and payers.

3. Health care practitioners and facilities in the demonstration sites shall submit, and managed care plans participating in the demonstration sites shall receive, claims for payment and any other information reasonably related to the medical care database electronically in a standard format as required by the agency.

4. The agency shall establish reasonable deadlines for phasing in of electronic transmittal of claims.

5. The plan shall ensure that the data reported is accurate and complete.

(13) STATUTORY COMPLIANCE.--Any entity certified under this section shall comply with ss. 627.613, 641.3155, and 641.513, Florida Statutes as applicable.

(14) RATE SETTING AND RISK ADJUSTMENT.--The agency shall develop an actuarially sound rate setting and risk adjustment system for payment to managed care plans that:

(a) Adjusts payment for differences in risk assumed by managed care plans, based on a widely recognized clinical diagnostic classification system or on categorical groups that are established in consultation with the federal Centers for Medicare and Medicaid Services.

(b) Includes a phase-in of patient-encounter level data reporting.

(c) Includes criteria to adjust risk and validation of the rates and risk adjustments.

(d) Establishes rates in consultation with an actuary and the federal Centers for Medicare and Medicaid Services and supported by actuarial

analysis.

(e) Reimburses managed care demonstration projects on a capitated basis, except for the first year of operation of a provider service network. The agency shall develop contractual arrangements with the provider service network for a fee-for-service reimbursement methodology that does not exceed total payments under the risk-adjusted capitation during the first year of operation of a managed care demonstration project. Contracts must, at a minimum, require provider service networks to report patient-encounter data, reconcile costs to established risk-adjusted capitation rates at specified periods, and specify the method and process for settlement of cost differences at the end of the contract period.

(f) Provides actuarial benefit design analyses that indicate the effect on capitation rates and benefits offered in the demonstration program over a prospective 5-year period based on the following assumptions:

1. Growth in capitation rates which is limited to the estimated growth rate in general revenue.

2. Growth in capitation rates which is limited to the average growth rate over the last 3 years in per-recipient Medicaid expenditures.

3. Growth in capitation rates which is limited to the growth rate of aggregate Medicaid expenditures between the 2003-2004 fiscal year and the 2004-2005 fiscal year.

(15) MEDICAID OPT-OUT OPTION.--

(a) The agency shall allow recipients to purchase health care coverage through an employer-sponsored health insurance plan instead of through a Medicaid certified plan.

(b) A recipient who chooses the Medicaid opt-out option shall have an opportunity for a specified period of time, as authorized under a waiver granted by the Centers for Medicare and Medicaid Services, to select and enroll in a Medicaid certified plan. If the recipient remains in the employer-sponsored plan after the specified period, the recipient shall remain in the opt-out program for at least 1 year or until the recipient no longer has access to employer-sponsored coverage, until the employer's open enrollment period for a person who opts out in order to participate in employer-sponsored coverage, or until the person is no longer eligible for Medicaid, whichever time period is shorter.

(c) Notwithstanding any other provision of this section, coverage, cost sharing, and any other component of employer-sponsored health insurance shall be governed by applicable state and federal laws.

(16) FRAUD AND ABUSE.--

(a) To minimize the risk of Medicaid fraud and abuse, the agency shall ensure that applicable provisions of chapters 409, 414, 626, 641, and 932, Florida Statutes, relating to Medicaid fraud and abuse, are applied and enforced at the demonstration project sites.

(b) Providers shall have the necessary certification, license and credentials as required by law and waiver requirements.

(c) The agency shall ensure that the plan is in compliance with the provisions of s. 409.912(21) and (22), Florida Statutes.

(d) The agency shall require each plan to establish program integrity functions and activities to reduce the incidence of fraud and abuse. Plans must report instances of fraud and abuse pursuant to chapter 641, Florida Statutes.

(e) The plan shall have written administrative and management arrangements or procedures, including a mandatory compliance plan, that are designed to guard against fraud and abuse. The plan shall designate a compliance officer with sufficient experience in health care.

(f) The agency shall require all contractors in the managed care plan to report all instances of suspected fraud and abuse. A failure to report instances of suspected fraud and abuse is a violation of law and subject to the penalties provided by law.

2. An instance of fraud and abuse in the managed care plan, including, but not limited to, defrauding the state health care benefit program by misrepresentation of fact in reports, claims, certifications, enrollment claims, demographic statistics, and patient-encounter data; misrepresentation of the qualifications of persons rendering health care and ancillary services; bribery and false statements relating to the delivery of health care; unfair and deceptive marketing practices; and

managed care false claims actions, is a violation of law and subject to the penalties provided by law.

3. The agency shall require that all contractors make all files and relevant billing and claims data accessible to state regulators and investigators and that all such data be linked into a unified system for seamless reviews and investigations.

(17) CERTIFIED SCHOOL MATCH PROGRAM.--The agency shall develop a system whereby school districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 must be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in a capitated managed care network. Capitated managed care networks must make a good-faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's capitated managed care network provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(18) INTEGRATED MANAGED LONG-TERM CARE SERVICES.--

(a) By December 1, 2005, and contingent upon federal approval, the Agency for Health Care Administration may revise or apply for waivers pursuant to s. 1915 of the Social Security Act or apply for experimental, pilot, or demonstration project waivers pursuant to s. 1115 of the Social Security Act to create an integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall create the integrated, fixed-payment delivery system in partnership with the Department of Elderly Affairs. Rates shall be developed in accordance with 42 C.F.R. s. 438.60, certified by an actuary, and submitted for approval to the Centers for Medicare and Medicaid Services. Rates must reflect the intent to provide quality care in the least-restrictive setting. The funds to be integrated shall include:

1. All Medicaid home and community-based waiver services funds.

2. All funds for all Medicaid services, including Medicaid nursing home services. Inclusion of funds for nursing home services shall be upon certification by the agency that the integration of nursing home funds will improve coordinated care for these services in a less costly manner.

3. All funds paid for Medicare coinsurance and deductibles for persons dually eligible for Medicaid and Medicare, for which the state is responsible, but not to exceed the federal limits of liability specified in the state plan.

(b) The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in Orange, Osceola, and Seminole counties. The agency shall implement the integrated system on a voluntary enrollment basis in Duval, Baker, Clay and Nassau counties.

(c) The Agency for Health Care Administration and the Department of Elderly Affairs shall evaluate the feasibility of expanding managed long-term care into additional counties using a combined global budgeting system in which funding for Medicaid services which would be available to provide Medicaid services for an elderly person is combined into a single payment amount that can be used flexibly to provide services required by a participant. Under such a system, a participant is to be assisted in choosing appropriate Medicaid services and providers by means of choice counseling, case management, and other mechanisms designed to assist recipients to choose cost-efficient

services in their own homes and communities rather than rely on institutional placement. In evaluating the feasibility of a global budgeting system, the agency and the department shall ensure that such a system is cost-neutral to the state and, to the extent possible, includes services funded by Medicaid, state general revenue programs, and programs funded under the federal Older American's Act.

(d) When the agency integrates the funding for Medicaid services for recipients 60 years of age or older into a managed care delivery system under paragraph (a) in any area of the state, the agency shall provide to recipients a choice of plans which shall include:

1. Entities licensed under chapter 627 or chapter 641, Florida Statutes.

2. Any other entity certified by the agency to accept a capitation payment, including entities eligible to participate in the nursing home diversion program, other qualified providers as defined in s. 430.703(7), Florida Statutes, and community care for the elderly lead agencies. Entities not licensed under chapters 627 or 641 must meet comparable standards as defined by the agency, in consultation with the Department of Elderly Affairs and the Office of Insurance Regulation, to be financially solvent and able to take on financial risk for managed care. Community service networks that are certified pursuant to the comparable standards defined by the agency are not required to be licensed under chapter 641, Florida Statutes.

(e) Individuals who are 60 years of age or older who have developmental disabilities or who are participants in the family and supported-living waiver program, the project AIDS care waiver program, the traumatic brain injury and spinal cord injury waiver program, the consumer-directed care waiver program, or the program of all-inclusive care for the elderly program, and residents of intermediate-care facilities for the developmentally disabled must be excluded from the integrated system.

(f) When the agency implements an integrated system and includes funding for Medicaid nursing home and community-based care services into a managed care delivery system in any area of the state, the agency shall ensure that a plan, in addition to other certification requirements:

1. Allows an enrollee to select any provider with whom the plan has a contract.

2. Makes a good faith effort to develop contracts with qualified providers currently under contract with the Department of Elderly Affairs, area agencies on aging, or community care for the elderly lead agencies.

3. Secures subcontracts with providers of nursing home and community-based long-term care services sufficient to ensure access to and choice of providers.

4. Develops and uses a service provider qualification system that describes the quality-of-care standards that providers of medical, health, and long-term care services must meet in order to obtain a contract from the plan.

5. Makes a good faith effort to develop contracts with all qualified nursing homes located in the area that are served by the plan, including those designated as Gold Seal.

6. Ensures that a Medicaid recipient enrolled in a managed care plan who is a resident of a facility licensed under chapter 400, Florida Statutes, and who does not choose to move to another setting is allowed to remain in the facility in which he or she is currently receiving care.

7. Includes persons who are in nursing homes and who convert from non-Medicaid payment sources to Medicaid. Plans shall be at risk for serving persons who convert to Medicaid. The agency shall ensure that persons who choose community alternatives instead of nursing home care and who meet level of care and financial eligibility standards continue to receive Medicaid.

8. Demonstrates a quality assurance system and a performance improvement system that is satisfactory to the agency.

9. Develops a system to identify recipients who have special health care needs such as polypharmacy, mental health and substance abuse problems, falls, chronic pain, nutritional deficits, or cognitive deficits or who are ventilator-dependent in order to respond to and meet these needs.

10. Ensures a multidisciplinary team approach to recipient management that facilitates the sharing of information among providers responsible for delivering care to a recipient.

11. Ensures medical oversight of care plans and service delivery, regular medical evaluation of care plans, and the availability of medical consultation for care managers and service coordinators.

12. Develops, monitors, and enforces quality-of-care requirements using existing Agency for Health Care Administration survey and certification data, whenever possible, to avoid duplication of survey or certification activities between the plans and the agency.

13. Ensures a system of care coordination that includes educational and training standards for care managers and service coordinators.

14. Develops a business plan that demonstrates the ability of the plan to organize and operate a risk-bearing entity.

15. Furnishes evidence of liability insurance coverage or a self-insurance plan that is determined by the Office of Insurance Regulation to be adequate to respond to claims for injuries arising out of the furnishing of health care.

16. Complies with the prompt payment of claims requirements of ss. 627.613, 641.3155, and 641.513, Florida Statutes.

17. Provides for a periodic review of its facilities, as required by the agency, which does not duplicate other requirements of federal or state law. The agency shall provide provider survey results to the plan.

18. Provides enrollees the ability, to the extent possible, to choose care providers, including nursing home, assisted living, and adult day care service providers affiliated with a person's religious faith or denomination, nursing home and assisted living facility providers that are part of a retirement community in which an enrollee resides, and nursing homes and assisted living facilities that are geographically located as close as possible to an enrollee's family, friends, and social support system.

(g) In addition to other quality assurance standards required by law or by rule or in an approved federal waiver, and in consultation with the Department of Elderly Affairs and area agencies on aging, the agency shall develop quality assurance standards that are specific to the care needs of elderly individuals and that measure enrollee outcomes and satisfaction with care management and home and community-based services that are provided to recipients 60 years of age or older by managed care plans pursuant to this section. The agency in consultation with the Department of Elderly Affairs shall contract with area agencies on aging to perform initial and ongoing measurement of the appropriateness, effectiveness, and quality of care management and home and community-based services that are provided to recipients 60 years of age or older by managed care plans and to collect and report the resolution of enrollee grievances and complaints. The agency and the department shall coordinate the quality measurement activities performed by area agencies on aging with other quality assurance activities required by this section in a manner that promotes efficiency and avoids duplication.

(h) If there is not a contractual relationship between a nursing home provider and a plan in an area in which the demonstration project operates, the nursing home shall cooperate with the efforts of a plan to determine if a recipient would be more appropriately served in a community setting, and payments shall be made in accordance with Medicaid nursing home rates as calculated in the Medicaid state plan.

(i) The agency may develop innovative risk-sharing agreements that limit the level of custodial nursing home risk that the plan assumes, consistent with the intent of the Legislature to reduce the use and cost of nursing home care. Under risk-sharing agreements, the agency may reimburse the plan or a nursing home for the cost of providing nursing home care for Medicaid-eligible recipients who have been permanently placed and remain in nursing home care.

(j) The agency shall withhold a percentage of the capitation rate that would otherwise have been paid to a plan in order to create a quality reserve fund, which shall be annually disbursed to those contracted plans that deliver high-quality services, have a low rate of enrollee complaints,

have successful enrollee outcomes, are in compliance with quality improvement standards, and demonstrate other indicators determined by the agency to be consistent with high-quality service delivery.

(k) The agency shall evaluate the medical loss ratios of managed care plans providing services to individuals 60 years of age or older in the Medicaid program and shall annually report such medical loss ratios to the Legislature. Medical loss ratios are subject to an annual audit. The agency may, by rule, adopt minimum medical loss ratios for such managed care plans. Failure to comply with the minimum medical loss ratios shall be grounds for imposition of fines, reductions in capitated payments in the current fiscal year, or contract termination.

(l) The agency may limit the number of persons enrolled in a plan who are not nursing home facility residents but who would be Medicaid eligible as defined under s. 409.904(3), Florida Statutes, if served in an approved home or community-based waiver program.

(m) Except as otherwise provided in this section, the Aging Resource Center, if available, shall be the entry point for eligibility determination for persons 60 years of age or older and shall provide choice counseling to assist recipients in choosing a plan. If an Aging Resource Center is not operating in an area or if the Aging Resource Center or area agency on aging has a contractual relationship with or has any ownership interest in a managed care plan, the agency may, in consultation with the Department of Elderly Affairs, designate other entities to perform these functions until an Aging Resource Center is established and has the capacity to perform these functions.

(n) In the event that a managed care plan does not meet its obligations under its contract with the agency or under the requirements of this section, the agency may impose liquidated damages. Such liquidated damages shall be calculated by the agency as reasonable estimates of the agency's financial loss and are not to be used to penalize the plan. If the agency imposes liquidated damages, the agency may collect those damages by reducing the amount of any monthly premium payments otherwise due to the plan by the amount of the damages. Liquidated damages are forfeited and will not be subsequently paid to a plan upon compliance or cure of default unless a determination is made after appeal that the damages should not have been imposed.

(o) In any area of the state in which the agency has implemented a demonstration project pursuant to this section, the agency may grant a modification of certificate-of-need conditions related to Medicaid participation to a nursing home that has experienced decreased Medicaid patient day utilization due to a transition to a managed care delivery system.

(p) Notwithstanding any other law to the contrary, the agency shall ensure that, to the extent possible, Medicare and Medicaid services are integrated. When possible, persons served by the managed care delivery system who are eligible for Medicare may choose to enroll in a Medicare managed health care plan operated by the same entity that is placed at risk for Medicaid services.

(q) It is the intent of the Legislature that the agency and the Department of Elderly Affairs begin discussions with the federal Centers for Medicare and Medicaid Services regarding the inclusion of Medicare in an integrated long-term care system.

(19) FUNDING DEVELOPMENT COSTS OF ESSENTIAL COMMUNITY PROVIDERS.--It is the intent of the Legislature to facilitate the development of managed care delivery systems by networks of essential community providers comprised of current community care for the elderly lead agencies. To allow the assumption of responsibility and financial risk for managing a recipient through the entire continuum of Medicaid services, the agency shall, subject to appropriations included in the General Appropriations Act, award up to \$500,000 per applicant for the purpose of funding managed care delivery system development costs. The terms of repayment may not extend beyond 6 years after the date when the funding begins and must include payment in full with a rate of interest equal to or greater than the federal funds rate. The agency, in consultation with the Department of Elderly Affairs shall establish a grant application process for awards.

(20) MEDICAID BUY-IN.--The Office of Program Policy Analysis and Government Accountability shall conduct a study of state programs that allow non-Medicaid eligible persons under a certain income level to buy into the Medicaid program as if it was private insurance. The study shall examine Medicaid buy-in programs in other states to determine if there are any models that can be implemented in Florida which would provide access to uninsured Floridians and what effect this program would have on Medicaid expenditures based on the experience of similar states. The study must also examine whether the Medically Needy program could be redesigned to be a Medicaid buy-in program. The study must be submitted to the President of the Senate and the Speaker of the House of representatives by January 1, 2006.

(21) APPLICABILITY.--

(a) The provisions of this section apply only to the demonstration project sites approved by the Legislature.

(b) The Legislature authorizes the Agency for Health Care Administration to apply and enforce any provision of law not referenced in this section to ensure the safety, quality, and integrity of the waiver.

(22) RULEMAKING.--The Agency for Health Care Administration is authorized to adopt rules in consultation with the appropriate state agencies to implement the provisions of this section.

(23) IMPLEMENTATION.--

(a) This section does not authorize the agency to implement any provision of s. 1115 of the Social Security Act experimental, pilot, or demonstration project waiver to reform the state Medicaid program unless approved by the Legislature.

(b) The agency shall develop and submit for approval applications for waivers of applicable federal laws and regulations as necessary to implement the managed care demonstration project as defined in this section. The agency shall post all waiver applications under this section on its Internet website 30 days before submitting the applications to the United States Centers for Medicare and Medicaid Services. All waiver applications shall be provided for review and comment to the appropriate committees of the Senate and House of Representatives for at least 10 working days prior to submission. All waivers submitted to and approved by the United States Centers for Medicare and Medicaid Services under this section must be submitted to the appropriate committees of the Senate and the House of Representatives in order to obtain authority for implementation as required by s. 409.912(11), Florida Statutes, before program implementation. The appropriate committees shall recommend whether to approve the implementation of the waivers to the Legislature or to the Legislative Budget Commission if the Legislature is not in session. The agency shall submit a plan containing a detailed timeline for implementation and budgetary projections of the effect of the pilot program on the total Medicaid budget for the 2006-2007 through 2009-2010 fiscal years. Integration of Medicaid services to the elderly may be implemented pursuant to subsection (17).

(24) EVALUATION.--

(a) Two years after the implementation of the waiver and again 5 years after the implementation of the waiver, the Office of Program Policy Analysis and Government Accountability, shall conduct an evaluation study and analyze the impact of the Medicaid reform waiver pursuant to this section to the extent allowed in the waiver demonstration sites by the Centers for Medicare and Medicaid Services and implemented as approved by the Legislature pursuant to this section. The Office of Program Policy Analysis and Government Accountability shall consult with appropriate legislative committees to select provisions of the waiver to evaluate from among the following:

1. Demographic characteristics of the recipient of the waiver.
2. Plan types and service networks.
3. Health benefit coverage.
4. Choice counseling.
5. Disease management.
6. Pharmacy benefits.

7. Behavioral health benefits.
8. Service utilization.
9. Catastrophic coverage.
10. Enhanced benefits.
11. Medicaid opt-out option.
12. Quality assurance and accountability.
13. Fraud and abuse.
14. Cost and cost benefit of the waiver.
15. Impact of the waiver on the agency.
16. Positive impact of plans on health disparities among minorities.
17. Administrative or legal barriers to the implementation and operation of each pilot program.

(b) The Office of Program Policy Analysis and Government Accountability shall submit the evaluation study report to the agency and to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees or councils of the Senate and the House of Representatives.

(c) One year after implementation of the integrated managed long-term care plan, the agency shall contract with an entity experienced in evaluating managed long-term care plans in another state to evaluate, at a minimum, demonstrated cost savings realized and expected, consumer satisfaction, the range of services being provided under the program, and rate-setting methodology.

(d) The agency shall submit, every 6 months after the date of waiver implementation, a status report describing the progress made on the implementation of the waiver and identification of any issues or problems to the Governor's Office of Planning and Budgeting and the appropriate committees or councils of the Senate and the House of Representatives.

(e) The agency shall provide to the appropriate committees or councils of the Senate and House of Representatives copies of any report or evaluation regarding the waiver that is submitted to the Center for Medicare and Medicaid Services.

(f) The agency shall contract for an evaluation comparison of the waiver demonstration projects with the Medipass fee-for-service program including, at a minimum:

1. Administrative or organizational structure of the service delivery system.
2. Covered services and service utilization patterns of mandatory, optional, and other services.
3. Clinical or health outcomes.
4. Cost analysis, cost avoidance, and cost benefit.

(25) REVIEW AND REPEAL.--This section shall stand repealed on July 1, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. 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. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. 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 shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional

association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation 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. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers shall not be entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency ~~may~~ is authorized to seek federal waivers necessary to administer these policies ~~implement this policy.~~

(1) The agency shall work with the Department of Children and Family Services to ensure access of children and families in the child protection system to needed and appropriate mental health and substance abuse services.

(2) The agency may enter into agreements with appropriate agents of other state agencies or of any agency of the Federal Government and accept such duties in respect to social welfare or public aid as may be necessary to implement the provisions of Title XIX of the Social Security Act and ss. 409.901-409.920.

(3) The agency may contract with health maintenance organizations certified pursuant to part I of chapter 641 for the provision of services to recipients.

(4) The agency may contract with:

(a) An entity that provides no prepaid health care services other than Medicaid services under contract with the agency and which is owned and operated by a county, county health department, or county-owned and operated hospital to provide health care services on a prepaid or fixed-sum basis to recipients, which entity may provide such prepaid services either directly or through arrangements with other providers. Such prepaid health care services entities must be licensed under parts I and III by January 1, 1998, and until then are exempt from the provisions of part I of chapter 641. An entity recognized under this paragraph which demonstrates to the satisfaction of the Office of Insurance Regulation of the Financial Services Commission that it is backed by the full faith and credit of the county in which it is located may be exempted from s. 641.225.

(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. Except as provided in subparagraph 8., 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 not enrolled in a managed care plan 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. Except as provided in subparagraph 8., 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 in AHCA areas where the eligible population exceeds 150,000. 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. Managed care plans contracting with the agency under subsection (3) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA 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.

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 or any other Medicaid managed care 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 only 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 in areas 1 and 6, 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.

8. For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency is authorized to seek any federal waivers to implement this initiative.

(c) A federally qualified health center or an entity owned by one or more federally qualified health centers or an entity owned by other migrant and community health centers receiving non-Medicaid financial support from the Federal Government to provide health care services on a prepaid or fixed-sum basis to recipients. Such prepaid health care services entity must be licensed under parts I and III of chapter 641, but shall be prohibited from serving Medicaid recipients on a prepaid basis, until such licensure has been obtained. However, such an entity is exempt from s. 641.225 if the entity meets the requirements specified in subsections (16)(47) and (17)(48).

(d) A provider service network may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed

by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section.

(e) An entity that provides only comprehensive behavioral health care services to certain Medicaid recipients through an administrative services organization agreement. Such an entity must possess the clinical systems and operational competence to provide comprehensive 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. Any contract awarded under this paragraph must be competitively procured. The agency must ensure that Medicaid recipients have available the choice of at least two managed care plans for their behavioral health care services.

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis.

(g) Children's provider networks that provide care coordination and care management for Medicaid-eligible pediatric patients, primary care, authorization of specialty care, and other urgent and emergency care through organized providers designed to service Medicaid eligibles under age 18 and pediatric emergency departments' diversion programs. The networks shall provide after-hour operations, including evening and weekend hours, to promote, when appropriate, the use of the children's networks rather than hospital emergency departments.

(h) An entity authorized in s. 430.205 to contract with the agency and the Department of Elderly Affairs to provide health care and social services on a prepaid or fixed-sum basis to elderly recipients. Such prepaid health care services entities are exempt from the provisions of part I of chapter 641 for the first 3 years of operation. An entity recognized under this paragraph that demonstrates to the satisfaction of the Office of Insurance Regulation that it is backed by the full faith and credit of one or more counties in which it operates may be exempted from s. 641.225.

(i) A Children's Medical Services Network, as defined in s. 391.021.

~~(5) By October 1, 2003, the agency and the department shall, to the extent feasible, develop a plan for implementing new Medicaid procedure codes for emergency and crisis care, supportive residential services, and other services designed to maximize the use of Medicaid funds for Medicaid eligible recipients. The agency shall include in the agreement developed pursuant to subsection (4) a provision that ensures that the match requirements for these new procedure codes are met by certifying eligible general revenue or local funds that are currently expended on these services by the department with contracted alcohol, drug abuse, and mental health providers. The plan must describe specific procedure codes to be implemented, a projection of the number of procedures to be delivered during fiscal year 2003-2004, and a financial analysis that describes the certified match procedures, and accountability mechanisms, projects the earnings associated with these procedures, and describes the sources of state match. This plan may not be implemented in any part until approved by the Legislative Budget Commission. If such approval has not occurred by December 31, 2003, the plan shall be submitted for consideration by the 2004 Legislature.~~

~~(5)(6)~~ The agency may contract with any public or private entity otherwise authorized by this section on a prepaid or fixed-sum basis for the provision of health care services to recipients. An entity may provide

prepaid services to recipients, either directly or through arrangements with other entities, if each entity involved in providing services:

(a) Is organized primarily for the purpose of providing health care or other services of the type regularly offered to Medicaid recipients;

(b) Ensures that services meet the standards set by the agency for quality, appropriateness, and timeliness;

(c) Makes provisions satisfactory to the agency for insolvency protection and ensures that neither enrolled Medicaid recipients nor the agency will be liable for the debts of the entity;

(d) Submits to the agency, if a private entity, a financial plan that the agency finds to be fiscally sound and that provides for working capital in the form of cash or equivalent liquid assets excluding revenues from Medicaid premium payments equal to at least the first 3 months of operating expenses or \$200,000, whichever is greater;

(e) Furnishes evidence satisfactory to the agency of adequate liability insurance coverage or an adequate plan of self-insurance to respond to claims for injuries arising out of the furnishing of health care;

(f) Provides, through contract or otherwise, for periodic review of its medical facilities and services, as required by the agency; and

(g) Provides organizational, operational, financial, and other information required by the agency.

~~(6)(7)~~ The agency may contract on a prepaid or fixed-sum basis with any health insurer that:

(a) Pays for health care services provided to enrolled Medicaid recipients in exchange for a premium payment paid by the agency;

(b) Assumes the underwriting risk; and

(c) Is organized and licensed under applicable provisions of the Florida Insurance Code and is currently in good standing with the Office of Insurance Regulation.

~~(7)(8)~~ The agency may contract on a prepaid or fixed-sum basis with an exclusive provider organization to provide health care services to Medicaid recipients provided that the exclusive provider organization meets applicable managed care plan requirements in this section, ss. 409.9122, 409.9123, 409.9128, and 627.6472, and other applicable provisions of law.

~~(8)(9)~~ The Agency for Health Care Administration may provide cost-effective purchasing of chiropractic services on a fee-for-service basis to Medicaid recipients through arrangements with a statewide chiropractic preferred provider organization incorporated in this state as a not-for-profit corporation. The agency shall ensure that the benefit limits and prior authorization requirements in the current Medicaid program shall apply to the services provided by the chiropractic preferred provider organization.

~~(9)(10)~~ The agency shall not contract on a prepaid or fixed-sum basis for Medicaid services with an entity which knows or reasonably should know that any officer, director, agent, managing employee, or owner of stock or beneficial interest in excess of 5 percent common or preferred stock, or the entity itself, has been found guilty of, regardless of adjudication, or entered a plea of nolo contendere, or guilty, to:

(a) Fraud;

(b) Violation of federal or state antitrust statutes, including those proscribing price fixing between competitors and the allocation of customers among competitors;

(c) Commission of a felony involving embezzlement, theft, forgery, income tax evasion, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice; or

(d) Any crime in any jurisdiction which directly relates to the provision of health services on a prepaid or fixed-sum basis.

~~(10)(11)~~ The agency, after notifying the Legislature, may apply for waivers of applicable federal laws and regulations as necessary to implement more appropriate systems of health care for Medicaid recipients and reduce the cost of the Medicaid program to the state and federal governments and shall implement such programs, after legislative approval, within a reasonable period of time after federal approval. These programs must be designed primarily to reduce the need for inpatient

care, custodial care and other long-term or institutional care, and other high-cost services.

(a) Prior to seeking legislative approval of such a waiver as authorized by this subsection, the agency shall provide notice and an opportunity for public comment. Notice shall be provided to all persons who have made requests of the agency for advance notice and shall be published in the Florida Administrative Weekly not less than 28 days prior to the intended action.

(b) Notwithstanding s. 216.292, funds that are appropriated to the Department of Elderly Affairs for the Assisted Living for the Elderly Medicaid waiver and are not expended shall be transferred to the agency to fund Medicaid-reimbursed nursing home care.

~~(11)~~~~(12)~~ The agency shall establish a postpayment utilization control program designed to identify recipients who may inappropriately overuse or underuse Medicaid services and shall provide methods to correct such misuse.

~~(12)~~~~(13)~~ The agency shall develop and provide coordinated systems of care for Medicaid recipients and may contract with public or private entities to develop and administer such systems of care among public and private health care providers in a given geographic area.

~~(13)~~~~(14)~~~~(a)~~ The agency shall operate or contract for the operation of utilization management and incentive systems designed to encourage cost-effective use services.

(b) The agency shall develop a procedure for determining whether health care providers and service vendors can provide the Medicaid program with a business case that demonstrates whether a particular good or service can offset the cost of providing the good or service in an alternative setting or through other means and therefore should receive a higher reimbursement. The business case must include, but need not be limited to:

1. A detailed description of the good or service to be provided, a description and analysis of the agency's current performance of the service, and a rationale documenting how providing the service in an alternative setting would be in the best interest of the state, the agency, and its clients.

2. A cost-benefit analysis documenting the estimated specific direct and indirect costs, savings, performance improvements, risks, and qualitative and quantitative benefits involved in or resulting from providing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize expected benefits. The Secretary of the Agency for Health Care Administration shall verify that all costs, savings, and benefits are valid and achievable.

~~(14)~~~~(15)~~~~(a)~~ The agency shall operate the Comprehensive Assessment and Review for Long-Term Care Services (CARES) nursing facility preadmission screening program to ensure that Medicaid payment for nursing facility care is made only for individuals whose conditions require such care and to ensure that long-term care services are provided in the setting most appropriate to the needs of the person and in the most economical manner possible. The CARES program shall also ensure that individuals participating in Medicaid home and community-based waiver programs meet criteria for those programs, consistent with approved federal waivers.

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs. The agency, in consultation with the Department of Elderly Affairs, may contract for any function or activity of the CARES program, including any function or activity required by 42 C.F.R. part 483.20, relating to preadmission screening and resident review.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the

recipient chooses to participate in such program. (d) For the purpose of initiating immediate prescreening and diversion assistance for individuals residing in nursing homes and in order to make families aware of alternative long-term care resources so that they may choose a more cost-effective setting for long-term placement, CARES staff shall conduct an assessment and review of a sample of individuals whose nursing home stay is expected to exceed 20 days, regardless of the initial funding source for the nursing home placement. CARES staff shall provide counseling and referral services to these individuals regarding choosing appropriate long-term care alternatives. This paragraph does not apply to continuing care facilities licensed under chapter 651 or to retirement communities that provide a combination of nursing home, independent living, and other long-term care services.

(e) By January 15 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term-Care Policy describing the operations of the CARES program. The report must describe:

1. Rate of diversion to community alternative programs;
2. CARES program staffing needs to achieve additional diversions;
3. Reasons the program is unable to place individuals in less restrictive settings when such individuals desired such services and could have been served in such settings;
4. Barriers to appropriate placement, including barriers due to policies or operations of other agencies or state-funded programs; and
5. Statutory changes necessary to ensure that individuals in need of long-term care services receive care in the least restrictive environment.

(f) The Department of Elderly Affairs shall track individuals over time who are assessed under the CARES program and who are diverted from nursing home placement. By January 15 of each year, the department shall submit to the Legislature and the Office of Long-Term-Care Policy a longitudinal study of the individuals who are diverted from nursing home placement. The study must include:

1. The demographic characteristics of the individuals assessed and diverted from nursing home placement, including, but not limited to, age, race, gender, frailty, caregiver status, living arrangements, and geographic location;
2. A summary of community services provided to individuals for 1 year after assessment and diversion;
3. A summary of inpatient hospital admissions for individuals who have been diverted; and
4. A summary of the length of time between diversion and subsequent entry into a nursing home or death.

(g) By July 1, 2005, the department and the Agency for Health Care Administration shall report to the President of the Senate and the Speaker of the House of Representatives regarding the impact to the state of modifying level-of-care criteria to eliminate the Intermediate II level of care.

~~(15)~~~~(16)~~~~(a)~~ The agency shall identify health care utilization and price patterns within the Medicaid program which are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. Such methods may include disease management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.

(b) The responsibility of the agency under this subsection shall include the development of capabilities to identify actual and optimal practice patterns; patient and provider educational initiatives; methods for determining patient compliance with prescribed treatments; fraud, waste, and abuse prevention and detection programs; and beneficiary case management programs.

1. The practice pattern identification program shall evaluate practitioner prescribing patterns based on national and regional practice guidelines, comparing practitioners to their peer groups. The agency and

its Drug Utilization Review Board shall consult with the Department of Health and a panel of practicing health care professionals consisting of the following: the Speaker of the House of Representatives and the President of the Senate shall each appoint three physicians licensed under chapter 458 or chapter 459; and the Governor shall appoint two pharmacists licensed under chapter 465 and one dentist licensed under chapter 466 who is an oral surgeon. Terms of the panel members shall expire at the discretion of the appointing official. The panel shall begin its work by August 1, 1999, regardless of the number of appointments made by that date. The advisory panel shall be responsible for evaluating treatment guidelines and recommending ways to incorporate their use in the practice pattern identification program. Practitioners who are prescribing inappropriately or inefficiently, as determined by the agency, may have their prescribing of certain drugs subject to prior authorization or may be terminated from all participation in the Medicaid program.

2. The agency shall also develop educational interventions designed to promote the proper use of medications by providers and beneficiaries.

3. The agency shall implement a pharmacy fraud, waste, and abuse initiative that may include a surety bond or letter of credit requirement for participating pharmacies, enhanced provider auditing practices, the use of additional fraud and abuse software, recipient management programs for beneficiaries inappropriately using their benefits, and other steps that will eliminate provider and recipient fraud, waste, and abuse. The initiative shall address enforcement efforts to reduce the number and use of counterfeit prescriptions.

4. By September 30, 2002, the agency shall contract with an entity in the state to implement a wireless handheld clinical pharmacology drug information database for practitioners. The initiative shall be designed to enhance the agency's efforts to reduce fraud, abuse, and errors in the prescription drug benefit program and to otherwise further the intent of this paragraph.

5. The agency may apply for any federal waivers needed to ~~administer~~ ~~implement~~ this paragraph.

~~(16)(17)~~ An entity contracting on a prepaid or fixed-sum basis shall, in addition to meeting any applicable statutory surplus requirements, also maintain at all times in the form of cash, investments that mature in less than 180 days allowable as admitted assets by the Office of Insurance Regulation, and restricted funds or deposits controlled by the agency or the Office of Insurance Regulation, a surplus amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues. As used in this subsection, the term "surplus" means the entity's total assets minus total liabilities. If an entity's surplus falls below an amount equal to one-and-one-half times the entity's monthly Medicaid prepaid revenues, the agency shall prohibit the entity from engaging in marketing and preenrollment activities, shall cease to process new enrollments, and shall not renew the entity's contract until the required balance is achieved. The requirements of this subsection do not apply:

(a) Where a public entity agrees to fund any deficit incurred by the contracting entity; or

(b) Where the entity's performance and obligations are guaranteed in writing by a guaranteeing organization which:

1. Has been in operation for at least 5 years and has assets in excess of \$50 million; or

2. Submits a written guarantee acceptable to the agency which is irrevocable during the term of the contracting entity's contract with the agency and, upon termination of the contract, until the agency receives proof of satisfaction of all outstanding obligations incurred under the contract.

~~(17)(18)~~(a) The agency may require an entity contracting on a prepaid or fixed-sum basis to establish a restricted insolvency protection account with a federally guaranteed financial institution licensed to do business in this state. The entity shall deposit into that account 5 percent of the capitation payments made by the agency each month until a maximum total of 2 percent of the total current contract amount is reached. The restricted insolvency protection account may be drawn upon with the authorized signatures of two persons designated by the entity and two

representatives of the agency. If the agency finds that the entity is insolvent, the agency may draw upon the account solely with the two authorized signatures of representatives of the agency, and the funds may be disbursed to meet financial obligations incurred by the entity under the prepaid contract. If the contract is terminated, expired, or not continued, the account balance must be released by the agency to the entity upon receipt of proof of satisfaction of all outstanding obligations incurred under this contract.

(b) The agency may waive the insolvency protection account requirement in writing when evidence is on file with the agency of adequate insolvency insurance and reinsurance that will protect enrollees if the entity becomes unable to meet its obligations.

~~(18)(19)~~ An entity that contracts with the agency on a prepaid or fixed-sum basis for the provision of Medicaid services shall reimburse any hospital or physician that is outside the entity's authorized geographic service area as specified in its contract with the agency, and that provides services authorized by the entity to its members, at a rate negotiated with the hospital or physician for the provision of services or according to the lesser of the following:

(a) The usual and customary charges made to the general public by the hospital or physician; or

(b) The Florida Medicaid reimbursement rate established for the hospital or physician.

~~(19)(20)~~ When a merger or acquisition of a Medicaid prepaid contractor has been approved by the Office of Insurance Regulation pursuant to s. 628.4615, the agency shall approve the assignment or transfer of the appropriate Medicaid prepaid contract upon request of the surviving entity of the merger or acquisition if the contractor and the other entity have been in good standing with the agency for the most recent 12-month period, unless the agency determines that the assignment or transfer would be detrimental to the Medicaid recipients or the Medicaid program. To be in good standing, an entity must not have failed accreditation or committed any material violation of the requirements of s. 641.52 and must meet the Medicaid contract requirements. For purposes of this section, a merger or acquisition means a change in controlling interest of an entity, including an asset or stock purchase.

~~(20)(21)~~ Any entity contracting with the agency pursuant to this section to provide health care services to Medicaid recipients is prohibited from engaging in any of the following practices or activities:

(a) Practices that are discriminatory, including, but not limited to, attempts to discourage participation on the basis of actual or perceived health status.

(b) Activities that could mislead or confuse recipients, or misrepresent the organization, its marketing representatives, or the agency. Violations of this paragraph include, but are not limited to:

1. False or misleading claims that marketing representatives are employees or representatives of the state or county, or of anyone other than the entity or the organization by whom they are reimbursed.

2. False or misleading claims that the entity is recommended or endorsed by any state or county agency, or by any other organization which has not certified its endorsement in writing to the entity.

3. False or misleading claims that the state or county recommends that a Medicaid recipient enroll with an entity.

4. Claims that a Medicaid recipient will lose benefits under the Medicaid program, or any other health or welfare benefits to which the recipient is legally entitled, if the recipient does not enroll with the entity.

(c) Granting or offering of any monetary or other valuable consideration for enrollment, except as authorized by subsection (24).

(d) Door-to-door solicitation of recipients who have not contacted the entity or who have not invited the entity to make a presentation.

(e) Solicitation of Medicaid recipients by marketing representatives stationed in state offices unless approved and supervised by the agency or its agent and approved by the affected state agency when solicitation occurs in an office of the state agency. The agency shall ensure that marketing representatives stationed in state offices shall market their managed care plans to Medicaid recipients only in designated areas and

in such a way as to not interfere with the recipients' activities in the state office.

(f) Enrollment of Medicaid recipients.

~~(21)~~~~(22)~~ The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed \$2,500 per violation. In no event shall such fine exceed an aggregate amount of \$10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed \$20,000 for each such violation. In no event shall such fine exceed an aggregate amount of \$100,000 for all knowing and willful violations arising out of the same action.

~~(22)~~~~(23)~~ A health maintenance organization or a person or entity exempt from chapter 641 that is under contract with the agency for the provision of health care services to Medicaid recipients may not use or distribute marketing materials used to solicit Medicaid recipients, unless such materials have been approved by the agency. The provisions of this subsection do not apply to general advertising and marketing materials used by a health maintenance organization to solicit both non-Medicaid subscribers and Medicaid recipients.

~~(23)~~~~(24)~~ Upon approval by the agency, health maintenance organizations and persons or entities exempt from chapter 641 that are under contract with the agency for the provision of health care services to Medicaid recipients may be permitted within the capitation rate to provide additional health benefits that the agency has found are of high quality, are practicably available, provide reasonable value to the recipient, and are provided at no additional cost to the state.

~~(24)~~~~(25)~~ The agency shall utilize the statewide health maintenance organization complaint hotline for the purpose of investigating and resolving Medicaid and prepaid health plan complaints, maintaining a record of complaints and confirmed problems, and receiving disenrollment requests made by recipients.

~~(25)~~~~(26)~~ The agency shall require the publication of the health maintenance organization's and the prepaid health plan's consumer services telephone numbers and the "800" telephone number of the statewide health maintenance organization complaint hotline on each Medicaid identification card issued by a health maintenance organization or prepaid health plan contracting with the agency to serve Medicaid recipients and on each subscriber handbook issued to a Medicaid recipient.

~~(26)~~~~(27)~~ The agency shall establish a health care quality improvement system for those entities contracting with the agency pursuant to this section, incorporating all the standards and guidelines developed by the Medicaid Bureau of the Health Care Financing Administration as a part of the quality assurance reform initiative. The system shall include, but need not be limited to, the following:

(a) Guidelines for internal quality assurance programs, including standards for:

1. Written quality assurance program descriptions.
2. Responsibilities of the governing body for monitoring, evaluating, and making improvements to care.
3. An active quality assurance committee.
4. Quality assurance program supervision.
5. Requiring the program to have adequate resources to effectively carry out its specified activities.
6. Provider participation in the quality assurance program.
7. Delegation of quality assurance program activities.
8. Credentialing and recredentialing.
9. Enrollee rights and responsibilities.
10. Availability and accessibility to services and care.
11. Ambulatory care facilities.
12. Accessibility and availability of medical records, as well as proper recordkeeping and process for record review.
13. Utilization review.

14. A continuity of care system.

15. Quality assurance program documentation.

16. Coordination of quality assurance activity with other management activity.

17. Delivering care to pregnant women and infants; to elderly and disabled recipients, especially those who are at risk of institutional placement; to persons with developmental disabilities; and to adults who have chronic, high-cost medical conditions.

(b) Guidelines which require the entities to conduct quality-of-care studies which:

1. Target specific conditions and specific health service delivery issues for focused monitoring and evaluation.

2. Use clinical care standards or practice guidelines to objectively evaluate the care the entity delivers or fails to deliver for the targeted clinical conditions and health services delivery issues.

3. Use quality indicators derived from the clinical care standards or practice guidelines to screen and monitor care and services delivered.

(c) Guidelines for external quality review of each contractor which require: focused studies of patterns of care; individual care review in specific situations; and followup activities on previous pattern-of-care study findings and individual-care-review findings. In designing the external quality review function and determining how it is to operate as part of the state's overall quality improvement system, the agency shall construct its external quality review organization and entity contracts to address each of the following:

1. Delineating the role of the external quality review organization.

2. Length of the external quality review organization contract with the state.

3. Participation of the contracting entities in designing external quality review organization review activities.

4. Potential variation in the type of clinical conditions and health services delivery issues to be studied at each plan.

5. Determining the number of focused pattern-of-care studies to be conducted for each plan.

6. Methods for implementing focused studies.

7. Individual care review.

8. Followup activities.

~~(27)~~~~(28)~~ In order to ensure that children receive health care services for which an entity has already been compensated, an entity contracting with the agency pursuant to this section shall achieve an annual Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Service screening rate of at least 60 percent for those recipients continuously enrolled for at least 8 months. The agency shall develop a method by which the EPSDT screening rate shall be calculated. For any entity which does not achieve the annual 60 percent rate, the entity must submit a corrective action plan for the agency's approval. If the entity does not meet the standard established in the corrective action plan during the specified timeframe, the agency is authorized to impose appropriate contract sanctions. At least annually, the agency shall publicly release the EPSDT Services screening rates of each entity it has contracted with on a prepaid basis to serve Medicaid recipients.

~~(28)~~~~(29)~~ The agency shall perform enrollments and disenrollments for Medicaid recipients who are eligible for MediPass or managed care plans. Notwithstanding the prohibition contained in paragraph ~~(20)~~~~(21)~~(f), managed care plans may perform preenrollments of Medicaid recipients under the supervision of the agency or its agents. For the purposes of this section, "preenrollment" means the provision of marketing and educational materials to a Medicaid recipient and assistance in completing the application forms, but shall not include actual enrollment into a managed care plan. An application for enrollment shall not be deemed complete until the agency or its agent verifies that the recipient made an informed, voluntary choice. The agency, in cooperation with the Department of Children and Family Services, may test new marketing initiatives to inform Medicaid recipients about their managed care options at selected sites. The agency shall report to the Legislature on the effectiveness of such initiatives. The agency may contract with a third

party to perform managed care plan and MediPass enrollment and disenrollment services for Medicaid recipients and is authorized to adopt rules to implement such services. The agency may adjust the capitation rate only to cover the costs of a third-party enrollment and disenrollment contract, and for agency supervision and management of the managed care plan enrollment and disenrollment contract.

~~(29)~~(30) Any lists of providers made available to Medicaid recipients, MediPass enrollees, or managed care plan enrollees shall be arranged alphabetically showing the provider's name and specialty and, separately, by specialty in alphabetical order.

~~(30)~~(31) The agency shall establish an enhanced managed care quality assurance oversight function, to include at least the following components:

(a) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant utilization of services.

(b) At least quarterly analysis and followup, including sanctions as appropriate, of quality findings of the Medicaid peer review organization and other external quality assurance programs.

(c) At least quarterly analysis and followup, including sanctions as appropriate, of the fiscal viability of managed care plans.

(d) At least quarterly analysis and followup, including sanctions as appropriate, of managed care participant satisfaction and disenrollment surveys.

(e) The agency shall conduct regular and ongoing Medicaid recipient satisfaction surveys.

The analyses and followup activities conducted by the agency under its enhanced managed care quality assurance oversight function shall not duplicate the activities of accreditation reviewers for entities regulated under part III of chapter 641, but may include a review of the finding of such reviewers.

~~(31)~~(32) Each managed care plan that is under contract with the agency to provide health care services to Medicaid recipients shall annually conduct a background check with the Florida Department of Law Enforcement of all persons with ownership interest of 5 percent or more or executive management responsibility for the managed care plan and shall submit to the agency information concerning any such person who has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to, any of the offenses listed in s. 435.03.

~~(32)~~(33) The agency shall, by rule, develop a process whereby a Medicaid managed care plan enrollee who wishes to enter hospice care may be disenrolled from the managed care plan within 24 hours after contacting the agency regarding such request. The agency rule shall include a methodology for the agency to recoup managed care plan payments on a pro rata basis if payment has been made for the enrollment month when disenrollment occurs.

~~(33)~~(34) The agency and entities ~~that which~~ contract with the agency to provide health care services to Medicaid recipients under this section or ss. 409.91211 and 409.9122 must comply with the provisions of s. 641.513 in providing emergency services and care to Medicaid recipients and MediPass recipients. Where feasible, safe, and cost-effective, the agency shall encourage hospitals, emergency medical services providers, and other public and private health care providers to work together in their local communities to enter into agreements or arrangements to ensure access to alternatives to emergency services and care for those Medicaid recipients who need nonemergent care. The agency shall coordinate with hospitals, emergency medical services providers, private health plans, capitated managed care networks as established in s. 409.91211, and other public and private health care providers to implement the provisions of ss. 395.1041(7), 409.91255(3)(g), 627.6405, and 641.31097 to develop and implement emergency department diversion programs for Medicaid recipients.

~~(38)~~(39)(a) The agency shall implement a Medicaid prescribed-drug spending-control program that includes the following components:

11.a. The agency shall implement a Medicaid prescription-drug-

management system. The agency may contract with a vendor that has experience in operating prescription-drug-management systems in order to implement this system. Any management system that is implemented in accordance with this subparagraph must rely on cooperation between physicians and pharmacists to determine appropriate practice patterns and clinical guidelines to improve the prescribing, dispensing, and use of drugs in the Medicaid program. The agency may seek federal waivers to implement this program.

b. The drug-management system must be designed to improve the quality of care and prescribing practices based on best-practice guidelines, improve patient adherence to medication plans, reduce clinical risk, and lower prescribed drug costs and the rate of inappropriate spending on Medicaid prescription drugs. The program must:

(I) Provide for the development and adoption of best-practice guidelines for the prescribing and use of drugs in the Medicaid program, including translating best-practice guidelines into practice; reviewing prescriber patterns and comparing them to indicators that are based on national standards and practice patterns of clinical peers in their community, statewide, and nationally; and determine deviations from best-practice guidelines.

(II) Implement processes for providing feedback to and educating prescribers using best-practice educational materials and peer-to-peer consultation.

(III) Assess Medicaid recipients who are outliers in their use of a single or multiple prescription drugs with regard to the numbers and types of drugs taken, drug dosages, combination drug therapies, and other indicators of improper use of prescription drugs.

(IV) Alert prescribers to patients who fail to refill prescriptions in a timely fashion, are prescribed multiple drugs that may be redundant or contraindicated, or may have other potential medication problems.

(V) Track spending trends for prescription drugs and deviation from best practice guidelines.

(VI) Use educational and technological approaches to promote best practices, educate consumers, and train prescribers in the use of practice guidelines.

(VII) Disseminate electronic and published materials.

(VIII) Hold statewide and regional conferences.

(IX) Implement disease-management programs in cooperation with physicians and pharmacists, along with a model quality-based medication component for individuals having chronic medical conditions.

12. The agency is authorized to contract for drug rebate administration, including, but not limited to, calculating rebate amounts, invoicing manufacturers, negotiating disputes with manufacturers, and maintaining a database of rebate collections.

13. The agency may specify the preferred daily dosing form or strength for the purpose of promoting best practices with regard to the prescribing of certain drugs as specified in the General Appropriations Act and ensuring cost-effective prescribing practices.

14. The agency may require prior authorization for the off-label use of Medicaid-covered prescribed drugs as specified in the General Appropriations Act. The agency may, but is not required to, preauthorize the use of a product for an indication not in the approved labeling. Prior authorization may require the prescribing professional to provide information about the rationale and supporting medical evidence for the off-label use of a drug.

~~17.45-~~ The agency shall implement a return and reuse program for drugs dispensed by pharmacies to institutional recipients, which includes payment of a \$5 restocking fee for the implementation and operation of the program. The return and reuse program shall be implemented electronically and in a manner that promotes efficiency. The program must permit a pharmacy to exclude drugs from the program if it is not practical or cost-effective for the drug to be included and must provide for the return to inventory of drugs that cannot be credited or returned in a cost-effective manner. The agency shall determine if the program has reduced the amount of Medicaid prescription drugs which are destroyed on an annual basis and if there are additional ways to ensure more

prescription drugs are not destroyed which could safely be reused. The agency's conclusion and recommendations shall be reported to the Legislature by December 1, 2005.

(b) The agency shall implement this subsection to the extent that funds are appropriated to administer the Medicaid prescribed-drug spending-control program. The agency may contract all or any part of this program to private organizations.

(c) The agency shall submit quarterly reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives which must include, but need not be limited to, the progress made in implementing this subsection and its effect on Medicaid prescribed-drug expenditures.

~~(39)~~(40) Notwithstanding the provisions of chapter 287, the agency may, at its discretion, renew a contract or contracts for fiscal intermediary services one or more times for such periods as the agency may decide; however, all such renewals may not combine to exceed a total period longer than the term of the original contract.

~~(40)~~(41) The agency shall provide for the development of a demonstration project by establishment in Miami-Dade County of a long-term-care facility licensed pursuant to chapter 395 to improve access to health care for a predominantly minority, medically underserved, and medically complex population and to evaluate alternatives to nursing home care and general acute care for such population. Such project is to be located in a health care condominium and colocated with licensed facilities providing a continuum of care. The establishment of this project is not subject to the provisions of s. 408.036 or s. 408.039. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

~~(41)~~(42) The agency shall develop and implement a utilization management program for Medicaid-eligible recipients for the management of occupational, physical, respiratory, and speech therapies. The agency shall establish a utilization program that may require prior authorization in order to ensure medically necessary and cost-effective treatments. The program shall be operated in accordance with a federally approved waiver program or state plan amendment. The agency may seek a federal waiver or state plan amendment to implement this program. The agency may also competitively procure these services from an outside vendor on a regional or statewide basis.

~~(42)~~(43) The agency may contract on a prepaid or fixed-sum basis with appropriately licensed prepaid dental health plans to provide dental services.

~~(43)~~(44) The Agency for Health Care Administration shall ensure that any Medicaid managed care plan as defined in s. 409.9122(2)(h), whether paid on a capitated basis or a shared savings basis, is cost-effective. For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31 of each year. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

~~(44)~~(45) Subject to the availability of funds, the agency shall mandate a recipient's participation in a provider lock-in program, when appropriate, if a recipient is found by the agency to have used Medicaid goods or services at a frequency or amount not medically necessary, limiting the receipt of goods or services to medically necessary providers after the 21-day appeal process has ended, for a period of not less than 1 year. The lock-in programs shall include, but are not limited to, pharmacies, medical doctors, and infusion clinics. The limitation does not apply to emergency services and care provided to the recipient in a

hospital emergency department. The agency shall seek any federal waivers necessary to implement this subsection. The agency shall adopt any rules necessary to comply with or administer this subsection.

~~(45)~~(46) The agency shall seek a federal waiver for permission to terminate the eligibility of a Medicaid recipient who has been found to have committed fraud, through judicial or administrative determination, two times in a period of 5 years.

~~(46)~~(47) The agency shall conduct a study of available electronic systems for the purpose of verifying the identity and eligibility of a Medicaid recipient. The agency shall recommend to the Legislature a plan to implement an electronic verification system for Medicaid recipients by January 31, 2005.

~~(47)~~(48) A provider is not entitled to enrollment in the Medicaid provider network. The agency may implement a Medicaid fee-for-service provider network controls, including, but not limited to, competitive procurement and provider credentialing. If a credentialing process is used, the agency may limit its provider network based upon the following considerations: beneficiary access to care, provider availability, provider quality standards and quality assurance processes, cultural competency, demographic characteristics of beneficiaries, practice standards, service wait times, provider turnover, provider licensure and accreditation history, program integrity history, peer review, Medicaid policy and billing compliance records, clinical and medical record audit findings, and such other areas that are considered necessary by the agency to ensure the integrity of the program.

~~(48)~~(49) The agency shall contract with established minority physician networks that provide services to historically underserved minority patients. The networks must provide cost-effective Medicaid services, comply with the requirements to be a MediPass provider, and provide their primary care physicians with access to data and other management tools necessary to assist them in ensuring the appropriate use of services, including inpatient hospital services and pharmaceuticals.

(a) The agency shall provide for the development and expansion of minority physician networks in each service area to provide services to Medicaid recipients who are eligible to participate under federal law and rules.

(b) The agency shall reimburse each minority physician network as a fee-for-service provider, including the case management fee for primary care, or as a capitated rate provider for Medicaid services. Any savings shall be shared with the minority physician networks pursuant to the contract.

(c) For purposes of this subsection, the term "cost-effective" means that a network's per-member, per-month costs to the state, including, but not limited to, fee-for-service costs, administrative costs, and case-management fees, must be no greater than the state's costs associated with contracts for Medicaid services established under subsection (3), which shall be actuarially adjusted for case mix, model, and service area. The agency shall conduct actuarially sound audits adjusted for case mix and model in order to ensure such cost-effectiveness and shall publish the audit results on its Internet website and submit the audit results annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 31. Contracts established pursuant to this subsection which are not cost-effective may not be renewed.

(d) The agency may apply for any federal waivers needed to implement this subsection.

(50) To the extent permitted by federal law and as allowed under s. 409.906, the agency shall provide reimbursement for emergency mental health care services for Medicaid recipients in crisis-stabilization facilities licensed under s. 394.875 as long as those services are less expensive than the same services provided in a hospital setting.

Section 4. Paragraphs (a) and (j) of subsection (2) of section 409.9122, Florida Statutes, are amended to read:

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

(2)(a) The agency shall enroll in a managed care plan or MediPass all

Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. Upon enrollment, individuals will be able to change their managed care option during the 90-day opt out period required by federal Medicaid regulations. The agency is authorized to seek the necessary Medicaid state plan amendment to implement this policy. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Centers for Medicare and Medicaid Services Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 409.908(21) and 1011.70 shall be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1), for a Medicaid-eligible child participating in the services as authorized in s. 1011.70, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 381.0056, 381.0057, 409.9071, and 1011.70.

(j) The agency shall apply for a federal waiver from the Centers for Medicare and Medicaid Services Health Care Financing Administration to lock eligible Medicaid recipients into a managed care plan or MediPass for 12 months after an open enrollment period. After 12 months' enrollment, a recipient may select another managed care plan or MediPass provider. However, nothing shall prevent a Medicaid recipient from changing primary care providers within the managed care plan or MediPass program during the 12-month period.

Section 5. Subsection (2) of section 409.913, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

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

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

(2) The agency shall conduct, or cause to be conducted by contract or otherwise, reviews, investigations, analyses, audits, or any combination thereof, to determine possible fraud, abuse, overpayment, or recipient neglect in the Medicaid program and shall report the findings of any overpayments in audit reports as appropriate. At least 5 percent of all audits shall be conducted on a random basis.

(36) The agency shall provide to each Medicaid recipient or his or her representative an explanation of benefits in the form of a letter that is mailed to the most recent address of the recipient on the record with the Department of Children and Family Services. The explanation of benefits must include the patient's name, the name of the health care provider and the address of the location where the service was provided, a description of all services billed to Medicaid in terminology that should be understood by a reasonable person, and information on how to report inappropriate or incorrect billing to the agency or other law enforcement entities for review or investigation.

Section 6. The Agency for Health Care Administration shall submit to the Legislature by January 15, 2006, recommendations to ensure that Medicaid is the payer of last resort as required by section 409.910, Florida Statutes. The report must identify the public and private entities that are liable for primary payment of health care services and recommend methods to improve enforcement of third-party liability responsibility and repayment of benefits to the state Medicaid program. The report must estimate the potential recoveries that may be achieved through third-party liability efforts if administrative and legal barriers are removed. The report must recommend whether modifications to the agency's contingency-fee contract for third-party liability could enhance third-party liability for benefits provided to Medicaid recipients.

Section 7. By January 15, 2006, the Office of Program Policy Analysis and Government Accountability shall submit to the Legislature a study of the long-term care community diversion pilot project authorized under ss. 430.701-430.709. The study may be conducted by Office of Program Policy Analysis and Government Accountability staff or by a consultant obtained through a competitive bid. The study must use a statistically-valid methodology to assess the percent of persons served in the project over a 2-year period who would have required Medicaid nursing home services without the diversion services, which services are most frequently used, and which services are least frequently used. The study must determine whether the project is cost-effective or is an expansion of the Medicaid program because a preponderance of the project enrollees would not have required Medicaid nursing home services within a 2-year period regardless of the availability of the project or that the enrollees could have been safely served through another Medicaid program at a lower cost to the state.

Section 8. The Agency for Health Care Administration shall identify how many individuals in the long-term care diversion programs who

receive care at home have a patient-responsibility payment associated with their participation in the diversion program. If no system is available to assess this information, the agency shall determine the cost of creating a system to identify and collect these payments and whether the cost of developing a system for this purpose is offset by the amount of patient-responsibility payments which could be collected with the system. The agency shall report this information to the Legislature by December 1, 2005.

Section 9. This act shall take effect July 1, 2005.

Remove the entire title and insert:

A bill to be entitled

An act relating to Medicaid reform; providing a popular name; providing legislative findings and intent; providing waiver authority to the Agency for Health Care Administration; providing for implementation of demonstration projects; providing definitions; identifying categorical groups for eligibility under the waiver; establishing the choice counseling process; providing for disenrollment in a plan during a specified period of time; providing conditions for changes; requiring managed care plans to include mandatory Medicaid services; requiring managed care plans to provide a wellness and disease management program, pharmacy benefits, behavioral health care benefits, and a grievance resolution process; authorizing the agency to establish enhanced benefit coverage and providing procedures therefor; establishing flexible spending accounts; providing for cost sharing by recipients, and requirements; requiring the agency to submit a report to the Legislature relating to enforcement of Medicaid copayment requirements and other measures; providing for the agency to establish a catastrophic coverage fund or purchase stop-loss coverage to cover certain services; requiring a managed care plan to have a certificate of operation from the agency before operating under the waiver; providing certification requirements; providing for reimbursement of provider service networks; providing an exemption from competitive bid requirements for provider service networks under certain circumstances; providing for continuance of contracts previously awarded for a specified period of time; requiring the agency to have accountability and quality assurance standards; requiring the agency to establish a medical care database; providing data collection requirements; requiring certain entities certified to operate a managed care plan to comply with ss. 641.3155 and 641.513, F.S.; providing for the agency to develop a rate setting and risk adjustment system; authorizing the agency to allow recipients to opt out of Medicaid and purchase health care coverage through an employer-sponsored insurer; requiring the agency to apply and enforce certain provisions of law relating to Medicaid fraud and abuse; providing penalties; requiring the agency to develop a reimbursement system for school districts participating in the certified school match program; providing for integrated fixed payment delivery system for Medicaid recipients who are a certain age; authorizing the agency to implement the system in certain counties; providing exceptions; requiring the agency to provide a choice of managed care plans to recipients; providing requirements for managed care plans; requiring the agency to withhold certain funding contingent upon the performance of a plan; requiring the plan to rebate certain profits to the agency; authorizing the agency to limit the number of enrollees in a plan under certain circumstances; providing for eligibility determination and choice counseling for persons who are a certain age; requiring the agency to evaluate the medical loss ratios of certain managed care plans; authorizing the agency to adopt rules for minimum loss ratios; providing for imposition of liquidated damages; authorizing the agency to grant a modification of certificate-of-need conditions to nursing homes under certain circumstances; requiring integration of Medicare and Medicaid services; providing legislative intent; providing for awarding of funds for managed care delivery system development, contingent upon an appropriation; requiring the Office of Program Policy Analysis and Government Accountability conduct a study of the feasibility of establishing a Medicaid buy-in program for certain non-Medicaid eligible persons; requiring the office to submit a report to the Legislature;

providing applicability; granting rulemaking authority to the agency; requiring legislative authority to implement the waiver; requiring the Office of Program Policy Analysis and Government Accountability to evaluate the Medicaid reform waiver and issue reports; requiring the agency to submit status reports; requiring the agency to contract for certain evaluation comparisons; providing for future review and repeal of the act; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to contract with a vendor to monitor and evaluate the clinical practice patterns of providers; authorizing the agency to competitively bid for single-source providers for certain services; authorizing the agency to examine whether purchasing certain durable medical equipment is more cost-effective than long-term rental of such equipment; providing that a contract awarded to a provider service network remains in effect for a certain period; defining a provider service network; providing health care providers with a controlling interest in the governing body of the provider service network organization; requiring that the agency, in partnership with the Department of Elderly Affairs, develop an integrated, fixed-payment delivery system for Medicaid recipients age 60 and older; deleting an obsolete provision requiring the agency to develop a plan for implementing emergency and crisis care; requiring the agency to develop a system where health care vendors may provide data demonstrating that higher reimbursement for a good or service will be offset by cost savings in other goods or services; requiring the Comprehensive Assessment and Review for Long-Term Care Services (CARES) teams to consult with any person making a determination that a nursing home resident funded by Medicare is not making progress toward rehabilitation and assist in any appeals of the decision; requiring the agency to contract with an entity to design a clinical-utilization information database or electronic medical record for Medicaid providers; requiring that the agency develop a plan to expand disease-management programs; requiring the agency to coordinate with other entities to create emergency room diversion programs for Medicaid recipients; revising the Medicaid prescription drug spending control program to reduce costs and improve Medicaid recipient safety; requiring that the agency implement a Medicaid prescription drug management system; allowing the agency to require age-related prior authorizations for certain prescription drugs; requiring the agency to determine the extent that prescription drugs are returned and reused in institutional settings and whether this program could be expanded; requiring the agency to develop an in-home, all-inclusive program of services for Medicaid children with life-threatening illnesses; authorizing the agency to pay for emergency mental health services provided through licensed crisis stabilization centers; creating s. 409.91211, F.S.; requiring that the agency develop a pilot program for capitated managed care networks to deliver Medicaid health care services for all eligible Medicaid recipients in Medicaid fee-for-service or the MediPass program; authorizing the agency to include an alternative methodology for making additional Medicaid payments to hospitals; providing legislative intent; providing powers, duties, and responsibilities of the agency under the pilot program; requiring that the agency provide a plan to the Legislature for implementing the pilot program; requiring that the Office of Program Policy Analysis and Government Accountability, in consultation with the Auditor General, evaluate the pilot program and report to the Governor and the Legislature on whether it should be expanded statewide; amending s. 409.9122, F.S.; revising a reference; amending s. 409.913, F.S.; requiring 5 percent of all program integrity audits to be conducted on a random basis; requiring that Medicaid recipients be provided with an explanation of benefits; requiring that the agency report to the Legislature on the legal and administrative barriers to enforcing the copayment requirements of s. 409.9081, F.S.; requiring the agency to recommend ways to ensure that Medicaid is the payer of last resort; requiring the agency to conduct a study of provider pay-for-performance systems; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of the long-term care diversion programs; requiring the agency to evaluate the cost-saving potential of contracting with a multistate prescription drug purchasing pool; requiring

the agency to determine how many individuals in long-term care diversion programs have a patient payment responsibility that is not being collected and to recommend how to collect such payments; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of Medicaid buy-in programs to determine if these programs can be created in this state without expanding the overall Medicaid program budget or if the Medically Needy program can be changed into a Medicaid buy-in program; providing an appropriation for the purpose of contracting to monitor and evaluate clinical practice patterns; providing an appropriation for the purpose of contracting for the database to review real-time utilization of Medicaid services; providing an appropriation for the purpose of developing infrastructure and administrative resources necessary to implement the pilot project as created in s. 409.91211, F.S.; providing an appropriation for developing an encounter data system for Medicaid managed care plans; providing an effective date.

Rep. Benson moved the adoption of the amendment.

Rep. Greenstein moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 442601)

Amendment 1 to Amendment 1 (with title amendment)—Remove line(s) 5-2379 and insert:

Section 1. This act may be cited as the "Pro High-Quality Health Care for all Floridians Act of 2005."

Section 2. The Department of Financial Services, Office of Insurance Regulation, in consultation with the Department of Health, the Agency for Health Care Administration, and any other agency necessary for the completion of this proposal, shall undertake to develop and propose a comprehensive health care delivery system for all residents of the state. The proposal shall provide a sustainable plan for transforming Florida's health care system into one which shall provide each resident all services necessary for the maintenance of health, diagnosis and treatment, and rehabilitation following injury, disability, and/or disease. The goal is to create a plan where every Floridian will receive high-quality affordable health care. The Department of Financial Services shall deliver the proposal to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the House and Senate Minority Leaders by January 1, 2007.

Section 3. This act shall take effect July 1, 2005.

Remove line(s) 2384-2555 and insert:

A bill to be entitled

An act relating to health care; providing a popular name; requiring the Department of Financial Services, in consultation with certain other agencies, to develop and propose a comprehensive health care delivery system for all residents of the state; providing requirements for such proposal; requiring a report to the Governor and the Legislature; providing an effective date.

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

Representative(s) Sobel offered the following:

(Amendment Bar Code: 095407)

Amendment 2 to Amendment 1—Between line(s) 6 and 7 insert:

Section 2. LEGISLATIVE INTENT.--The legislature intends to determine and recommend policies and guidelines for phasing in financial risk for approved provider service networks over a 3-year period. These policies shall include an option to pay fee-for-service rates that may include a savings-settlement option for at least 2 years. This model may be converted to a risk adjusted capitated rate in the third year of operation.

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 285

Speaker Bense in the Chair.

Yeas—36

Antone	Gannon	Justice	Ryan
Ausley	Gelber	Kendrick	Sands
Baxley	Gibson, A.	Machek	Seiler
Bendross-Mindingall	Gottlieb	McInvale	Slosberg
Brandenburg	Greenstein	Meadows	Smith
Bucher	Henriquez	Peterman	Sobel
Bullard	Holloway	Porth	Stansel
Cusack	Jennings	Richardson	Taylor
Fields	Joyner	Roberson	Vana

Nays—78

Adams	Davis, D.	Homan	Proctor
Allen	Davis, M.	Hukill	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Anderson	Domino	Kottkamp	Rivera
Arza	Evers	Kravitz	Robaina
Attkisson	Farkas	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Bean	Galvano	Legg	Russell
Bense	Garcia	Littlefield	Sansom
Benson	Gardiner	Llorente	Simmons
Berfield	Gibson, H.	Lopez-Cantera	Sorensen
Bilirakis	Glorioso	Mahon	Stargel
Bogdanoff	Goldstein	Mayfield	Traviesa
Brown	Goodlette	Mealor	Troutman
Brummer	Grant	Murzin	Waters
Cannon	Grimsley	Negron	Williams
Carroll	Harrell	Patterson	Zapata
Cretul	Hasner	Pickens	
Culp	Hays	Planas	

Votes after roll call:

Yeas—Clarke
Nays—Needelman
Yeas to Nays—Baxley

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 631947)

Amendment 3 to Amendment 1—Remove line(s) 12 and insert: this section. The initial phase shall be in two geographic areas. One pilot

program shall

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

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 512623)

Amendment 4 to Amendment 1—Remove line(s) 23 and insert: from the demonstration waiver shall be used to increase total

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

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 058753)

Amendment 5 to Amendment 1—Remove line(s) 31 and insert: this section and as approved by the Legislature in the waiver. It is the intent of the Legislature that the agency shall design a demonstration project to initiate a statewide phase-in of reform of the Medicaid program pursuant to this act. Implementation of each phase of reform shall be contingent upon approval of the Legislature or the Legislative Budget Commission if the Legislature is not in session.

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

Representative(s) Gannon and Joyner offered the following:

(Amendment Bar Code: 171861)

Amendment 6 to Amendment 1—Remove line(s) 69-247 and insert: pursuant to s. 409.9128, Florida Statutes. Notwithstanding any other provision of law, all plans shall be required to provide mammogram testing coverage at least once annually to all women over 40 years of age.

1. Mandatory and optional services as delineated in s. 409.905, and s. 409.906, Florida Statutes may vary in amount, duration and scope based on actuarial analysis and determination of service utilization among a categorical or predetermined risk group served by the plan.

2. A plan shall provide all mandatory and optional services as delineated in ss. 409.905, and 409.906, Florida Statutes, to a level of amount, duration and scope based on the actuarial analysis and corresponding capitation rate. Contractual stipulations for each risk or categorical group shall not vary among plans.

3. A plan shall be at risk for all services as defined in this section needed by a recipient up to a monetary catastrophic threshold pursuant to this section.

4. Catastrophic coverage pursuant to this section shall not release the plan from continued care management of the recipient and providing other services as stipulated in the contract with the agency.

(h) "Provider service network" means an incorporated network:

1. Established or organized, and operated, by a health care provider or group of affiliated health care providers;

2. That provides a substantial proportion of the health care items and services under a contract directly through the provider or affiliated group;

3. That may make arrangements with physicians, other health care professionals, and health care institutions, to assume all or part of the

financial risk on a prospective basis for the provision of basic health services; and

4. Within which health care providers have a controlling interest in the governing body of the provider service network organization, as authorized by s. 409.912, Florida Statutes.

(i) "Shall" means the agency must include the provision of a subsection as delineated in this section in the waiver application and implement the provision to the extent allowed in the demonstration project sites by the Centers for Medicare and Medicaid Services and as approved by the Legislature pursuant to this section.

(j) "State-certified contractor" means an entity not authorized under part I, part II, or part III of chapter 641, Florida Statutes, or under chapter 624, chapter 627, or chapter 636, Florida Statutes, qualified by the agency to be certified as a managed care plan. The agency shall develop the standards necessary to authorize an entity to become a state-certified contractor.

(5) ELIGIBILITY.--

(a) The agency shall pursue waivers to reform Medicaid for the following categorical groups:

1. Temporary Assistance for Needy Families, consistent with ss. 402 and 1931 of the Social Security Act and chapter 409, chapter 414, or chapter 445, Florida Statutes.

2. Supplemental Security Income recipients as defined in Title XVI of the Social Security Act, except for persons who are dually eligible for Medicaid and Medicare, individuals 60 years of age or older, individuals who have developmental disabilities, and residents of institutions or nursing homes.

3. All children covered pursuant to Title XIX of the Social Security Act.

(b) The agency may pursue any appropriate federal waiver to reform Medicaid for the populations not identified by this subsection, including Title XXI children, if authorized by the Legislature.

(6) CHOICE COUNSELING.--

(a) At the time of eligibility determination, the agency shall provide the recipient with all the Medicaid health care options available in that community to assist the recipient in choosing health care coverage. The recipient shall choose a plan within 30 days after the recipient is eligible unless the recipient loses eligibility. Failure to choose a plan within 30 days will result in the recipient being assigned to a managed care plan.

(b) After a recipient has chosen a plan or has been assigned to a plan, the recipient shall have 90 days in which to voluntarily disenroll and select another managed care plan. After 90 days, no further changes may be made except for cause. Cause shall include, but not be limited to, poor quality of care, lack of access to necessary specialty services, an unreasonable delay or denial of service, inordinate or inappropriate changes of primary care providers, service access impairments due to significant changes in the geographic location of services, or fraudulent enrollment. The agency may require a recipient to use the managed care plan's grievance process prior to the agency's determination of cause, except in cases in which immediate risk of permanent damage to the recipient's health is alleged. The grievance process, when used, must be completed in time to permit the recipient to disenroll no later than the first day of the second month after the month the disenrollment request was made. If the capitated managed care network, as a result of the grievance process, approves an enrollee's request to disenroll, the agency is not required to make a determination in the case. The agency must make a determination and take final action on a recipient's request so that disenrollment occurs no later than the first day of the second month after the month the request was made. If the agency fails to act within the specified timeframe, the recipient's request to disenroll is deemed to be approved as of the date agency action was required. Recipients who disagree with the agency's finding that cause does not exist for disenrollment shall be advised of their right to pursue a Medicaid fair hearing to dispute the agency's finding.

(c) In the managed care demonstration projects, the Medicaid recipients who are already enrolled in a managed care plan shall remain

with that plan until their next eligibility determination. The agency shall develop a method whereby newly eligible Medicaid recipients, Medicaid recipients with renewed eligibility, and Medipass enrollees shall enroll in managed care plans certified pursuant to this section.

(d) A Medicaid recipient receiving services under this section is eligible for only emergency services until the recipient enrolls in a managed care plan.

(e) The agency shall ensure that the recipient is provided with:

1. A list and description of the benefits provided.

2. Information about cost sharing.

3. Plan performance data, if available.

4. An explanation of benefit limitations.

5. Contact information, including identification of providers participating in the network, geographic locations, and transportation limitations.

6. Any other information the agency determines would facilitate a recipient's understanding of the plan or insurance that would best meet his or her needs.

(f) The agency shall ensure that there is a record of recipient acknowledgment that choice counseling has been provided.

(g) To accommodate the needs of recipients, the agency shall ensure that the choice counseling process and related material are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media. Materials shall be written at the fourth-grade reading level and available in a language other than English when 5 percent of the county speaks a language other than English. Choice counseling shall also utilize language lines and other services for impaired recipients, such as TTD/TTY.

(h) The agency shall require the entity performing choice counseling to determine if the recipient has made a choice of a plan or has opted out because of duress, threats, payment to the recipient, or incentives promised to the recipient by a third party. If the choice counseling entity determines that the decision to choose a plan was unlawfully influenced or a plan violated any of the provisions of s. 409.912(21), Florida Statutes, the choice counseling entity shall immediately report the violation to the agency's program integrity section for investigation. Verification of choice counseling by the recipient shall include a stipulation that the recipient acknowledges the provisions of this subsection.

(i) It is the intent of the Legislature, within the authority of the waiver and within available resources, that the agency promote health literacy and partner with the Department of Health to provide information aimed to reduce minority health disparities through outreach activities for Medicaid recipients.

(j) The agency is authorized to contract with entities to perform choice counseling and may establish standards and performance contracts, including standards requiring the contractor to hire choice counselors representative of the state's diverse population and to train choice counselors in working with culturally diverse populations.

(k) The agency shall develop processes to ensure that demonstration sites have sufficient levels of enrollment to conduct a valid test of the managed care demonstration project model within a 2-year timeframe.

(7) PLANS.--

(a) Plan benefits.--The agency shall develop a capitated system of care that promotes choice and competition. Plan benefits shall include the mandatory services delineated in federal law and specified in s. 409.905, Florida Statutes; behavioral health services specified in s. 409.906(8), Florida Statutes; pharmacy services specified in s. 409.906(20), Florida Statutes; and other services including, but not limited to, Medicaid optional services specified in s. 409.906, Florida Statutes, for which a plan is receiving a risk-adjusted capitation rate. Plans shall provide all mandatory services and may cover optional services to attract recipients and provide needed care. Mandatory and optional services may vary in amount, duration, and scope of benefits. Services to recipients under plan benefits shall include emergency services pursuant to s. 409.9128, Florida Statutes. Notwithstanding any other provision of law, all plans shall be

required to provide mammogram testing coverage at least once annually to all women over 40 years of age.

Rep. Gannon moved the adoption of the amendment to the amendment, which failed of adoption.

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider a late-filed amendment to the amendment. Subsequently, the amendment to the amendment was withdrawn.

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 896297)

Amendment 7 to Amendment 1—Between line(s) 247 and 248, insert:

1. Mandatory and optional services as delineated in ss. 409.905 and 409.906, Florida Statutes, may vary in amount, duration, and scope based on actuarial analysis and determination of service utilization among a categorical or predetermined risk group served by the plan.

2. A plan shall provide all mandatory and optional services as delineated in ss. 409.905 and 409.906, Florida Statutes, to a level of amount, duration, and scope based on the actuarial analysis and corresponding capitation rate. Contractual stipulations for each risk or categorical group shall not vary among plans.

3. A plan shall be at risk for all services as defined in this section needed by a recipient up to a monetary catastrophic threshold pursuant to this section.

4. Catastrophic coverage pursuant to this section shall not release the plan from continued care management of the recipient and providing other services as stipulated in the contract with the agency.

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

On motion by Rep. Bean, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Bean offered the following:

(Amendment Bar Code: 618683)

Amendment 8 to Amendment 1—Between lines 313 and 314 insert:

3. Managed care plans are encouraged to contract with specialty mental health providers.

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

Representative(s) Sobel and Richardson offered the following:

(Amendment Bar Code: 710927)

Amendment 9 to Amendment 1—Between lines 317 and 318 insert:

(f) Medipass.--The Medipass program shall be continued and improved until at least June 2008 and until the pilot or demonstration waiver has proven that the Medicaid reforms, as outlined in this legislation and provided in subsection (12) relating to accountability and quality assurance, are accomplished on a state-wide basis, in both urban and rural counties.

REPRESENTATIVE FARKAS IN THE CHAIR

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption.

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 566545)

Amendment 10 to Amendment 1—Remove line(s) 368 and insert: by the agency up to a monetary threshold

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

On motion by Rep. H. Gibson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) H. Gibson offered the following:

(Amendment Bar Code: 257121)

Amendment 11 to Amendment 1—Remove line(s) 680 and 681 and insert:

(a) By December 1, 2005, the Agency for Health Care Administration may revise

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

On motion by Rep. Gardiner, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representatives McInvale, Gardiner, Quinones, Adams, Attkisson, Cannon, Antone, Allen, and Gibson offered the following:

(Amendment Bar Code: 066931)

Amendment 12 to Amendment 1 (with directory and title amendments)—Remove lines 708-710 and insert: two areas of the state. In one of the areas enrollment shall be on a voluntary basis.

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

Representative(s) Benson offered the following:

(Amendment Bar Code: 501295)

Amendment 13 to Amendment 1—Remove line(s) 710 and insert: in Duval, Baker, Clay and Nassau counties. In counties where the integrated system is implemented on a voluntary basis, Medicaid recipients 60 years of age and older shall initially enroll in a managed long-term care delivery system, but may, within 30 days, choose to receive services through the traditional fee-for-service delivery system.

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

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 746433)

Amendment 14 to Amendment 1—Remove line(s) 1000-1001 and insert: through 2009-2010 fiscal years.

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

Representative(s) Gannon offered the following:

(Amendment Bar Code: 397797)

Amendment 15 to Amendment 1 (with title amendment)—Remove line(s) 1066 and insert:

(25) PROVIDER SERVICE NETWORK PILOT PROJECT.--
(a) Under s. 409.912, Florida Statutes, the agency may contract with provider service networks. The agency is specifically authorized to establish a provider service network pilot project in the geographically isolated area of western Palm Beach County known as the Glades. The pilot project area shall include Palm Beach County residents with geographic boundaries that extend:

1. East to State Road 80 at "20 mile bend";
2. North to the Palm Beach and Martin County line;
3. South to the Palm Beach and Broward County line; and
4. West to the Palm Beach and Hendry County line and Lake Okeechobee.

(b) The agency shall only grant a contract to an entity that meets all of the following criteria:

1. Is a statutorily created health care taxing district;
 2. Is affiliated with an existing local safety net hospital;
 3. Is affiliated with an existing local federally qualified health center;
- and
4. Is administratively prepared.

(c) Upon implementation of the pilot project, all eligible Medicaid recipients shall be enrolled in the demonstration provider service network program. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. The demonstration pilot project awarded pursuant to this subsection shall be for up to 3 years from the date of implementation and shall expire upon expansion of the Medicaid waiver program under s. 409.912(11), Florida Statutes, into Palm Beach County.

(26) REVIEW AND REPEAL.--This section shall stand repealed

Remove line(s) 2459-2460 and insert:

for certain evaluation comparisons; authorizing a provider service network pilot project; providing for future review and repeal; amending s. 409.912, F.S.;

Rep. Gannon moved the adoption of the amendment to the amendment, which failed of adoption.

Representative(s) Benson offered the following:

(Amendment Bar Code: 982171)

Amendment 16 to Amendment 1—Remove line(s) 1658 and insert: implement this paragraph.

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

Representative(s) Sobel offered the following:

(Amendment Bar Code: 726055)

Amendment 17 to Amendment 1—Between lines 31 and 32, insert:
No county shall be required to participate in a demonstration project until approval by the county commission after a public hearing.

Rep. Sobel moved the adoption of the amendment to the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 286

Rep. Farkas in the Chair.

Yeas—35

Antone	Gelber	Kendrick	Sands
Ausley	Gibson, A.	Machek	Seiler
Bendross-Mindingall	Gottlieb	McInvale	Slosberg
Brandenburg	Greenstein	Meadows	Smith
Bucher	Henriquez	Peterman	Sobel
Bullard	Holloway	Porth	Stansel
Cusack	Jennings	Richardson	Taylor
Fields	Joyner	Roberson	Vana
Gannon	Justice	Ryan	

Nays—82

Adams	Culp	Homan	Poppell
Allen	Davis, D.	Hukill	Proctor
Altman	Davis, M.	Johnson	Quinones
Ambler	Dean	Jordan	Reagan
Anderson	Detert	Kottkamp	Rice
Arza	Domino	Kravitz	Rivera
Attkisson	Evers	Kreegel	Robaina
Barreiro	Farkas	Kyle	Ross
Baxley	Flores	Legg	Rubio
Bean	Galvano	Littlefield	Russell
Benson	Garcia	Llorente	Sansom
Berfield	Gardiner	Lopez-Cantera	Simmons
Bilirakis	Gibson, H.	Mahon	Sorensen
Bogdanoff	Glorioso	Mayfield	Stargel
Bowen	Goldstein	Mealor	Traviesa
Brown	Goodlette	Murzin	Troutman
Brummer	Grant	Needelman	Waters
Cannon	Grimsley	Negron	Williams
Carroll	Harrell	Patterson	Zapata
Clarke	Hasner	Pickens	
Cretul	Hays	Planas	

On motion by Rep. Benson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Benson offered the following:

(Amendment Bar Code: 441901)

Amendment 18 to Amendment 1—Remove line(s) 179 and insert:
recipient enrolls in a managed care plan. Emergency services provided under this paragraph shall be reimbursed on a fee-for-service basis.

Rep. Benson 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.

HB 1221—A bill to be entitled An act relating to the discretionary surtax on documents; amending ss. 125.0167 and 201.031, F.S.; authorizing certain counties operating under a home rule charter to levy the discretionary surtax for purposes of establishing and funding a Housing Assistance Loan Trust Fund to assist in providing housing for low-income and moderate-income families; prohibiting certain counties from levying the surtax unless approved by a majority of the electors of the county voting in a referendum; providing requirements for holding a referendum; providing for the future repeal of ss. 125.0167 and 201.031, F.S., relating to the surtax on documents for purposes of funding housing assistance; repealing s. 3 of ch. 83-220, Laws of Florida, as amended, relating to the former repeal date established for the discretionary surtax on documents; providing an effective date.

The Fiscal Council recommended the following:

HB 1221 CS—A bill to be entitled An act relating to the discretionary surtax on documents; amending ss. 125.0167 and 201.031, F.S.; authorizing certain counties operating under a home rule charter to levy the discretionary surtax for purposes of establishing and funding a Housing Assistance Loan Trust Fund to assist in providing housing for low-income and moderate-income families; prohibiting certain counties from levying the surtax unless approved by a majority of the electors of the county voting in a referendum; providing requirements for holding a referendum; providing for the future repeal of ss. 125.0167 and 201.031, F.S., relating to the surtax on documents for purposes of funding housing assistance; amending s. 201.0205, F.S.; deleting references to ch. 83-220, Laws of Florida, to conform; updating cross references; repealing s. 3 of ch. 83-220, Laws of Florida, as amended, relating to the former repeal date established for the discretionary surtax on documents; providing an effective date.

—was read the second time by title.

Representative Smith offered the following:

(Amendment Bar Code: 679543)

Amendment 1 (with title amendment)—Between lines 26 and 27, insert:

Section 1. This act may be cited as the "Leon Watts Workforce Housing Act."

Between lines 6 and 7, insert:
providing a popular name;

THE SPEAKER IN THE CHAIR

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

On motion by Rep. Smith, the rules were waived and HB 1221 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 287

Speaker Bense in the Chair.

Yeas—49

Allen	Barreiro	Bucher	Gannon
Ambler	Bendross-Mindingall	Bullard	Gelber
Anderson	Bense	Cusack	Gibson, A.
Antone	Bowen	Fields	Goodlette
Ausley	Brandenburg	Galvano	Gottlieb

Greenstein	Llorente	Roberson	Sobel
Henriquez	Machek	Rubio	Sorensen
Holloway	Meadows	Ryan	Stansel
Jennings	Peterman	Sands	Taylor
Joyner	Planas	Sansom	Zapata
Justice	Porth	Seiler	
Kendrick	Richardson	Slosberg	
Kottkamp	Robaina	Smith	

Nays—64

Adams	Davis, D.	Hays	Negron
Altman	Davis, M.	Homan	Patterson
Arza	Dean	Hukill	Pickens
Attkisson	Detert	Johnson	Poppell
Baxley	Domino	Jordan	Proctor
Bean	Evers	Kravitz	Quinones
Benson	Farkas	Kreegel	Rice
Berfield	Flores	Kyle	Rivera
Bilirakis	Gardiner	Legg	Russell
Bogdanoff	Gibson, H.	Littlefield	Simmons
Brummer	Glorioso	Lopez-Cantera	Stargel
Cannon	Goldstein	Mahon	Traviesa
Carroll	Grant	Mayfield	Troutman
Clarke	Grimsley	Mealor	Vana
Cretul	Harrell	Murzin	Waters
Culp	Hasner	Needelman	Williams

Votes after roll call:

Yeas—Ross

Nays—Brown, McInvale

Yeas to Nays—Meadows

So the bill failed to pass.

HB 481—A bill to be entitled An act relating to unlawful use of personal identification information; creating s. 501.165, F.S.; providing definitions; providing that using deception to obtain certain personal identification information for commercial solicitation purposes is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing remedies; prohibiting the unauthorized disclosure, sale, or transfer of personal identification information to a third party; providing applicability; prohibiting a health care business from terminating certain relationships to avoid obtaining consent from a consumer to disclose, sell, or transfer personal identification information; prohibiting a business entity or health care business from discriminating against an individual due to the individual's refusal to give such consent; providing that disclosing, selling, or transferring personal identification information is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing that an individual whose property or person is injured may institute a civil action for injunctive relief, civil damages, and financial loss; providing for attorney's fees; providing that a civil action may be filed regardless of whether a criminal prosecution has been or will be instituted and that the rights and remedies are in addition to any other rights and remedies provided by law; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; providing that the willful and unauthorized disclosure, sale, or transfer of, or the attempt to disclose, sell, or transfer, personal identification information under specified circumstances is a felony of the third degree; providing penalties; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information

concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; providing that a violation of s. 817.568, F.S., is a deceptive and unfair trade practice in violation of part II of ch. 501, F.S.; providing remedies; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

The Justice Council recommended the following:

HB 481 CS—A bill to be entitled An act relating to unlawful use of personal identification information; amending s. 817.568, F.S.; including other information within the definition of the term "personal identification information"; defining the term "counterfeit or fictitious personal identification information"; revising criminal penalties relating to the offense of fraudulently using, or possessing with intent to fraudulently use, personal identification information; providing minimum mandatory terms of imprisonment; creating the offenses of willfully and fraudulently using, or possessing with intent to fraudulently use, personal identification information concerning a deceased individual; providing criminal penalties; providing for minimum mandatory terms of imprisonment; creating the offense of willfully and fraudulently creating or using, or possessing with intent to fraudulently use, counterfeit or fictitious personal identification information; providing criminal penalties; providing for reclassification of offenses under certain circumstances; providing for reduction or suspension of sentences under certain circumstances; creating s. 817.5681, F.S.; requiring business persons maintaining computerized data that includes personal information to provide notice of breaches of system security under certain circumstances; providing requirements; providing for administrative fines; providing exceptions and limitations; authorizing delays of such disclosures under certain circumstances; providing definitions; providing for alternative notice methods; specifying conditions of compliance for persons maintaining certain alternative notification procedures; specifying conditions under which notification is not required; providing requirements for documentation and maintenance of documentation; providing an administrative fine for failing to document certain failures to comply; providing for application of administrative sanctions to certain persons under certain circumstances; authorizing the Department of Legal Affairs to institute proceedings to assess and collect fines; requiring notification of consumer reporting agencies of breaches of system security under certain circumstances; providing an effective date.

—was read the second time by title.

Representative Waters offered the following:

(Amendment Bar Code: 417689)

Amendment 1—Remove lines 368-408 and insert:

(c) The administrative sanctions for failure to notify provided in this subsection shall apply per breach and not per individual affected by the breach.

(d) The administrative sanctions for failure to notify provided in this subsection shall not apply in the case of personal information in the custody of any governmental agency or subdivision, unless that governmental agency or subdivision has entered into a contract with a contractor or third-party administrator to provide governmental services. In such case, the contractor or third-party administrator shall be a person to whom the administrative sanctions provided in this subsection would apply, although such contractor or third-party administrator found in

violation of the notification requirements provided in this subsection would not have an action for contribution or set-off available against the employing agency or subdivision.

(2)(a) Any person who maintains computerized data that includes personal information on behalf of another business entity shall disclose to the business entity for which the information is maintained any breach of the security of the system as soon as practicable, but no later than 10 days following the determination, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The person who maintains the data on behalf of another business entity and the business entity on whose behalf the data is maintained may agree who will provide the notice, if any is required, as provided in paragraph (1)(a), provided only a single notice for each breach of the security of the system shall be required. If agreement regarding notification cannot be reached, the person who has the direct business relationship with the resident of this state shall be subject to the provisions of paragraph (1)(a).

(b) Any person required to disclose to a business entity under paragraph (a) who fails to do so within 10 days after the determination of a breach or receipt of notification from law enforcement as provided in subsection (3) is liable for an administrative fine not to exceed \$500,000, as follows:

1. In the amount of \$1,000 for each day the breach goes undisclosed for up to 30 days and, thereafter, \$50,000 for each 30-day period or portion thereof for up to 180 days.

2. If disclosure is not made within 180 days, any person required to make disclosures under paragraph (a) who fails to do so is subject to an administrative fine of up to \$500,000.

(c) The administrative sanctions for nondisclosure provided in this subsection shall apply per breach and not per individual affected by the breach.

(d) The administrative sanctions for nondisclosure

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

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

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be

categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; lowering the purchase threshold for an exemption for business property used in an enterprise zone from \$5,000 per unit to \$500 per item; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; revising definitions for purposes of the enterprise zone jobs tax credit against sales tax; revising eligibility criteria for the credit; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; revising criteria and requirements to qualify for the enterprise zone jobs tax credit against corporate income tax; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of

an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing an effective date.

The Commerce Council recommended the following:

HB 1725 CS—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a

requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures; authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; extending an expiration date for an exemption for business property used in an enterprise zone; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; deleting obsolete provisions; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; deleting obsolete provisions; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the

designation of a pilot project in an enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing for carryover of eligibility for tax credits under s. 212.096, F.S.; providing for carryover of eligibility for tax credits under s. 220.181, F.S.; providing for carryover of eligibility for tax exemption under s. 196.1995, F.S., and the tax exemption under s. 220.182, F.S.; providing for carryover of eligibility for tax credits under s. 220.183, F.S.; providing for carryover of eligibility for tax credits under s. 212.08, F.S.; providing for carryover of eligibility for tax credits under s. 624.5105, F.S.; providing for carryover of eligibility for a tax exemption under s. 212.08, F.S.; providing an effective date.

—was read the second time by title.

Representative(s) Bucher offered the following:

(Amendment Bar Code: 275537)

Amendment 1 (with title amendment)—Between line(s) 1919 and 1920, insert:

(8) Notwithstanding any other provision of law, any corporation located in one of the state's 55 enterprise zones that has more than 20,000 employees nationally and receives tax credits associated with the enterprise zone must provide all full-time and part-time Florida employees with access to affordable health insurance.

Between line(s) 175 and 176, insert:
requiring certain corporations located in enterprise zones to provide full-time and part-time Florida employees with access to affordable health insurance;

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

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

On motion by Rep. Simmons, consideration of **HB 1935** was temporarily postponed.

HB 1159—A bill to be entitled An act relating to the state excise tax on property insurance premiums; amending s. 175.101, F.S.; authorizing municipalities providing fire protection in other municipalities to assess and impose such tax on premiums of policies on property in such other municipalities; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1159 CS—A bill to be entitled An act relating to firefighters' pensions; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

—was read the second time by title.

Representative Hays offered the following:

(Amendment Bar Code: 325043)

Amendment 1 (with title amendment)—Between lines 22 and 23 insert:

Section 1. Paragraph (b) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the local agency employer. Notice of intent to designate positions for inclusion in the class shall be published once a week for 2 consecutive weeks in a newspaper of general circulation published in the county or counties affected, as provided in chapter 50.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the Department of Management Services; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class pursuant to the

provisions of subparagraph 1. may withdraw from the Florida Retirement System altogether. The decision to withdraw from the Florida Retirement System shall be irrevocable for as long as the employee holds such a position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

3. Effective January 1, 2006, through June 30, 2006, an employee who has withdrawn from the Florida Retirement System under subparagraph 2. has one opportunity to elect to participate in either the defined benefit program or the Public Employee Optional Retirement Program of the Florida Retirement System.

a. If the employee elects to participate in the Public Employee Optional Retirement Program, membership shall be prospective, and the applicable provisions of s. 121.4501(4) shall govern the election.

b. If the employee elects to participate in the defined benefit program of the Florida Retirement System, the employee shall, upon payment to the system trust fund of the amount calculated under sub-sub-subparagraph (I), receive service credit for prior service based upon the time during which the employee had withdrawn from the system.

(I) The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the Florida Retirement System defined benefit plan liabilities in the most recent actuarial valuation. The calculation shall include any service already maintained under the defined benefit plan in addition to the period of withdrawal. The actuarial accrued liability attributable to any service already maintained under the defined benefit plan shall be applied as a credit to the total cost resulting from the calculation. The division shall ensure that the transfer sum is prepared using a formula and methodology certified by an actuary.

(II) The employee must transfer a sum representing the net cost owed for the actuarial accrued liability in sub-sub-subparagraph (I) immediately following the time of such movement, determined assuming that attained service equals the sum of service in the defined benefit program and the period of withdrawal.

Remove line 6 and insert:

An act relating to the Florida Retirement System; amending s. 121.055, F.S.; during a specified period of time, permitting local government employees who are members of the Senior Management Service Class, who have withdrawn from the Florida Retirement System, to elect membership in the defined benefit program or the public employee optional retirement program of the system; prescribing requirements in making such election; providing for payment of the costs of such membership; amending s.

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

Representative Bogdanoff offered the following:

(Amendment Bar Code: 763109)

Amendment 2—Remove lines 119-136 and insert:

This section also applies to any municipality consisting of a single consolidated government which is made up of a former county and one or more municipalities, consolidated pursuant to the authority in s. 3 or s. 6(e), Art. VIII of the State Constitution, and to property insurance policies covering property within the boundaries of the consolidated government, regardless of whether the properties are located within one or more separately incorporated areas within the consolidated government, provided the properties are being provided fire protection services by the consolidated government. This section also applies to any municipality, as provided in s. 175.041(3)(c), which has entered into an

interlocal agreement to receive fire protection services from another municipality participating under chapter 175. The excise tax may be levied on all premiums collected on property insurance policies covering property located within the corporate limits of the municipality receiving the fire protection services, but will be available for distribution to the municipality providing the fire protection services.

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

Further consideration of **HB 1159** was temporarily postponed.

HB 967—A bill to be entitled An act relating to insurance; amending s. 400.9935, F.S.; requiring health care clinics to display signs displaying certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; providing criminal penalties for employers who fail to provide required workers' compensation coverage for employees under certain circumstances; amending s. 624.15, F.S.; specifying violations of department rule as misdemeanors; specifying a violation of department emergency rules or orders as a felony of the third degree; providing penalties; amending s. 624.155, F.S.; providing that civil actions may be brought against any person acting as an insurer without a certificate of authority if damaged by such acting; amending s. 626.112, F.S.; providing a criminal penalty for transacting insurance without a license; amending s. 626.901, F.S.; clarifying nonapplication to certain independently procured coverage of a prohibition against representing or aiding an unauthorized insurer; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.989, F.S.; including self-insured entities associated with the National Insurance Crime Bureau within a list of entities required to report insurance fraud; authorizing the division to adopt rules for standardized reporting of fraudulent activity; amending s. 817.234, F.S.; clarifying provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, presenting, or marketing fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; providing severability; providing an effective date.

The Commerce Council recommended the following:

HB 967 CS—A bill to be entitled An act relating to offenses involving insurance; amending s. 400.9935, F.S.; prohibiting clinical directors from engaging in certain patient referral activities; providing a definition; providing a criminal penalty; requiring health care clinics to display signs displaying certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting violations of certain stop-work orders from a list of employer activities subject to criminal penalty; providing criminal penalties for employers who fail to provide required workers' compensation coverage for employees under certain circumstances; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for

nonapplication to certain persons; amending s. 624.155, F.S.; providing that civil actions may be brought against any person acting as an insurer without a certificate of authority if damaged by such acting; amending s. 626.112, F.S.; providing a criminal penalty for transacting insurance without a license; amending s. 626.901, F.S.; clarifying nonapplication to certain independently procured coverage of a prohibition against representing or aiding an unauthorized insurer; amending s. 626.918, F.S.; providing that certain letters of credit issued or confirmed by a qualified United States financial institution may be used for certain purposes; providing a definition; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.989, F.S.; including self-insured entities associated with the National Insurance Crime Bureau within a list of entities required to report insurance fraud; authorizing the division to adopt rules for standardized reporting of fraudulent activity; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 817.234, F.S.; clarifying provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, presenting, or marketing fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was read the second time by title.

Representative Cannon offered the following:

(Amendment Bar Code: 678715)

Amendment 1 (with title amendment)—Remove lines 105-494 and insert:

Section 2. Subsections (2), (3), and (4) of section 440.105, Florida Statutes, are amended to read:

440.105 Prohibited activities; reports; penalties; limitations.--

(2) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(a) It shall be unlawful for any employer to knowingly:

1. Coerce or attempt to coerce, as a precondition to employment or otherwise, an employee to obtain a certificate of election of exemption pursuant to s. 440.05.

2. Discharge or refuse to hire an employee or job applicant because the employee or applicant has filed a claim for benefits under this chapter.

3. Discharge, discipline, or take any other adverse personnel action against any employee for disclosing information to the department or any law enforcement agency relating to any violation or suspected violation of any of the provisions of this chapter or rules promulgated hereunder.

~~4. Violate a stop-work order issued by the department pursuant to s. 440.107.~~

(b) It shall be unlawful for any insurance entity to revoke or cancel a workers' compensation insurance policy or membership because an employer has returned an employee to work or hired an employee who has filed a workers' compensation claim.

(3) Whoever violates any provision of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(a) It shall be unlawful for any employer to knowingly fail to update applications for coverage as required by s. 440.381(1) and department rules within 7 days after the reporting date for any change in the required information, or to post notice of coverage pursuant to s. 440.40.

~~(b) It shall be unlawful for any employer to knowingly participate in the creation of the employment relationship in which the employee has used any false, fraudulent, or misleading oral or written statement as evidence of identity.~~

~~(b)(e)~~ It is unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee, or for any firm, corporation, partnership, or association to receive any fee or other consideration or any gratuity from a person on account of services rendered for a person in connection with any proceedings arising under this chapter, unless such fee, consideration, or gratuity is approved by a judge of compensation claims or by the Deputy Chief Judge of Compensation Claims.

(4) Unless otherwise specifically provided, whoever violates any provision of this subsection commits insurance fraud, punishable as provided in paragraph (f).

(a) It shall be unlawful for any employer to knowingly:

1. Present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of compliance with s. 440.38.

2. Make a deduction from the pay of any employee entitled to the benefits of this chapter for the purpose of requiring the employee to pay any portion of premium paid by the employer to a carrier or to contribute to a benefit fund or department maintained by such employer for the purpose of providing compensation or medical services and supplies as required by this chapter.

3. Fail to secure workers' payment of compensation if required to do so by this chapter.

a. However, if an employer knowingly fails to secure workers' compensation coverage for an employee when required by this chapter and such employee subsequently suffers a work-related injury requiring medical treatment, the employer commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. However, if an employer knowingly fails to secure workers' compensation coverage for an employee when required by this chapter and such employee subsequently suffers a work-related death, the employer commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) It ~~is~~ shall be unlawful for any person:

1. To knowingly make, or cause to be made, any false, fraudulent, or misleading oral or written statement for the purpose of obtaining or denying any benefit or payment under this chapter.

2. To present or cause to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim.

3. To prepare or cause to be prepared any written or oral statement that is intended to be presented to any employer, insurance company, or self-insured program in connection with, or in support of, any claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false, incomplete, or misleading information concerning any fact or thing material to such claim.

4. To knowingly assist, conspire with, or urge any person to engage in activity prohibited by this section.

5. To knowingly make any false, fraudulent, or misleading oral or written statement, or to knowingly omit or conceal material information, required by s. 440.185 or s. 440.381, for the purpose of obtaining workers' compensation coverage or for the purpose of avoiding, delaying,

or diminishing the amount of payment of any workers' compensation premiums.

6. To knowingly misrepresent or conceal payroll, classification of workers, or information regarding an employer's loss history which would be material to the computation and application of an experience rating modification factor for the purpose of avoiding or diminishing the amount of payment of any workers' compensation premiums.

7. To knowingly present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of compliance with s. 440.38, as evidence of eligibility for a certificate of exemption under s. 440.05.

8. To knowingly violate a stop-work order issued by the department pursuant to s. 440.107.

~~9. To knowingly present or cause to be presented any false, fraudulent, or misleading oral or written statement to any person as evidence of identity for the purpose of obtaining employment or filing or supporting a claim for workers' compensation benefits.~~

(c) It shall be unlawful for any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractic physician licensed under chapter 460, podiatric physician licensed under chapter 461, optometric physician licensed under chapter 463, or any other practitioner licensed under the laws of this state to knowingly and willfully assist, conspire with, or urge any person to fraudulently violate any of the provisions of this chapter.

(d) It shall be unlawful for any person or governmental entity licensed under chapter 395 to maintain or operate a hospital in such a manner so that such person or governmental entity knowingly and willfully allows the use of the facilities of such hospital by any person, in a scheme or conspiracy to fraudulently violate any of the provisions of this chapter.

(e) It shall be unlawful for any attorney or other person, in his or her individual capacity or in his or her capacity as a public or private employee, or any firm, corporation, partnership, or association, to knowingly assist, conspire with, or urge any person to fraudulently violate any of the provisions of this chapter.

(f) If the monetary value of any violation of this subsection:

1. Is less than \$20,000, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Is \$20,000 or more, but less than \$100,000, the offender commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Is \$100,000 or more, the offender commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 3. Section 448.09, Florida Statutes, is amended to read:

448.09 Unauthorized aliens; employment prohibited.--

(1) ~~It is shall be~~ unlawful for any person knowingly to employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States.

(2) ~~It is unlawful to knowingly present or cause to be presented any false, fraudulent, or misleading oral or written statements to any person as evidence of identity for the purpose of obtaining employment. The first violation of subsection (1) shall be a noncriminal violation as defined in s. 775.08(3) and, upon conviction, shall be punishable as provided in s. 775.082(5) by a civil fine of not more than \$500, regardless of the number of aliens with respect to whom the violation occurred.~~

(3) ~~Any person who violates has been previously convicted for a violation of subsection (1) or subsection (2) is and who thereafter violates subsection (1), shall be guilty of a misdemeanor of the first second degree, punishable as provided in s. 775.082 or s. 775.083. Any such subsequent violation of this section shall constitute a separate offense with respect to each unauthorized alien.~~

Section 4. Section 624.15, Florida Statutes, is amended to read:

624.15 General penalty.--

(1) Each willful violation of this code or rule of the department, office, or commission as to which a greater penalty is not provided by

another provision of this code or rule of the department, office, or commission or by other applicable laws of this state is a misdemeanor of the second degree and is, in addition to any prescribed applicable denial, suspension, or revocation of certificate of authority, license, or permit, punishable as provided in s. 775.082 or s. 775.083. Each instance of such violation shall be considered a separate offense.

(2) Each willful violation of an emergency rule or order of the department, office, or commission by a person who is not licensed, authorized, or eligible to engage in business in accordance with the Florida Insurance Code is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each instance of such violation is a separate offense. This subsection does not apply to licensees or affiliated parties of licensees.

Section 5. Subsection (2) of section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.--

(2) Any party may bring a civil action against any person acting as an unauthorized insurer without a certificate of authority if such party is damaged by a violation of s. 624.401 by that person the unauthorized insurer.

Section 6. Subsection (9) is added to section 626.112, Florida Statutes, to read:

626.112 License and appointment required; agents, customer representatives, adjusters, insurance agencies, service representatives, managing general agents.--

(9) Any person who transacts insurance or otherwise engages in insurance activities in this state without a license in violation of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 7. Paragraph (d) of subsection (4) of section 626.901, Florida Statutes, is amended to read:

626.901 Representing or aiding unauthorized insurer prohibited.--

(4) This section does not apply to:

(d) Independently procured coverage written pursuant to s. 626.938 which is not solicited, marketed, or sold within this state.

Section 8. Section 626.918, Florida Statutes, is amended to read:

626.918 Eligible surplus lines insurers.--

(1) ~~A~~ No surplus lines agent may not shall place any coverage with any unauthorized insurer which is not then an eligible surplus lines insurer, except as permitted under subsections ~~(6)(5) and (7)(6)~~.

(2) ~~An~~ No unauthorized insurer may not shall be or become an eligible surplus lines insurer unless made eligible by the office in accordance with the following conditions:

(a) Eligibility of the insurer must be requested in writing by the Florida Surplus Lines Service Office;

(b) The insurer must be currently an authorized insurer in the state or country of its domicile as to the kind or kinds of insurance proposed to be so placed and must have been such an insurer for not less than the 3 years next preceding or must be the wholly owned subsidiary of such authorized insurer or must be the wholly owned subsidiary of an already eligible surplus lines insurer as to the kind or kinds of insurance proposed for a period of not less than the 3 years next preceding. However, the office may waive the 3-year requirement if the insurer provides a product or service not readily available to the consumers of this state or has operated successfully for a period of at least 1 year next preceding and has capital and surplus of not less than \$25 million;

(c) Before granting eligibility, the requesting surplus lines agent or the insurer shall furnish the office with a duly authenticated copy of its current annual financial statement in the English language and with all monetary values therein expressed in United States dollars, at an exchange rate (in the case of statements originally made in the currencies of other countries) then-current and shown in the statement, and with such additional information relative to the insurer as the office may request;

(d)1. The insurer must have and maintain surplus as to policyholders of not less than \$15 million; in addition, an alien insurer must also have

and maintain in the United States a trust fund for the protection of all its policyholders in the United States under terms deemed by the office to be reasonably adequate, in an amount not less than \$5.4 million. Any such surplus as to policyholders or trust fund shall be represented by investments consisting of eligible investments for like funds of like domestic insurers under part II of chapter 625 provided, however, that in the case of an alien insurance company, any such surplus as to policyholders may be represented by investments permitted by the domestic regulator of such alien insurance company if such investments are substantially similar in terms of quality, liquidity, and security to eligible investments for like funds of like domestic insurers under part II of chapter 625. Clean, irrevocable, unconditional, and evergreen letters of credit issued or confirmed by a qualified United States financial institution, as defined in subsection (3), may be used to fund the trust;

2. For those surplus lines insurers that were eligible on January 1, 1994, and that maintained their eligibility thereafter, the required surplus as to policyholders shall be:

- a. On December 31, 1994, and until December 30, 1995, \$2.5 million.
- b. On December 31, 1995, and until December 30, 1996, \$3.5 million.
- c. On December 31, 1996, and until December 30, 1997, \$4.5 million.
- d. On December 31, 1997, and until December 30, 1998, \$5.5 million.
- e. On December 31, 1998, and until December 30, 1999, \$6.5 million.
- f. On December 31, 1999, and until December 30, 2000, \$8 million.
- g. On December 31, 2000, and until December 30, 2001, \$9.5 million.
- h. On December 31, 2001, and until December 30, 2002, \$11 million.
- i. On December 31, 2002, and until December 30, 2003, \$13 million.
- j. On December 31, 2003, and thereafter, \$15 million.

3. The capital and surplus requirements as set forth in subparagraph 2. do not apply in the case of an insurance exchange created by the laws of individual states, where the exchange maintains capital and surplus pursuant to the requirements of that state, or maintains capital and surplus in an amount not less than \$50 million in the aggregate. For an insurance exchange which maintains funds in the amount of at least \$12 million for the protection of all insurance exchange policyholders, each individual syndicate shall maintain minimum capital and surplus in an amount not less than \$3 million. If the insurance exchange does not maintain funds in the amount of at least \$12 million for the protection of all insurance exchange policyholders, each individual syndicate shall meet the minimum capital and surplus requirements set forth in subparagraph 2.;

4. A surplus lines insurer which is a member of an insurance holding company that includes a member which is a Florida domestic insurer as set forth in its holding company registration statement, as set forth in s. 628.801 and rules adopted thereunder, may elect to maintain surplus as to policyholders in an amount equal to the requirements of s. 624.408, subject to the requirement that the surplus lines insurer shall at all times be in compliance with the requirements of chapter 625.

The election shall be submitted to the office and shall be effective upon the office's being satisfied that the requirements of subparagraph 4. have been met. The initial date of election shall be the date of office approval. The election approval application shall be on a form adopted by commission rule. The office may approve an election form submitted pursuant to subparagraph 4. only if it was on file with the former Department of Insurance before February 28, 1998;

(e) The insurer must be of good reputation as to the providing of service to its policyholders and the payment of losses and claims;

(f) The insurer must be eligible, as for authority to transact insurance in this state, under s. 624.404(3); and

(g) This subsection does not apply as to unauthorized insurers made eligible under s. 626.917 as to wet marine and aviation risks.

(3) For purposes of subsection (2) relating to letters of credit, the term "qualified United States financial institution" means an institution that:

(a) Is organized or, in the case of a United States office of a foreign banking organization, is licensed under the laws of the United States or any state thereof;

(b) Is regulated, supervised, and examined by United States or state

authorities having regulatory authority over banks and trust companies.

(c) Has been determined by the office or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit are acceptable to the office.

~~(4)(3)~~ The office shall from time to time publish a list of all currently eligible surplus lines insurers and shall mail a copy thereof to each licensed surplus lines agent at his or her office of record with the office.

~~(5)(4)~~ This section shall not be deemed to cast upon the office any duty or responsibility to determine the actual financial condition or claims practices of any unauthorized insurer; and the status of eligibility, if granted by the office, shall indicate only that the insurer appears to be sound financially and to have satisfactory claims practices and that the office has no credible evidence to the contrary.

~~(6)(5)~~ When it appears that any particular insurance risk which is eligible for export, but on which insurance coverage, in whole or in part, is not procurable from the eligible surplus lines insurers, after a search of eligible surplus lines insurers, then the surplus lines agent may file a supplemental signed statement setting forth such facts and advising the office that such part of the risk as shall be unprocurable, as aforesaid, is being placed with named unauthorized insurers, in the amounts and percentages set forth in the statement. Such named unauthorized insurer shall, however, before accepting any risk in this state, deposit with the department cash or securities acceptable to the office and department of the market value of \$50,000 for each individual risk, contract, or certificate, which deposit shall be held by the department for the benefit of Florida policyholders only; and the surplus lines agent shall procure from such unauthorized insurer and file with the office a certified copy of its statement of condition as of the close of the last calendar year. If such statement reveals, including both capital and surplus, net assets of at least that amount required for licensure of a domestic insurer, then the surplus lines agent may proceed to consummate such contract of insurance. Whenever any insurance risk, or any part thereof, is placed with an unauthorized insurer, as provided herein, the policy, binder, or cover note shall contain a statement signed by the insured and the agent with the following notation: "The insured is aware that certain insurers participating in this risk have not been approved to transact business in Florida nor have they been declared eligible as surplus lines insurers by the Office of Insurance Regulation of Florida. The placing of such insurance by a duly licensed surplus lines agent in Florida shall not be construed as approval of such insurer by the Office of Insurance Regulation of Florida. Consequently, the insured is aware that the insured has severely limited the assistance available under the insurance laws of Florida. The insured is further aware that he or she may be charged a reasonable per policy fee, as provided in s. 626.916(4), Florida Statutes, for each policy certified for export." All other provisions of this code shall apply to such placement the same as if such risks were placed with an eligible surplus lines insurer.

~~(7)(6)~~ When any particular insurance risk subject to subsection ~~(6)(5)~~ is eligible for placement with an unauthorized insurer and not more than 12.5 percent of the risk is so subject, the office may, at its discretion, permit the agent to obtain from the insured a signed statement as indicated in subsection ~~(6)(5)~~. All other provisions of this code apply to such placement the same as if such risks were placed with an eligible surplus lines insurer.

Section 9. Subsections (1), (2), and (9) of section 626.938, Florida Statutes, are amended to read:

626.938 Report and tax of independently procured coverages.--

(1) Every insured who in this state procures or causes to be procured or continues or renews insurance from another state or country with an unauthorized foreign or alien insurer legitimately licensed in that jurisdiction, or any self-insurer who in this state so procures or continues excess loss, catastrophe, or other insurance, upon a subject of insurance resident, located, or to be performed within this state, other than insurance procured through a surplus lines agent pursuant to the Surplus

Lines Law of this state or exempted from tax under s. 626.932(4), shall, within 30 days after the date such insurance was so procured, continued, or renewed, file a report of the same with the Florida Surplus Lines Service Office in writing and upon forms designated by the Florida Surplus Lines Service Office and furnished to such an insured upon request, or in a computer readable format as determined by the Florida Surplus Lines Service Office. The report shall show the name and address of the insured or insureds, the name and address of the insurer, the subject of the insurance, a general description of the coverage, the amount of premium currently charged therefor, and such additional pertinent information as is reasonably requested by the Florida Surplus Lines Service Office.

(2) Any insurance on a risk located in this state in an unauthorized insurer legitimately

Remove lines 14-19 and insert:

440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; increasing penalties for employers unlawfully failing to secure workers' compensation insurance when an employee is injured by or dies from a work-related injury; deleting provisions relating to a prohibition against employers participating in the creation of employment relationships based on false, fraudulent, or misleading information; deleting provisions relating to presentation of false, fraudulent, or misleading information to obtain employment; amending s. 448.09, F.S.; prohibiting the presentation of certain false, fraudulent, or misleading information for the purpose of obtaining employment; providing penalties; revising penalties for unauthorized employment of aliens; amending s. 624.15, F.S.; specifying

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

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

HB 1725—A bill to be entitled An act relating to the Florida Enterprise Zone Act; amending s. 290.001, F.S.; revising the name of the act; amending s. 290.004, F.S.; deleting obsolete definitions; amending s. 290.0055, F.S.; revising procedures for counties or municipalities to nominate an area for designation as a new enterprise zone; deleting obsolete provisions; removing the authority for certain counties to nominate more than one enterprise zone; revising criteria for eligibility of an area for nomination by certain local governments for designation as an enterprise zone; revising procedures and requirements for amending enterprise zone boundaries; amending s. 290.0056, F.S.; deleting a requirement that a governing body appoint the board of an enterprise zone development agency by ordinance; revising requirements for making such appointments; deleting a requirement that a certificate of appointment of a board member be filed with the clerk of the county or municipality; deleting the requirement that an annual report by a board be published and available for inspection in the office of the municipal or county clerk; revising the powers and responsibilities of an enterprise zone development agency; providing additional responsibilities; revising certain reporting requirements; amending s. 290.0057, F.S.; specifying application of enterprise zone development plan requirements only to designations of new enterprise zones; amending s. 290.0058, F.S.; updating obsolete references; revising requirements for determining pervasive poverty in an area nominated as a rural enterprise zone; providing an exception for areas nominated for designation as a rural enterprise zone; amending s. 290.0065, F.S.; establishing the maximum number of enterprise zones allowed, subject to any new zones authorized by the Legislature; revising the procedure for designating a new enterprise zone if an existing zone is not redesignated; deleting a requirement that an application for designation as an enterprise zone be categorized by population; deleting obsolete provisions; authorizing the office to redesignate enterprise zones having an effective date on or before January 1, 2005; providing requirements and procedures;

authorizing a governing body to request enterprise zone boundary changes; requiring the office to determine, in consultation with Enterprise Florida, Inc., the merits of enterprise zone redesignations; providing criteria; providing for an enterprise zone redesignation approval procedure; prohibiting an entity having jurisdiction over an area denied redesignation as an enterprise zone from reapplying for redesignation for 1 year; providing a redesignation procedure for zones authorized in conjunction with certain federal acts; providing requirements for an application for redesignation; deleting obsolete provisions; amending s. 290.0066, F.S.; providing that failure to make progress or failure to comply with measurable goals may be considered as grounds for revocation of an enterprise zone designation; amending s. 290.012, F.S.; providing a transition date that provides for a zone having an effective date on or before January 1, 2005, to continue to exist until December 21, 2005, and to expire on that date; requiring any zone designated or redesignated after January 1, 2006, to be designated or redesignated in accordance with the Florida Enterprise Zone Act; amending s. 290.014, F.S., to conform; amending s. 290.016, F.S.; delaying the repeal of the Florida Enterprise Zone Act; amending s. 163.345, F.S., to conform; amending ss. 166.231, 193.077, 193.085, 195.073, 196.012, 205.022, 205.054, and 212.02, F.S.; extending expiration dates with respect to various tax exemptions to conform provisions to changes made by the act; amending s. 212.08, F.S.; revising the procedures for applying for a tax exemption on building materials used to rehabilitate property located in an enterprise zone; deleting a limitation on claiming exemptions through a refund of previously paid taxes; extending an expiration date for the exemption; lowering the purchase threshold for an exemption for business property used in an enterprise zone from \$5,000 per unit to \$500 per item; extending an expiration date for the exemption; deleting obsolete provisions governing the community contribution tax credit for donations, to conform; extending the expiration date of the tax credit for electrical energy used in an enterprise zone, to conform; amending s. 212.096, F.S.; revising definitions for purposes of the enterprise zone jobs tax credit against sales tax; revising eligibility criteria for the credit; extending the expiration date for the enterprise zone jobs tax credit, to conform; amending ss. 220.02 and 220.03, F.S.; extending the expiration date of the enterprise zone jobs tax credit against corporate income tax to conform to changes made by the act; revising definitions to extend the expiration date of the credit to conform; amending s. 220.181, F.S.; revising criteria and requirements to qualify for the enterprise zone jobs tax credit against corporate income tax; extending the expiration date of the tax credit, to conform; amending s. 220.182, F.S.; extending the expiration date of the enterprise zone property tax credit, to conform; amending s. 288.1175, F.S., to conform; amending s. 370.28, F.S.; providing that an enterprise zone having an effective date on or before January 1, 2005, shall continue to exist until December 21, 2005, and shall expire on that date; requiring that an enterprise zone in a community affected by net limitations which is redesignated after January 1, 2006, do so in accordance with the Florida Enterprise Zone Act; repealing s. 290.00555, F.S., relating to the designation of a satellite enterprise zone; repealing s. 290.0067, F.S., relating to an enterprise zone in Lake Apopka; repealing s. 290.00675, F.S., relating to a boundary amendment for the City of Brooksville in Hernando County; repealing s. 290.00676, F.S., relating to an amendment of certain rural enterprise zone boundaries; repealing s. 290.00678, F.S., relating to a designation of rural champion communities as enterprise zones; repealing s. 290.00679, F.S., relating to amendments to certain rural enterprise zone boundaries; repealing s. 290.0068, F.S., relating to the designation of an enterprise zone encompassing a brownfield pilot project; repealing s. 290.00685, F.S., relating to an application to amend boundaries of an enterprise zone containing a brownfield pilot project; repealing s. 290.00686, F.S., relating to the designation of enterprise zones in Brevard County and the City of Cocoa; repealing s. 290.00687, F.S., relating to the designation of an enterprise zone in Pensacola; repealing s. 290.00688, F.S., relating to the designation of an enterprise zone in Leon County; repealing s. 290.00689, F.S., relating to the designation of a pilot project in an

enterprise zone; repealing s. 290.0069, F.S., relating to the designation of an enterprise zone in Liberty County; repealing s. 290.00691, F.S., relating to the designation of an enterprise zone in Columbia County and Lake City; repealing s. 290.00692, F.S., relating to the designation of an enterprise zone in Suwannee County and Live Oak; repealing s. 290.00693, F.S., relating to the designation of an enterprise zone in Gadsden County; repealing s. 290.00694, F.S., relating to the designation of an enterprise zone in Sarasota County and Sarasota; repealing s. 290.00695, F.S., relating to the designation of enterprise zones in Hernando County and Brooksville; repealing s. 290.00696, F.S., relating to the designation of an enterprise zone in Holmes County; repealing s. 290.00697, F.S., relating to the designation of an enterprise zone in Calhoun County; repealing s. 290.00698, F.S., relating to the designation of an enterprise zone in Okaloosa County; repealing s. 290.00699, F.S., relating to the designation of an enterprise zone in Hillsborough County; repealing s. 290.00701, F.S., relating to the designation of an enterprise zone in Escambia County; repealing s. 290.00702, F.S., relating to the designation of enterprise zones in Osceola County and the City of Kissimmee; repealing s. 290.00703, F.S., relating to the designation of an enterprise zone in South Daytona; repealing s. 290.00704, F.S., relating to the designation of an enterprise zone in Lake Wales; repealing s. 290.00705, F.S., relating to the designation of an enterprise zone in Walton County; repealing s. 290.00706, F.S., relating to the designation of enterprise zones in Miami-Dade County and the City of West Miami; repealing s. 290.00707, F.S., relating to the designation of an enterprise zone in Hialeah; repealing s. 290.00708, F.S., relating to a boundary amendment in an enterprise zone within a consolidated government; repealing s. 290.00709, F.S., relating to a boundary amendment in an enterprise zone within an inland county; repealing s. 290.009, F.S., relating to the Enterprise Zone Interagency Coordinating Council; repealing s. 290.015, F.S., relating to an evaluation and review of the enterprise zone program; providing an effective date.

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

On motion by Rep. Bilirakis, the rules were waived and HB 1725 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 288

Speaker Bense in the Chair.

Yeas—116

Adams	Brown	Gannon	Jennings
Allen	Brummer	Garcia	Johnson
Altman	Bucher	Gardiner	Jordan
Ambler	Bullard	Gelber	Joyner
Anderson	Cannon	Gibson, A.	Justice
Antone	Carroll	Gibson, H.	Kendrick
Arza	Clarke	Glorioso	Kottkamp
Attkisson	Cretul	Goldstein	Kravitz
Ausley	Culp	Goodlette	Kreegel
Barreiro	Cusack	Gottlieb	Legg
Baxley	Davis, D.	Grant	Littlefield
Bean	Davis, M.	Greenstein	Llorente
Bendross-Mindingall	Dean	Grimsley	Lopez-Cantera
Bense	Detert	Harrell	Machek
Benson	Domino	Hasner	Mahon
Berfield	Evers	Hays	Mayfield
Bilirakis	Farkas	Henriquez	McInvale
Bogdanoff	Fields	Holloway	Meadows
Bowen	Flores	Homan	Mealor
Brandenburg	Galvano	Hukill	Murzin

Needelman	Quinones	Russell	Stansel
Negron	Reagan	Ryan	Stargel
Patterson	Rice	Sands	Taylor
Peterman	Richardson	Sansom	Traviesa
Pickens	Rivera	Seiler	Troutman
Planas	Robaina	Simmons	Vana
Poppell	Roberson	Slosberg	Waters
Porth	Ross	Sobel	Williams
Proctor	Rubio	Sorensen	Zapata

Nays—None

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

HB 1497—A bill to be entitled An act relating to outdoor advertising; creating s. 479.157, F.S.; authorizing the repair or reconstruction of any lawful nonconforming sign damaged or destroyed by a major or catastrophic disaster, notwithstanding any statute, ordinance, rule, or regulation to the contrary, provided that the repair or reconstruction is in compliance with the Florida Building Code; providing an effective date.

The State Infrastructure Council recommended the following:

HB 1497 CS—A bill to be entitled An act relating to outdoor advertising; amending s. 479.106, F.S.; revising provisions relating to the proximity of vegetation and beautification projects to outdoor advertising signs; specifying distances which constitute a view zone for outdoor advertising signs; authorizing the Department of Transportation and owners of outdoor advertising signs to enter into agreements identifying view zone locations; requiring governmental entities to pay for lost revenues or sign market values for violation of view zone requirements; amending s. 479.25, F.S.; allowing permitted, conforming, lawfully erected outdoor advertising signs to be increased in height if visibility is blocked due to construction of a noise attenuation barrier; requiring sign reconstruction to meet Florida Building Code requirements; requiring the issuance of local permits for the reconstruction of signs notwithstanding local ordinances or land development regulations to the contrary; requiring local governments or local jurisdictions to pay just compensation for refusal to issue a reconstruction permit; providing an effective date.

—was read the second time by title.

Representative(s) Mayfield offered the following:

(Amendment Bar Code: 123427)

Amendment 1 (with title amendment)—Remove lines 40 through 65, and insert:

screen such sign from view. For the State Highway System and expressways, the view zone shall consist of 500 linear feet within the first 1,000 feet as measured along the edge of the pavement in the direction of approaching traffic from a point on the edge of the pavement perpendicular to the edge of the sign facing nearest the highway. For the State Highway System and expressways, the view zone shall be a continuous 500 linear feet unless interrupted by existing, naturally occurring vegetation. The department and the sign owner may enter into an agreement identifying the specific location of the view zone for each sign facing. In the absence of such agreement, the view zone shall be defined as the first continuous 500 linear feet from the sign. Any governmental entity or other party violating this provision shall pay to the sign owner a penalty equal to the lesser of the revenue from the sign lost during the time of the screening or the fair market value of the sign.

Section 2. Section 479.25, Florida Statutes, is amended to read:

479.25 Application of chapter.—~~The owner of a lawfully erected sign that is governed by and conforms to state and federal requirements for land use, size, height, and spacing may increase the height above ground level of such sign. This chapter does not prevent a governmental entity from entering into an agreement allowing the height above ground level of a lawfully erected sign to be increased at its permitted location if a noise-attenuation barrier, visibility screen, or other highway improvement is permitted by or erected by any governmental entity in such a way as to screen or block visibility of the~~

Remove lines 11 through 20, and insert:

constitute a view zone on the State Highway System and expressways for outdoor advertising signs; authorizing the Department of Transportation and owners of outdoor advertising signs to enter into agreements identifying view zone locations; requiring governmental entities and other violators to pay for lost revenues or sign market values for violation of view zone requirements; amending s. 479.25, F.S.; allowing permitted, conforming, lawfully erected outdoor advertising signs to be increased in height if visibility is blocked due to construction of specified noise attenuation barriers; requiring sign reconstruction

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

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

Reconsideration of HB 1221

On motion by Rep. Gardiner, the House reconsidered the vote by which **HB 1221** failed to pass earlier today.

Motions

On motion by Rep. Gardiner, pending roll call, further consideration of **HB 1221** was temporarily postponed.

On motion by Rep. Russell, consideration of **HB 1037** was temporarily postponed.

HB 1551—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including special needs clients, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; amending s. 381.0303, F.S.; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to be in conformance with the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; providing that the appropriate county health department, Children's Medical Services, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing that the Department of Elderly Affairs shall be the lead agency responsible for ensuring the placement of special

needs residents rendered homeless due to a disaster event and for appropriate and necessary discharge planning for special needs shelter residents; providing that the Department of Children and Family Services shall be the lead agency responsible for ensuring the placement of developmentally disabled persons, mental health special needs residents, and Alzheimer adult special needs residents rendered homeless due to a disaster event and for the appropriate and necessary discharge planning for special needs shelter residents; providing that state employees with a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring hospitals that are used to shelter special needs persons during and after an evacuation to submit invoices for reimbursement from the state for expenses incurred for medical care provided at the request of the Department of Health in special needs shelters or at other locations during times of emergency or major disaster; revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; providing for the inclusion of specified rules with respect to health practitioner recruitment for special needs shelters; providing that the requirement for submission of emergency management plans by home health agencies, nurse registries, and hospice programs to local emergency management agencies for review and approval remains in effect; providing requirements with respect to such plans; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Department of Management Services to annually review the registry of persons with special needs to ensure that the construction of special needs shelters is sufficient and suitable to house such persons during and after an evacuation; amending s. 400.492, F.S.; providing that home health, hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care clients to the special needs shelter without the home health agency making a good faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; providing an effective date.

The Health & Families Council recommended the following:

HB 1551 CS—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional agencies that are required to provide registration information to special needs clients and persons with disabilities or special needs who receive services from such agencies for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including special needs clients, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; requiring the department to disseminate educational and outreach information through local emergency management offices; requiring the department to coordinate community education and outreach related to special needs shelters with specified agencies and entities; providing that specified confidential and exempt information relating to registration of persons with special needs be provided to the Department of Health; amending s. 381.0303, F.S.;

providing for the operation, maintenance, and closure of special needs shelters; removing a condition of specified funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified coordination with respect to the development of a plan for the staffing and medical management of special needs shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist in the process of coordinating the recruitment of health care practitioners to staff local special needs shelters; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; providing that state employees with a preestablished role in disaster response may be called upon to serve in times of disaster in specified capacities; requiring the Secretary of Elderly Affairs to convene a multiagency emergency special needs shelter response team or teams to assist local areas that are severely impacted by a natural or manmade disaster that required the use of special needs shelters; providing duties and responsibilities of multiagency response teams; authorizing local emergency management agencies to request the assistance of a multiagency response team; providing for the inclusion of specified state agency representatives on each multiagency response team; authorizing hospitals and nursing homes that are used to shelter special needs persons during or after an evacuation to submit invoices for reimbursement to the Department of Health; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; prescribing means of and procedures for reimbursement; providing eligibility for reimbursement of health care facilities to whom special needs shelter clients have been discharged by a multiagency response team upon closure of a special needs shelter; providing requirements with respect to such reimbursement; prescribing means of and procedures for reimbursement; disallowing specified reimbursements; revising the role of the special needs shelter interagency committee with respect to the planning and operation of special needs shelters; providing required functions of the committee; providing that the committee shall recommend guidelines to establish a statewide database to collect and disseminate special needs registration information; revising the composition of the special needs shelter interagency committee; requiring the inclusion of specified rules with respect to special needs shelters and specified minimum standards therefor; providing requirements with respect to emergency management plans submitted by a home health agency, nurse registry, or hospice to a county health department for review; removing a condition of specified funding as a prerequisite to the submission of such plans; amending s. 252.385, F.S.; requiring the Division of Emergency Management of the Department of Community Affairs to prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to assist the division in determining the estimated need for special needs shelter space; requiring inspection of public hurricane evacuation shelter facilities by local emergency management agencies prior to activation of such facilities; amending s. 400.492, F.S.; providing that nurse registries, hospices, and durable medical equipment providers shall prepare and maintain a comprehensive emergency management plan; providing that home health, hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to patients in emergency situations that are beyond their control and that make it impossible to provide services; authorizing home health agencies, nurse registries, hospices, and durable medical equipment providers to establish links to local emergency operations centers to determine a mechanism to approach areas within a disaster area in order for the agency to reach its clients; providing that the presentation of home care or hospice clients to the special needs shelter without the home health agency or hospice

making a good faith effort to provide services in the shelter setting constitutes abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to initially contact nursing homes in disaster areas for specified monitoring purposes; requiring the agency to publish an emergency telephone number for use by nursing homes; providing an effective date.

—was read the second time by title.

Representative(s) Harrell offered the following:

(Amendment Bar Code: 515637)

Amendment 1—Remove lines 416 through 445 and insert:

(a) Staffing levels for provision of services to assist individuals with activities of daily living.

(b) Provision of transportation services.

(c) Compliance with applicable service animal laws.

(d) Eligibility criteria that includes individuals with physical, cognitive, and psychiatric disabilities.

(e) Provision of support and services for individuals with physical, cognitive, and psychiatric disabilities.

(f) Standardized applications that include specific eligibility criteria and the services an individual with special needs can expect to receive.

(g) Procedures for addressing the needs of unregistered individuals in need of shelter.

(h) Requirements that the special needs shelter location meets the Florida Accessibility Code for Building Construction. If the location fails to meet the standards, a plan must be provided describing how compliance will be achieved.

(i) Procedures for addressing the needs of families that are eligible for special needs shelter services. Specific procedures shall be developed to address the needs of families with multiple dependents where only one dependent is eligible for the special needs shelter. Specific procedures shall be developed to address the needs of adults with special needs who are caregivers for individuals without special needs.

(j) Standards for special needs shelters, including staffing, emergency power, transportation services, supplies, including durable medical equipment, and any other recommendations for minimum standards as determined by the committee.

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

Representative(s) Harrell offered the following:

(Amendment Bar Code: 712331)

Amendment 2—Remove line 442 and insert:

staffing, onsite emergency power, transportation services, supplies.

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

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

HB 1159 CS—A bill to be entitled An act relating to firefighters' pensions; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; providing an effective date.

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

Reconsideration

On motion by Rep. Bogdanoff, the House reconsidered the vote by which **Amendment 2** was adopted earlier today. The question recurred on the adoption of the amendment, which was adopted.

On motion by Rep. Williams, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Williams offered the following:

(Amendment Bar Code: 438489)

Amendment 3 (with title amendment)—Between lines 136 and 137, insert:

Section 3. Paragraph (a) of subsection (22) of section 121.021, Florida Statutes, is amended to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(22) "Compensation" means the monthly salary paid a member by his or her employer for work performed arising from that employment.

(a) Compensation shall include:

1. Overtime payments paid from a salary fund.
2. Accumulated annual leave payments.
3. Payments in addition to the employee's base rate of pay if all the following apply:
 - a. The payments are paid according to a formal written policy that applies to all eligible employees equally;
 - b. The policy provides that payments shall commence no later than the 11th year of employment;
 - c. The payments are paid for as long as the employee continues his or her employment; and
 - d. The payments are paid at least annually.

4. Amounts withheld for tax sheltered annuities or deferred compensation programs, or any other type of salary reduction plan authorized under the Internal Revenue Code.

5. Payments made in lieu of a permanent increase in the base rate of pay, whether made annually or in 12 or 26 equal payments within a 12-month period, when the member's base pay is at the maximum of his or her pay range. When a portion of a member's annual increase raises his or her pay range and the excess is paid as a lump sum payment, such lump sum payment shall be compensation for retirement purposes.

6. Effective July 1, 2002, salary supplements made pursuant to s. 1012.72 requiring a valid National Board for Professional Standards certificate, notwithstanding the provisions of subparagraph 3.

7. Effective July 1, 2005, salary supplements made to firefighters, paramedics, or emergency medical technicians for the successful completion of employer-approved educational training or for additional job-related duties and responsibilities, notwithstanding the provisions of

subparagraph 3. For all periods prior to July 1, 2005, employer-reported retirement contributions on these supplemental payments shall be compensation.

Section 4. The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and of its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems that provide fair and adequate benefits that are managed, administered, and funded in an actuarially sound manner, as required by s. 14, Art. X of the State Constitution and part VII of chapter 112, Florida Statutes. Therefore, the Legislature determines and declares that section 3 of this act fulfills an important state interest.

Remove lines 6-19 and insert:

An act relating to the Florida Retirement System; amending s. 175.041, F.S.; providing that any municipality that provides fire protection services to another municipality under an interlocal agreement is eligible to receive premium taxes; authorizing the municipality that receives the fire protection services to enact an ordinance levying the tax; authorizing the Division of Retirement within the Department of Management Services to distribute the premium taxes; amending s. 175.101, F.S.; authorizing any municipality that has entered into an interlocal agreement for fire protection services with another municipality to impose an excise tax on entities that are engaged in the business of property insurance; amending s. 121.021, F.S.; redefining the term "compensation" to include certain supplementary payments made to firefighters, paramedics, and emergency medical technicians and to certain employer-reported retirement contributions; providing a finding of important state interest; providing an effective date.

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

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

HB 529—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; providing rulemaking authority regarding application for board membership; amending s. 497.103, F.S.; revising authority of the Department of Financial Services to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; amending s. 497.141, F.S.; revising licensure application procedures to provide for persons other than natural persons; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of license; amending s. 497.142, F.S.; revising fingerprinting requirements; eliminating obsolete references; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising applicability in other jurisdictions; revising certain grounds for disciplinary action; specifying what is deemed to be a complaint; providing exceptions to remittance deficiency disciplinary infractions; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.;

revising fine amounts; amending s. 497.159, F.S.; revising criminal provisions relating to prelicensure examinations, willful obstruction, trust funds, and specified violations; providing penalties; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising a provision for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizes the licensing authority to establish certain rules; amending s. 497.380, F.S.; revising certain requirements for funeral establishments; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising application procedures for preneed sales agents; creating s. 497.468, F.S.; providing for disclosure of information to the public; amending s. 497.550, F.S.; revising application procedures for licensure as a monument establishment; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; revising requirements for rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.604, F.S.; revising provisions concerning direct disposal establishment licensure and application for licensure and regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions concerning cinerator facility licensure and application for licensure and regulation of cinerator facilities; amending s. 497.607, F.S.; providing for publication of rules regarding cremation by chemical means; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s.

497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

The Commerce Council recommended the following:

HB 529 CS—A bill to be entitled An act relating to funeral and cemetery industry regulation; amending s. 316.1974, F.S.; authorizing the use of purple lights on certain funeral escort vehicles and funeral lead vehicles; amending s. 497.005, F.S.; revising definitions; amending s. 497.101, F.S.; clarifying eligibility for Board of Funeral, Cemetery, and Consumer Services membership; requiring the Department of Financial Services to adopt rules regarding application for board membership; amending s. 497.103, F.S.; revising authority of the department to take emergency action; limiting the authority of the Chief Financial Officer; amending s. 497.140, F.S.; revising the time period for board reaction to department revenue projections; providing for future termination of certain assessments; providing for delinquency fees to be charged and collected from certain licensees; providing a default delinquency fee; amending s. 497.141, F.S.; requiring licensure applications to include tax identification numbers of applicants that are not natural persons; authorizing the licensing authority to require certain applicants to provide a photograph; clarifying when licenses may be issued to entities and to natural persons; clarifying the types of entities to which licenses may be issued; providing signature requirements; authorizing the licensing authority to adopt rules; restricting assignment or transfer of licenses; amending s. 497.142, F.S.; revising fingerprinting requirements; clarifying requirements as to disclosure of previous criminal records; revising which members of an entity applying for licensure are required to disclose their criminal records; providing for waiver of the fingerprint requirements in certain circumstances; providing for the cost for fingerprinting processing; amending s. 497.143, F.S.; prohibiting preneed sales under a limited license; amending s. 497.144, F.S.; requiring a challenger to pay the costs for failure to appear at a challenge hearing; amending s. 497.147, F.S.; revising provisions relating to the licensing authority's rules regulating prelicensure training and continuing education providers; amending s. 497.149, F.S.; revising terminology; amending s. 497.151, F.S.; revising applicability; specifying what is not deemed to be a complaint; amending s. 497.152, F.S.; revising disciplinary provisions; revising certain grounds for disciplinary action; specifying what is not deemed to be a complaint; authorizing the board to adopt rules providing criteria for identifying minor and nonwillful remittance deficiencies; amending s. 497.153, F.S.; providing for the use of consent orders in certain circumstances; amending s. 497.158, F.S.; revising fine amounts; amending s. 497.159, F.S.; revising provisions relating to criminal penalties for violations involving prelicensure examinations, willful obstruction, and trust funds and other specified violations; revising what constitutes improper discrimination; amending s. 497.161, F.S.; removing a provision allowing board members to serve as experts in investigations; specifying standing of licensees to challenge rules; amending s. 497.165, F.S.; stipulating that intentional or gross negligence renders owners, directors, and officers jointly and severally liable for certain trust fund deficiencies; amending s. 497.166, F.S.; specifying who may act as a preneed sales agent; providing responsibility of certain licensees; amending s. 497.169, F.S.; revising provisions for award of attorney's fees and costs in certain actions; creating s. 497.171, F.S.; providing requirements for the identification of human remains; amending s. 497.260, F.S.; revising what constitutes improper discrimination by cemeteries; amending s. 497.263, F.S.; revising the applicability of certain application procedures for licensure of cemetery companies; amending s. 497.264, F.S.; revising requirements relating to applicants seeking to acquire control of a licensed cemetery; amending s. 497.281, F.S.; revising requirements for licensure of burial rights brokers; amending s. 497.365, F.S.; requiring the board to adopt rules prescribing application and renewal fees for inactive status, a delinquency fee, and a fee for reactivation of a license; providing a cap on such fees; providing a

limitation on the department's ability to reactivate a license; amending s. 497.368, F.S.; revising grounds for issuance of licensure as an embalmer by examination; amending s. 497.369, F.S.; revising grounds for issuance of licensure as an embalmer by endorsement; amending s. 497.373, F.S.; revising grounds for issuance of licensure as a funeral director by examination; amending s. 497.374, F.S.; revising grounds for issuance of licensure as a funeral director by endorsement; amending s. 497.376, F.S.; revising authority to issue a combination license as a funeral director and embalmer; authorizing the licensing authority to establish certain rules; amending s. 497.378, F.S.; raising the cap on funeral director and embalmer license renewal fees; amending s. 497.380, F.S.; specifying requirements for funeral establishment licensure applicants; raising the cap on funeral establishment license renewal fees; providing requirements for reporting a change in location of the establishment; amending s. 497.385, F.S.; revising application requirements for licensure of a removal service or a refrigeration service; providing requirements for change in location of removal services and refrigeration services; deleting a provision exempting centralized embalming facilities from certain funeral establishment requirements; authorizing the licensing authority to adopt certain rules for centralized embalming facility operations; revising application requirements for licensure of a centralized embalming facility; providing for inspection of centralized embalming facilities; providing for change in ownership and change in location of centralized embalming facilities; amending s. 497.453, F.S.; revising net worth requirements for preneed licensure; specifying authority to accept certain alternative evidence of financial responsibility in lieu of net worth regarding preneed licensure applicants; providing preneed license renewal fees for monument establishments; revising grounds for issuance of a preneed branch license; raising the cap on branch license renewal fees; deleting a provision exempting sponsoring preneed licensees from responsibility for certain violations of branch licenses; amending s. 497.456, F.S.; revising use of the Preneed Funeral Contract Consumer Protection Trust Fund by the licensing authority; amending s. 497.458, F.S.; revising requirements to loan or invest trust funds; amending s. 497.466, F.S.; revising general provisions applicable to preneed sales agents; revising requirements and application procedures for preneed sales agent licensure; providing requirements for the issuance of a temporary preneed sales agent license; providing requirements for the conversion of temporary preneed sales agent licenses to permanent preneed sales agent licenses; providing requirements for applicants with a criminal or disciplinary record; providing for termination of a permanent preneed sales agent license due to lack of appointments; providing requirements for the appointment of preneed sales agents; providing for administrative matters regarding preneed sales agent licensure; creating s. 497.468, F.S.; providing for disclosure of certain information to the public; requiring the licensing authority to establish rules relating to the manner in which certain written contracts are provided; amending s. 497.550, F.S.; creating two categories of monument establishment licensure and providing certain requirements for such categories; revising application procedures for licensure as a monument establishment; requiring inspection of proposed monument establishment facilities; amending s. 497.551, F.S.; revising requirements for renewal of monument establishment licensure; amending s. 497.552, F.S.; revising facility requirements for monument establishments; amending s. 497.553, F.S.; requiring the board to set an annual inspection fee for monument establishment licensees; providing a cap for such fee; providing requirements for change of ownership and location of monument establishments; amending s. 497.554, F.S.; revising application procedure and renewal requirements for monument establishment sales representatives; deferring application of section; amending s. 497.555, F.S.; requiring monument establishments to comply with rules establishing minimum standards for access to cemeteries; amending s. 497.602, F.S.; revising application procedures for direct disposer licensure; amending s. 497.603, F.S.; raising the cap on direct disposer license renewal fees; amending s. 497.604, F.S.; revising provisions relating to direct disposal establishment licensure and application for such

licensure; revising provisions relating to the regulation of direct disposal establishments; amending s. 497.606, F.S.; revising provisions relating to cinerator facility licensure and application for such licensure; revising provisions relating to the regulation of cinerator facilities; amending s. 497.607, F.S.; providing that the anatomical board at the University of Florida Health Science Center is not prohibited from causing the final disposition of unclaimed human remains under certain circumstances; amending s. 152, ch. 2004-301, Laws of Florida; specifying applicability of rules; amending s. 626.785, F.S.; revising a policy coverage limit; repealing s. 497.275, F.S., relating to identification of human remains in licensed cemeteries; repealing s. 497.388, F.S., relating to identification of human remains; repealing s. 497.556, F.S., relating to requirements relating to monument establishments; providing an effective date.

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

Session Vote Sequence: 289

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1469—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for Board of Funeral, Cemetery, and Consumer Services meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public

meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records relating to the scheduling of inspections and special examinations; creating a public records exemption for records relating to investigations, inspections, or examinations in process; creating a public records exemption for trade secret information of licensees and applicants; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

The Commerce Council recommended the following:

HB 1469 CS—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 497.172, F.S.; creating a public meetings exemption for the Board of Funeral, Cemetery, and Consumer Services for those portions of meetings conducted for the exclusive purpose of developing or reviewing licensure examination questions and answers; creating a public meetings exemption for probable cause panel meetings of the board; creating a public records exemption for records of exempt probable cause panel meetings for a time certain; creating a public records exemption for records relating to investigations, inspections, or examinations in process for a time certain; maintaining the public records exemptions under certain circumstances; creating a public records exemption for trade secrets; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

Rep. Kreegel moved that the rules be waived and HB 1469 be read the third time by title, which was agreed to. The vote was:

Session Vote Sequence: 290

Speaker Bense in the Chair.

Yeas—80

Adams	Culp	Homan	Planas
Altman	Davis, D.	Hukill	Poppell
Ambler	Davis, M.	Johnson	Proctor
Anderson	Dean	Jordan	Quinones
Arza	Detert	Kottkamp	Reagan
Attkisson	Domino	Kravitz	Rice
Barreiro	Evers	Kreegel	Rivera
Baxley	Farkas	Kyle	Robaina
Bean	Flores	Legg	Ross
Bense	Galvano	Littlefield	Rubio
Benson	Garcia	Llorente	Russell
Berfield	Gardiner	Lopez-Cantera	Sansom
Bilirakis	Gibson, H.	Mahon	Simmons
Bogdanoff	Glorioso	Mayfield	Sorensen
Bowen	Goldstein	Mealor	Stargel
Brummer	Grant	Murzin	Traviesa
Cannon	Grimsley	Needelman	Troutman
Carroll	Harrell	Negron	Waters
Clarke	Hasner	Patterson	Williams
Cretul	Hays	Pickens	Zapata

Nays—37

Allen	Bullard	Goodlette	Joyner
Antone	Cusack	Gottlieb	Justice
Ausley	Fields	Greenstein	Kendrick
Bendross-Mindingall	Gannon	Henriquez	Machek
Brandenburg	Gelber	Holloway	McInvale
Bucher	Gibson, A.	Jennings	Meadows

Peterman	Ryan	Smith	Vana
Porth	Sands	Sobel	
Richardson	Seiler	Stansel	
Roberson	Slosberg	Taylor	

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

Session Vote Sequence: 291

Speaker Bense in the Chair.

Yeas—79

Adams	Culp	Hukill	Poppell
Altman	Davis, D.	Johnson	Proctor
Ambler	Dean	Jordan	Quinones
Anderson	Detert	Kottkamp	Reagan
Arza	Domino	Kravitz	Rice
Attkisson	Evers	Kreegel	Rivera
Barreiro	Farkas	Kyle	Robaina
Baxley	Flores	Legg	Ross
Bean	Galvano	Littlefield	Rubio
Bense	Garcia	Llorente	Russell
Benson	Gardiner	Lopez-Cantera	Sansom
Berfield	Gibson, H.	Mahon	Simmons
Bilirakis	Glorioso	Mayfield	Sorensen
Bogdanoff	Goldstein	Mealor	Stargel
Bowen	Grant	Murzin	Traviesa
Brown	Grimsley	Needelman	Troutman
Cannon	Harrell	Negron	Waters
Carroll	Hasner	Patterson	Williams
Clarke	Hays	Pickens	Zapata
Cretul	Homan	Planas	

Nays—39

Allen	Fields	Joyner	Ryan
Antone	Gannon	Justice	Sands
Ausley	Gelber	Kendrick	Seiler
Bendross-Mindingall	Gibson, A.	Machek	Slosberg
Brandenburg	Goodlette	McInvale	Smith
Brummer	Gottlieb	Meadows	Sobel
Bucher	Greenstein	Peterman	Stansel
Bullard	Henriquez	Porth	Taylor
Cusack	Holloway	Richardson	Vana
Davis, M.	Jennings	Roberson	

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate after engrossment.

HB 931—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry in this state; deleting a requirement that the Department of Environmental Protection promote certain solar technology projects; amending s. 288.047, F.S., relating to quick-response training; conforming provisions to changes made by the act; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-

sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.903, F.S.; deleting the limitation on the salary of an employee of Enterprise Florida, Inc.; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; amending s. 288.905, F.S.; deleting provisions prohibiting certain state employees from receiving a pay raise or bonus beyond a certain amount; amending s. 445.004, F.S., relating to Workforce Florida, Inc.; conforming provisions to changes made by the act; providing an effective date.

The Economic Development, Trade & Banking Committee recommended the following:

HB 931 CS—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry in this state; deleting a requirement that the Department of Environmental Protection promote certain solar technology projects; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; clarifying the term "economic development organization"; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

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

HB 1003—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish an effective date of the designated enterprise zone; providing an effective date.

The Commerce Council recommended the following:

HB 1003 CS—A bill to be entitled An act relating to enterprise zones; creating s. 290.00710, F.S.; authorizing the City of Lakeland to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0073, F.S.; authorizing Indian River County, the City of Vero Beach, and the City of Sebastian to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone in Indian River County; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0074, F.S.; authorizing Sumter County to apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0075, F.S.; authorizing Columbia County or Columbia County and Lake City jointly

to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0076, F.S.; authorizing Suwannee County or Suwannee County and Live Oak jointly to apply to the Office of Tourism, Trade, and Economic Development to designate an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; creating s. 290.0077, F.S.; authorizing Orange County and the municipality of Apopka to jointly apply to the Office of Tourism, Trade, and Economic Development for designation of an enterprise zone; providing requirements; requiring the office to establish the initial effective date of the enterprise zone; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of rural enterprise zone issues; requiring a report to the Legislature; providing an effective date.

—was read the second time by title.

Representative Stargel offered the following:

(Amendment Bar Code: 185563)

Amendment 1 (with directory and title amendments)—Remove line 97 and insert:

290.00755 Enterprise zone designation for Columbia County

Remove line 95 and insert:

Section 4. Section 290.00755, Florida Statutes, is created

Remove line 23 and insert:

creating s. 290.00755, F.S.; authorizing Columbia County or

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

On motion by Rep. D. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative D. Davis offered the following:

(Amendment Bar Code: 513861)

Amendment 2 (with title amendment)—Between lines 143 and 144 insert:

Section 7. Subsection (1) of section 624.5091, Florida Statutes, is amended to read:

624.5091 Retaliatory provision, insurers.--

(1)(a) When by or pursuant to the laws of any other state or foreign country any taxes, licenses, and other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon Florida insurers or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses, and other fees, in the aggregate, or fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions of whatever kind shall be imposed by the Department of Revenue upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in this state. In determining the taxes to be imposed under this section, 80 percent and a portion of the remaining 20 percent as provided

in paragraph (b) of the credit provided by s. 624.509(5), as limited by s. 624.509(6) and further determined by s. 624.509(7), shall not be taken into consideration.

(b) As used in this subsection, the term "portion of the remaining 20 percent" shall be calculated by multiplying the remaining 20 percent by a fraction, the numerator of which is the sum of the salaries qualifying for the credit allowed by 624.509(5) of employees whose place of employment is located in an enterprise zone created pursuant to chapter 290 and the denominator of which is the sum of the salaries qualifying for the credit allowed by 624.509(5).

Remove line 39 and insert:

date of the enterprise zone; amending s. 624.5091, F.S., increasing the amount of tax credits excluded from calculation of insurance retaliatory taxes; requiring the Office of

Rep. D. Davis moved the adoption of the amendment, which was adopted.

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

HB 371—A bill to be entitled An act relating to long-term care coverage; amending s. 409.902, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; amending s. 409.905, F.S.; providing conditions for eligibility; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

The Insurance Committee recommended the following:

HB 371 CS—A bill to be entitled An act relating to long-term care coverage; amending s. 409.905, F.S.; providing conditions for eligibility; creating s. 409.9102, F.S.; directing the Agency for Health Care Administration to establish the Long-term Care Partnership Program; providing purpose and duties; directing the agency to submit a plan and proposed legislation to the Legislature; providing a contingent effective date.

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

HB 1915—A bill to be entitled An act relating to juvenile justice; reorganizing ch. 985, F.S.; providing new section numbers and part titles; amending s. 985.01, F.S., relating to purposes and intent for the chapter; amending s. 985.02, F.S., relating to the legislative intent for the juvenile justice system; revising a reference and cross references to conform; amending s. 985.03, F.S., relating to definitions for the chapter; amending, renumbering, and revising references and cross references to conform; creating s. 985.0301, F.S., relating to the jurisdiction of the juvenile court; amending and renumbering s. 985.201, F.S.; amending and renumbering a provision of s. 985.219, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.231, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.31, F.S., that relates to such jurisdiction; amending and redesignating a provision of s. 985.313, F.S., that relates to such jurisdiction; revising references and cross references to conform; creating s. 985.032, F.S., relating to legal representation for delinquency cases; renumbering s. 985.202, F.S.; creating s. 985.033, F.S., relating to the right to counsel; amending and renumbering s. 985.203, F.S.; revising references to conform; creating s. 985.035, F.S., relating to open hearings; renumbering s. 985.205, F.S.; creating s. 985.036, F.S., relating to the rights of victims in juvenile proceedings; amending and renumbering s. 985.206, F.S.; providing for the release of certain information to victims; creating s. 985.037, F.S., relating to punishment

for contempt of court and alternative sanctions; amending and renumbering s. 985.216, F.S.; revising provisions relating to contempt of court; creating s. 985.039, F.S., relating to cost of supervision and care; renumbering s. 985.2311, F.S.; amending and renumbering s. 985.04, F.S.; clarifying a provision relating to the release of certain information; revising references and cross references to conform; creating s. 985.045, F.S., relating to court records; amending and renumbering s. 985.05, F.S.; revising references and cross references to conform; creating s. 985.046, F.S., relating to the statewide information-sharing system and interagency workgroup; renumbering s. 985.06, F.S.; creating s. 985.047, F.S., relating to information systems; renumbering s. 985.08, F.S.; creating s. 985.101, F.S., relating to taking a child into custody; amending and renumbering s. 985.207, F.S.; creating s. 985.105, F.S., relating to intake and case management; renumbering s. 985.2075, F.S.; renumbering a provision of s. 985.215, F.S., relating to transporting a child who has been taken into custody; revising a reference and cross references to conform; creating s. 985.105, F.S., relating to youth custody officers; renumbering s. 985.2075, F.S.; creating s. 985.11, F.S., relating to fingerprinting and photographing; amending and renumbering s. 985.212, F.S.; revising a cross reference to conform; creating s. 985.115, F.S., relating to release or delivery from custody; amending and renumbering provisions of s. 985.211, F.S., that relate to such release or delivery; revising cross references to conform; creating s. 985.12, F.S., relating to civil citations; amending and renumbering s. 985.301, F.S.; revising a cross reference to conform; creating s. 985.125, F.S., relating to prearrest or postarrest diversion programs; renumbering s. 985.3065, F.S.; creating s. 985.13, F.S., relating to probable cause affidavits; amending and renumbering provisions of s. 985.211, F.S., that relate to probable cause affidavits and certain requirements upon the taking of a child into custody; revising cross references to conform; creating s. 985.135, F.S., relating to juvenile assessment centers; renumbering s. 985.209, F.S.; creating s. 985.14, F.S., relating to the intake and case management system; amending, renumbering, and redesignating provisions of s. 985.21, F.S., that relate to intake and case management; revising cross references to conform; creating s. 985.145, F.S., relating to the responsibilities of the juvenile probation officer during intake and to screenings and assessments; amending and redesignating provisions of s. 985.21, F.S., that relate to such responsibilities, screenings, and assessments; revising cross references to conform; creating s. 985.15, F.S., relating to filing decisions in juvenile cases; amending and redesignating provisions of s. 985.21, F.S., that relate to such decisions; revising cross references to conform; creating s. 985.155, F.S., relating to neighborhood restorative justice; renumbering s. 985.303, F.S.; creating s. 985.16, F.S., relating to community arbitration; amending and renumbering s. 985.304, F.S.; revising a reference to conform; creating s. 985.18, F.S., relating to medical, psychiatric, psychological, substance abuse, and educational examination and treatment; renumbering s. 985.224, F.S.; redesignating a provision of s. 985.215, F.S., that relates to comprehensive evaluations of certain youth; creating s. 985.185, F.S., relating to evaluations for dispositions; amending and renumbering provisions of s. 985.229, F.S., that relate to such evaluations; creating s. 985.19, F.S., relating to incompetency in juvenile delinquency cases; renumbering s. 985.223, F.S.; creating s. 985.195, F.S., relating to transfer to other treatment services; renumbering s. 985.418, F.S.; creating s. 985.24, F.S., relating to the use of detention and to prohibitions on the use of detention; renumbering provisions of s. 985.213, F.S., that relate to the use of detention; renumbering s. 985.214, F.S.; creating s. 985.245, F.S., relating to the risk assessment instrument; amending and renumbering a provision of s. 985.213, F.S., that relates to such instrument; revising cross references to conform; creating s. 985.25, F.S., relating to detention intake; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to detention intake; revising cross references to conform; creating s. 985.255, F.S., relating to detention criteria and detention hearings; amending and renumbering a provision of s. 985.215, F.S., that relates to such criteria and hearings; revising cross references to conform; amending and

redesignating a provision of s. 985.213, F.S., that relates to such criteria and hearings in circumstances involving domestic violence; revising a cross reference to conform; creating s. 985.26, F.S., relating to length of detention; amending, renumbering, and redesignating provisions of s. 985.215, F.S., that relate to length of detention; revising cross references to conform; creating s. 985.265, F.S., relating to detention transfer and release, education of juvenile offenders while in detention or on detention status, and holding of juvenile offenders in adult jails; amending and renumbering provisions of s. 985.215, F.S., that relate to transfer, release, and holding juvenile offenders in adult jails; renumbering a provision of s. 985.213, F.S., that relates to education of juvenile offenders while in detention or on detention status; revising references and cross references to conform; creating s. 985.27, F.S., relating to postcommitment detention of juvenile offenders while such offenders are awaiting residential placement; amending and redesignating provisions of s. 985.215, F.S., that relate to such detention; limiting the use of such detention; revising references to "detention" to clarify that such term means "secure detention" in certain circumstances; creating s. 985.275, F.S., relating to the detention of an escapee; amending and renumbering s. 985.208, F.S.; revising a cross reference to conform; creating s. 985.318, F.S., relating to petitions; renumbering s. 985.218, F.S.; creating s. 985.319, F.S., relating to process and service; renumbering provisions of s. 985.219, F.S., that relate to process and service; creating s. 985.325, relating to prohibitions against threatening or dismissing employees; amending and renumbering s. 985.22, F.S.; revising cross references to conform; creating s. 985.331, F.S., relating to court and witness fees; renumbering s. 985.221, F.S.; creating s. 985.335, F.S., relating to answering a petition; renumbering s. 985.222, F.S.; creating s. 985.345, F.S., relating to delinquency pretrial intervention programs; renumbering s. 985.306, F.S.; creating s. 985.35, F.S., relating to adjudicatory hearings, withholding of adjudication, and orders of adjudication; amending and renumbering s. 985.228, F.S.; repealing a provision prohibiting a person from possessing a firearm in certain circumstances; revising a reference and cross references to conform; creating s. 985.43, F.S., relating to predisposition reports and other evaluations; amending and renumbering provisions of s. 985.229, F.S., that relate to such reports and evaluations; revising cross references to conform; creating s. 985.433, F.S., relating to disposition hearings in delinquency cases; amending and renumbering s. 985.23, F.S.; clarifying who is considered a party to a juvenile case; specifying who must be given an opportunity to comment on the issue of disposition; revising cross references to conform; amending a provision of s. 985.231, F.S., relating to requirement of written disposition orders; creating s. 985.435, F.S., relating to probation, postcommitment probation, and community service; amending and redesignating a provision of s. 985.231, F.S., relating to probation, postcommitment probation, and community control; creating s. 985.437, F.S., relating to restitution; amending and redesignating provisions of s. 985.231, F.S., that relate to restitution; revising a reference and cross reference to conform; creating s. 985.439, F.S., relating to violations of probation or postcommitment probation; amending and redesignating provisions of s. 985.231, F.S., that relate to such violations; revising cross references to conform; creating s. 985.441, F.S., relating to commitment; amending and redesignating provisions of s. 985.231, F.S., that relate to commitment; providing a requirement for commitment of a child as a juvenile sexual offender; revising cross references to conform; renumbering a provision of s. 985.404, F.S., that relates to transfers of the child to administer commitment; creating s. 985.442, F.S., relating to the form of commitment; renumbering s. 985.232, F.S.; creating s. 985.445, F.S., relating to disposition of delinquency cases involving grand theft of a motor vehicle; amending and redesignating a provision of s. 985.231, F.S., that relates to disposition in such cases; creating s. 985.45, F.S., relating to liability and remuneration for work; amending and redesignating a provision of s. 985.231, F.S., that relates to liability and remuneration; creating s. 985.455, F.S., relating to other dispositional issues; amending and redesignating provisions of s. 985.231, F.S., that relate to determination

of sanctions, rehabilitation programs, and certain contact with the victim subsequent to disposition; redesignating provisions of s. 985.231, F.S., that specify the duration of commitment and suspension of disposition; revising a cross reference to conform; creating s. 985.46, F.S., relating to conditional release; amending and renumbering s. 985.316, F.S.; revising a cross reference to conform; creating s. 985.465, F.S., relating to juvenile correctional facilities and juvenile prisons; amending and renumbering s. 985.313, F.S.; creating s. 985.47, F.S., relating to serious and habitual juvenile offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.31, F.S.; revising a reference and cross references to conform; creating s. 985.475, F.S., relating to juvenile sexual offenders; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; revising a cross reference to conform; amending and renumbering a provision of s. 985.231, F.S., that relates to such offenders; revising cross references to conform; creating s. 985.48, F.S., relating to juvenile sexual offender commitment programs and sexual abuse intervention networks; renumbering s. 985.308, F.S.; creating s. 985.483, F.S., relating to intensive residential treatment programs for juvenile offenders less than 13 years of age; amending and renumbering a provision of s. 985.03, F.S., that relates to such offenders; amending and renumbering s. 985.311, F.S.; revising cross references to conform; creating s. 985.486, F.S., relating to the prerequisites for commitment of juvenile offenders less than 13 years of age to intensive residential treatment programs; amending and renumbering s. 985.312, F.S.; revising cross references to conform; creating s. 985.489, F.S., relating to boot camp for children; amending and renumbering s. 985.309, F.S.; revising cross references to conform; creating s. 985.494, F.S., relating to commitment programs for juvenile felony offenders; amending and renumbering s. 985.314, F.S.; revising cross references to conform; creating s. 985.511, F.S., relating to the child's right to counsel and the cost of representation; amending and renumbering a provision of s. 985.41, F.S., that relates to such rights and costs; amending and renumbering a provision of s. 985.2155, F.S., as amended by ch. 2003-402, Laws of Florida, that relates to such rights and costs; creating s. 985.512, F.S., relating to the powers of the court with respect to certain children; renumbering s. 985.204, F.S.; creating s. 985.513, F.S., relating to the powers of the court over parents or guardians at disposition of the child's case; amending and redesignating provisions of s. 985.231, F.S., that relate to such powers; revising cross references to conform; creating s. 985.514, F.S., relating to the responsibilities of the parents or guardians of a child for certain fees related to the cost of care; amending and redesignating a provision of s. 985.215, F.S., that relates to such responsibilities; revising a cross reference to conform; amending and redesignating a provision of s. 985.231, F.S., that relates to such responsibilities; revising a cross reference to conform; amending and redesignating a provision of s. 985.233, F.S., that relates to such responsibilities; revising a cross reference to conform; creating s. 985.534, F.S., relating to appeals in juvenile cases; renumbering s. 985.234, F.S.; creating s. 985.535, F.S., relating to time for taking appeal by the state; renumbering s. 985.235, F.S.; creating s. 985.536, F.S., relating to orders or decisions when the state appeals; renumbering s. 985.236, F.S.; creating s. 985.556, F.S., relating to voluntary and involuntary waivers of juvenile court jurisdiction and hearings for such waivers; amending and renumbering s. 985.226, F.S.; revising cross references to conform; creating s. 985.557, F.S., relating to discretionary and mandatory criteria for the direct filing of an information against a juvenile offender in the criminal division of the circuit court; amending and renumbering s. 985.227, F.S.; revising cross references to conform; creating s. 985.56, F.S., relating to indictment of juvenile offenders; amending and renumbering s. 985.225, F.S.; revising a reference and cross references to conform; creating s. 985.565, F.S., relating to powers, procedures, and alternatives available to the court when sentencing juvenile offenders prosecuted as adults; amending, renumbering, and redesignating provisions of s. 985.233, F.S., that relate to such powers, procedures, and alternatives; revising cross references to conform;

creating s. 985.57, F.S., relating to the transfer of children from the Department of Corrections to the Department of Juvenile Justice; renumbering s. 985.417; creating s. 985.601, F.S., relating to administering the juvenile justice continuum; renumbering provisions of s. 985.404, F.S., that relate to such administration; creating s. 985.605, F.S., relating to requirements for prevention service programs; amending and renumbering s. 985.3045, F.S.; revising cross references to conform; creating s. 985.606, F.S., relating to requirements for agencies and entities providing prevention services; amending and renumbering s. 985.3046, F.S.; revising a cross reference to conform; creating s. 985.61, F.S., relating to criteria for early delinquency intervention programs; renumbering s. 985.305, F.S.; creating s. 985.614, F.S., relating to interagency cooperation for children who are locked out of their homes; renumbering s. 985.2066, F.S.; creating s. 985.618, F.S., relating to educational and career-related programs; amending and renumbering s. 985.315, F.S.; revising a cross reference to conform; creating s. 985.622, F.S., relating to a multiagency plan for vocational education; renumbering s. 985.3155, F.S.; creating s. 985.625, F.S., relating to literacy programs for juvenile offenders; amending and renumbering s. 985.317, F.S.; revising a cross reference to conform; creating s. 985.629, F.S., relating to contracts for the transfer of Florida children in federal custody; renumbering s. 985.419, F.S.; creating s. 985.632, F.S., relating to quality assurance and cost-effectiveness; renumbering s. 985.412, F.S.; creating s. 985.636, F.S., relating to the Office of the Inspector General within the Department of Juvenile Justice; renumbering s. 985.42, F.S.; creating s. 985.64, F.S., relating to the authority of the Department of Juvenile Justice to adopt rules; renumbering s. 985.405, F.S.; creating s. 985.644, F.S., relating to the contracting powers and the personnel standards and screening requirements of the Department of Juvenile Justice; renumbering a provision of s. 985.01, F.S., that relates to such powers; renumbering s. 985.407, F.S.; creating s. 985.648, F.S., relating to consultants; renumbering s. 985.408, F.S.; creating s. 985.652, F.S., relating to participation of certain juvenile programs in the State Risk Management Trust Fund; renumbering s. 985.409, F.S.; creating s. 985.66, F.S., relating to juvenile justice training academies, the Juvenile Justice Standards and Training Commission, and the Juvenile Justice Trust Fund; amending and renumbering s. 985.406, F.S.; revising a cross reference to conform; creating s. 985.664, F.S., relating to juvenile justice circuit boards and juvenile justice county councils; amending and renumbering s. 985.4135, F.S.; revising a cross reference to conform; creating s. 985.668, F.S., relating to innovation zones; renumbering s. 985.416, F.S.; creating s. 985.672, F.S., relating to direct-support organizations; renumbering s. 985.4145, F.S.; creating s. 985.9475, F.S., relating to community juvenile justice partnership grants; amending and renumbering s. 985.415, F.S.; revising cross references to conform; creating s. 985.68, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; renumbering s. 985.403, F.S.; creating s. 985.682, F.S., relating to studies and criteria for siting juvenile facilities; amending and renumbering s. 985.41, F.S.; creating s. 985.686, F.S., relating to shared county and state responsibility for juvenile detention; renumbering s. 985.2155, F.S.; creating s. 985.688, F.S., relating to administering county and municipal delinquency programs and facilities; amending and renumbering s. 985.411, F.S.; revising a cross reference to conform; creating s. 985.69, F.S., relating to one-time startup funding for juvenile justice purposes; renumbering s. 985.4075, F.S.; creating s. 985.692, F.S., relating to the Juvenile Welfare Trust Fund; renumbering s. 985.4041, F.S.; creating s. 985.694, F.S., relating to the Juvenile Care and Maintenance Trust Fund; renumbering s. 985.4042, F.S.; creating s. 985.701, F.S., relating to prohibiting sexual misconduct, reporting requirements, and penalties; renumbering s. 985.4045, F.S.; creating s. 985.711, F.S., relating to penalties for the introduction, removal, or possession of certain articles; renumbering s. 985.4046, F.S.; creating s. 985.721, F.S., relating to escapes from secure detention or residential commitment facilities; amending and renumbering s. 985.3141, F.S.; revising a cross reference to conform; creating s. 985.731, F.S., relating to sheltering or aiding unmarried minors; renumbering s. 985.2065, F.S.;

creating s. 985.801, F.S., relating to legislative findings, policy, and implementation of the Interstate Compact on Juveniles; renumbering s. 985.501, F.S.; creating s. 985.802, F.S., relating to execution of the interstate compact; renumbering s. 985.502, F.S.; creating s. 985.803, F.S., relating to the administrator of the juvenile compact; renumbering s. 985.503, F.S.; creating s. 985.804, F.S., relating to supplementary agreements to the compact; renumbering s. 985.504, F.S.; creating s. 985.805, F.S., relating to financial arrangements related to the compact; renumbering s. 985.505, F.S.; creating s. 985.806, F.S., relating to the responsibilities of state departments, agencies, and officers; renumbering s. 985.506, F.S.; creating s. 985.807, F.S., relating to procedures in addition to those provided under the compact; renumbering s. 985.507, F.S.; repealing ss. 985.215(6), 985.231(1)(b), (c), (f), and (i), and (2) and 985.233(4)(d), F.S.; amending ss. 29.004, 29.008, 253.025, 318.21, 397.334, 400.953, 419.001, 435.04, 784.075, 790.115, 790.22, 921.0022, 938.10, 943.053, 943.0582, 943.0585, 943.059, 948.51, 958.046, 960.001, 984.03, 984.05, 984.09, 984.226, 1003.52, 1006.08, 1006.13, and 1012.797, F.S.; conforming cross references; providing an effective date.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

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

HB 1377—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; reducing the maximum penalty for late-filed statements of financial interests; revising the deadline after the grace period for late-filed statements of financial interests after which a person will become subject to additional penalties; revising the deadline for which county supervisors of elections shall submit to the commission a list of persons who failed to timely file statements of financial interests; authorizing the commission to waive late-filed penalties only upon grounds of inadequate notice; amending s. 112.3147, F.S.; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain

matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

The State Administration Council recommended the following:

HB 1377 CS—A bill to be entitled An act relating to ethics; amending s. 104.31, F.S.; prohibiting state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; amending s. 112.313, F.S.; applying the prohibition on disclosure or use of certain information to former public officers, public employees, and local government attorneys; providing an exception to such prohibition; revising postemployment restrictions to apply to other-personal-services temporary employees; exempting certain agency employees from postemployment restrictions; providing for certain disclosure statements to be filed with the Commission on Ethics instead of the Department of State; revising a prohibition on lobbying by former local officers to preclude representation before the government body or agency an officer has served; providing applicability; amending s. 112.3144, F.S.; providing for reporting of assets held by joint tenancy, joint tenancy with right of survivorship, and partnership and reporting of certain liabilities; amending s. 112.3145, F.S.; requiring the commission to send delinquency notices with return receipt requested; revising the deadline after the grace period for late-filed statements of financial interests after which a person will become subject to additional penalties; revising the deadline for which county supervisors of elections shall submit to the commission a list of persons who failed to timely file statements of financial interests; authorizing the commission to waive late-filed penalties only upon grounds of inadequate notice; amending s. 112.3147, F.S.; requiring an attestation with respect to information provided on required forms; deleting a redundant provision; amending s. 112.3148, F.S.; requiring gift disclosure forms of individuals who left office or employment during the calendar year to be filed by a date certain; allowing quarterly gift disclosure forms to be considered timely filed if postmarked on or before the due date; amending s. 112.3149, F.S.; requiring gift disclosure statements of individuals who left office or employment during the calendar year to be filed by a date certain; amending s. 112.317, F.S.; authorizing the commission to recommend restitution be paid to the agency damaged by the violation or to the General Revenue Fund; authorizing the Attorney General to collect certain costs and fees incurred in bringing certain actions; deleting a provision rendering a breach of confidentiality of an ethics proceeding a misdemeanor; amending s. 112.3185, F.S.; providing for certain former agency employees to be employed by or have a contractual relationship with certain business entities; prohibiting a former agency employee from representing a client before the employee's former agency in certain matters; amending s. 112.3215, F.S.; revising the commission's rulemaking authority regarding appeals of certain fines; providing for automatic suspended registration for lobbyists who fail to timely pay a certain fine; providing an exception; amending s. 112.322, F.S.; revising provisions relating to payment of witnesses; amending s. 914.21, F.S.; revising definitions; providing an effective date.

—was read the second time by title.

On motion by Rep. Mealor, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Mealor offered the following:

(Amendment Bar Code: 709957)

Amendment 1 (with title amendment)—Between line(s) 61 and 62, insert:

Section 1. Paragraph (d) of subsection (2) of section 20.121, Florida Statutes, as amended by chapter 2004-301, Laws of Florida, is amended to read:

20.121 Department of Financial Services.--There is created a Department of Financial Services.

(2) DIVISIONS.--The Department of Financial Services shall consist of the following divisions:

(d) The Division of Treasury, which shall include a Bureau of Deferred Compensation responsible for administering the Government Employees Deferred Compensation Plan as provided in established under s. 112.215 for state employees.

Section 2. Subsection (2), paragraphs (a) and (d) of subsection (4), and subsections (5), (6), and (12) of section 112.215, Florida Statutes, are amended to read:

112.215 Government employees; deferred compensation program.--

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

(b) "Governmental entity" means the state; any state agency or county or other political subdivision of the state; any municipality; any state university board of trustees; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution.

(4)(a) The Chief Financial Officer, with the approval of the State Board of Administration, shall establish such plan or plans of deferred compensation for state employees of governmental entities, including all such investment vehicles or products incident thereto, as may be available through, or offered by, qualified companies or persons, and may approve one or more such plans for implementation by and on behalf of governmental entities the state and their its agencies and employees.

(d) In accordance with such approved plan, and upon contract or agreement with an eligible employee, deferrals of compensation may be accomplished by payroll deductions made by the appropriate officer or officers of the governmental entity state, with such funds being thereafter held and administered in accordance with the plan.

(5) Any county, municipality, or other political subdivision of the state may by ordinance, and any constitutional county officer under s. 1(d), Art. VIII of the State Constitution of 1968 may by contract agreement or other documentation constituting approval, for itself and its employees:

(a) Adopt and establish ~~for itself and its employees~~ a deferred compensation program. The ordinance shall designate an appropriate official of the county, municipality, or political subdivision to approve and administer a deferred compensation plan or otherwise provide for such approval and administration. The ordinance shall also designate a public official or body to make the determinations provided for in paragraph (6)(b). If a constitutional county officer elects to adopt and establish for that office and its employees a deferred compensation program, the constitutional county officer shall be the appropriate official to make the determinations provided for in this subsection and in paragraph (6)(b);-

(b) Adopt the deferred compensation program of the state; or

(c) Both adopt and establish a deferred compensation program and adopt the state's deferred compensation program.

(6)(a) No deferred compensation plan of the state shall become effective until approved by the State Board of Administration and the Chief Financial Officer is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder, ~~and/or~~ the investment products purchased pursuant to the plan, or both will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under

the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the state retirement system, or ~~and~~ for any other retirement, pension, or benefit program established by law.

(b) No deferred compensation plan adopted and established by ~~of~~ a county, municipality, other political subdivision, or constitutional county officer shall become effective until the appropriate official or body designated under subsection (5) is satisfied by opinion from such federal agency or agencies as may be deemed necessary that the compensation deferred thereunder, ~~and/or~~ the investment products purchased pursuant to the plan, or both will not be included in the employee's taxable income under federal or state law until it is actually received by such employee under the terms of the plan, and that such compensation will nonetheless be deemed compensation at the time of deferral for the purposes of social security coverage, for the purposes of the retirement system of the appropriate county, municipality, political subdivision, or constitutional county officer, and for any other retirement, pension, or benefit program established by law.

(12) The Chief Financial Officer may adopt any rule necessary to administer and implement this act with respect to deferred compensation plans for ~~state~~ employees of governmental entities that have adopted the state's plan.

Remove line(s) 6 and insert:

An act relating to public officers and employees; amending s. 112.215, F.S.; revising the term "employee" and defining the term "governmental entity"; authorizing governmental entities, by ordinance, contract agreement, or other documentation, to participate in the deferred compensation plan of the state and specifying responsibility of the Chief Financial Officer with respect thereto; amending s. 20.121, F.S., relating to the Department of Financial Services, to conform; amending s. 104.31, F.S.;

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

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

HB 1299—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; revising legislative intent to allow legal custodians to participate in certain private adoption plans; amending s. 63.032, F.S.; revising definitions; amending s. 63.039, F.S.; revising duties of adoption entity to prospective parents; amending s. 63.052, F.S.; revising conditions under which an adoption entity is the guardian of a minor; authorizing the court to retain jurisdiction of a minor until the adoption is finalized within or outside of the state; amending s. 63.053, F.S.; providing conditions under which an unmarried biological father shall lose parental rights; amending s. 63.054, F.S.; providing that an adoption entity has no obligation to search for a registrant who has failed to report certain changes in status; providing an exception; revising conditions under which a petitioner for termination of parental rights is required to submit an application for a search of the Florida Putative Father Registry; revising conditions for an unmarried biological father to initiate an action under s. 63.087, F.S.; requiring compliance by a petitioner for termination of parental rights with search requirements relating to the identity of a man whose consent is required; amending s. 63.062, F.S.; revising provisions relating to notice of petition to terminate parental rights pending adoption, required consent, and change of venue; amending s. 63.064, F.S.; authorizing the court to waive the requirement that consent for adoption be obtained within a certain time period from a parent declared incompetent, under certain circumstances; requiring the court to consider the best interest of the child in making such determination; amending s. 63.082, F.S.; revising requirements for executing a consent for adoption or affidavit of nonpaternity; revising requirements for withdrawing a consent for adoption; amending s. 63.085, F.S.; revising provision relating to who may sign a valid consent for adoption;

amending s. 63.087, F.S.; revising provisions governing the proceedings for terminating parental rights pending adoption; revising the venue requirements for filing a petition to terminate parental rights; revising requirements for a petition to terminate parental rights pending adoption; revising conditions for service of a summons and copy of the petition; requiring an answer to a petition to be timely filed and providing that failure to do so constitutes grounds for termination of parental rights; requiring appearance at hearing on the petition and providing that failure to do so constitutes grounds for termination of parental rights; amending s. 63.088, F.S.; providing diligent search and court inquiry requirements for identifying and locating a person who is required to consent to an adoption or receive notice of proceedings to terminate parental rights; providing that failure to timely respond or appear constitutes grounds to terminate parental rights pending adoption; revising the inquiries required for diligent search; requiring a person contacted by a petitioner or adoption entity to release certain information; providing an exception; amending s. 63.089, F.S.; revising hearing requirements for terminating parental rights; revising grounds upon which parental rights may be terminated; revising conditions for making a finding of abandonment; revising dismissal of petition procedures; revising requirements for issuing and voiding a judgment terminating parental rights; amending s. 63.092, F.S.; revising report and preliminary study requirements for placement of a minor by an adoption entity; amending s. 63.097, F.S.; revising the fees, costs, and expenses that may be assessed by an adoption entity; amending s. 63.102, F.S.; revising requirements for filing a petition for adoption; amending s. 63.112, F.S.; revising requirements for the petition documents for an adoption; amending s. 63.122, F.S.; permitting certain information to be deleted from the notice of hearing to protect privacy rights; amending s. 63.125, F.S.; providing for certain licensed professionals to contribute to final home investigation reports; amending s. 63.132, F.S.; revising requirements for the affidavit of expenses and receipts; revising applicability; amending s. 63.135, F.S.; revising requirements for information provided to the court for adoption proceedings; amending s. 63.142, F.S.; requiring further proceedings if a petition for adoption is dismissed; revising conditions under which a judgment terminating parental rights is voidable; amending s. 63.152, F.S.; requiring the clerk of the court to transmit the statement of adoption to the registrar of vital statistics in the state where the adoptee was born; amending s. 63.162, F.S.; revising requirements concerning the disclosure of information pertaining to an adoption; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 63.192, F.S.; revising provisions relating to recognition of foreign judgment or decree affecting adoption; providing conditions for termination of parental rights; amending s. 63.207, F.S.; authorizing a petition for declaratory statement to be consolidated with a petition for adoption; permitting parents to finalize adoption in their home state; providing an exception to applicability of the Interstate Compact on the Placement of Children; amending s. 63.212, F.S.; providing an exception to applicability of the Interstate Compact on the Placement of Children; revising provisions relating to prohibitions with respect to adoptions; amending s. 63.213, F.S.; revising provisions relating to legal representation in preplanned adoption agreements; revising a definition; amending s. 63.235, F.S.; revising applicability; providing an effective date.

The Health & Families Council recommended the following:

HB 1299 CS—A bill to be entitled An act relating to adoption; amending s. 63.022, F.S.; providing legislative intent; amending s. 63.032, F.S.; redefining terms and defining the term "primarily lives and works in Florida"; amending s. 63.039, F.S.; requiring an adoption entity to diligently search for a person whose consent is required for the adoption; amending s. 63.0423, F.S.; providing that a judgment of adoption is voidable under certain circumstances if a court finds that a person whose consent is required gave false information; amending s. 63.0425, F.S.; providing a grandparent's right to notice; amending s.

63.052, F.S.; providing that a court in this state retains jurisdiction until the adoption is finalized in this state or in another state; amending s. 63.053, F.S.; providing that if an unmarried biological father fails to take the actions that are available to him to establish a relationship with his child, his parental interest may be lost entirely; amending s. 63.054, F.S.; requiring adoption entity to provide certain information to the Department of Health; providing that if a putative father fails to report a change of address to the Florida Putative Father Registry, the failure is not a valid defense based upon lack of notice and the adoption entity or adoption petitioner is not obligated to search further for the registrant; providing that if a father who is required to consent to an adoption does not know the county in which the birth mother resides, gave birth, or intends to give birth, he may initiate an action in any county in the state; amending s. 63.062, F.S.; providing that an adoption agency may file a notice of an intended adoption plan at any time before the birth of the child or before placing the child in the adoptive home; requiring an adoption entity to make a good faith effort to locate the putative father; providing when an adoption entity has no further obligation to search for the putative father; providing for the proper venue to file a petition to terminate parental rights; amending s. 63.082, F.S.; providing that notice and consent provisions do not apply in cases where the child was conceived as a result of a violation of certain criminal statutes; limiting revocation of a consent to adopt to 3 days if the child is older than 6 months of age; authorizing a court to transfer a child to the prospective adoptive parents under certain circumstances; requiring the adoption entity to file a petition for adoption or termination of parental rights after the transfer of the child; amending s. 63.085, F.S.; revising provision relating to who may sign a valid consent for adoption; amending s. 63.087, F.S.; providing procedures to terminate parental rights pending an adoption; providing the proper venue in which to file a petition to terminate parental rights; requiring a person to answer the petition and to appear at the hearing for termination of parental rights; amending s. 63.088, F.S.; requiring the court to conduct an inquiry concerning the father of the child who is to be adopted; revising requirements for notice concerning the termination of parental rights; requiring persons contacted by a petitioner or adoption entity to release certain information; amending s. 63.089, F.S.; revising provisions relating to service of notice and petition regarding termination of parental rights and consent to adoption; requiring that certain scientific testing to determine paternity comply with state law; amending s. 63.092, F.S.; providing that if an adoption entity fails to file the report of its intended placement within the specified time period the failure does not constitute grounds to deny the petition for termination of parental rights or adoption under certain circumstances; identifying additional individuals who may perform a home study; providing an exception if the person to be adopted is an adult; amending s. 63.102, F.S.; revising procedures for the filing of a petition for adoption; providing the proper venue where the petition may be filed; amending s. 63.112, F.S.; revising language requiring that a certified copy of a judgment terminating parental rights be filed at the same time the petition is filed; amending s. 63.122, F.S.; providing that certain information may be removed from the petition; amending s. 63.125, F.S.; providing certain licensed professionals may conduct the final home investigation; amending s. 63.132, F.S.; providing exceptions to the requirement that the adoptive parent and the adoption entity file an affidavit itemizing all expenses and receipts; amending s. 63.135, F.S.; requiring the adoption entity or petitioner to file an affidavit under the Uniform Child Custody Jurisdictional and Enforcement Act; revising information required to be submitted under oath to the court; amending s. 63.142, F.S.; requiring that if an adoption petition is dismissed, any further proceedings regarding the minor be brought in a separate custody action under ch. 61, F.S., a dependency action under ch. 39, F.S., or a paternity action under ch. 742, F.S.; amending s. 63.152, F.S.; requiring the clerk of court to transmit a certified statement of the adoption to the state where the child was born; amending s. 63.162, F.S.; authorizing the birth parent to release his or her name under certain circumstances; authorizes a court to permit certain entities to contact a birth parent to

advise him or her of the adoptee's request to open the file or the adoption registry and provide the opportunity to waive confidentiality and consent to the opening of records; providing requirements for release of an original sealed birth certificate; amending s. 63.172, F.S.; granting rights of inheritance when a judgment of adoption has been entered; amending s. 63.182, F.S.; providing that the interest that gives a person standing to set aside an adoption must be direct, financial, and immediate; providing an exception; providing that a showing of an indirect, inconsequential, or contingent interest is wholly inadequate; providing construction and applicability; amending s. 63.192, F.S.; requiring the courts of this state to recognize decrees of termination of parental rights and adoptions from other states and countries; amending s. 63.207, F.S.; revising provisions relating to out-of-state placement of minors; amending s. 63.212, F.S.; revising acts that are unlawful pertaining to adoptions; providing penalties; amending s. 63.213, F.S.; prohibiting an attorney from representing the volunteer mother and the intended mother in a preplanned adoption arrangement; providing penalties and sanctions for payment of finder's fees in certain preplanned adoption agreements; revising the definition of "fertility technique"; amending s. 63.219, F.S.; providing sanctions for persons who violate ch. 63, F.S.; creating s. 63.236, F.S.; providing that any petition for termination of parental rights filed before the effective date of the act is governed by the law in effect at the time the petition was filed; amending s. 409.166, F.S.; redefining the term "special needs child" to remove children of racially mixed parentage; providing for participation by adoption intermediaries in the adoption program for special needs children administered by the Department of Children and Family Services; amending s. 409.176, F.S.; providing that licensing provisions do not apply to certain licensed child-placing agencies; amending s. 742.14, F.S.; providing that the donor of an embryo relinquishes all parental rights and obligations to the embryo or the resulting children at the time of the donation; amending s. 742.15, F.S.; authorizing a physician in a state outside this state to advise a commissioning couple concerning a gestational surrogate; amending s. 742.16, F.S.; revising requirements for affirmation of parental status for gestational surrogacy; creating s. 742.18, F.S.; prohibiting a person or entity, except a licensed physician, fertility clinic, or attorney, from doing certain specified acts; prohibiting a person other than a licensed physician, fertility clinic, or attorney from accepting a fee for finding, screening, matching, or facilitating a donor or gestational carrier arrangement; providing that if a person willfully violates the section he or she commits a misdemeanor of the second degree; providing criminal penalties; providing that if a person violates the section he or she is liable for damages caused by his or her acts or omissions and for reasonable attorney's fees and costs; providing an effective date.

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

HB 75—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising certain definitions relating to title insurance to include personal property; providing an effective date.

The Justice Council recommended the following:

HB 75 CS—A bill to be entitled An act relating to title insurance; amending ss. 624.608 and 627.7711, F.S.; revising the definitions of title insurance and related and primary title services; amending s. 627.7845, F.S.; revising requirements for title insurers to issue title insurance; revising requirements for title insurers to preserve and retain certain evidence of searches and examinations; requiring the Office of Insurance Regulation to approve title insurance forms and rates for certain title insurance; providing effective dates.

—was read the second time by title.

On motion by Rep. Mahon, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 630131)

Amendment 1—Remove lines 32-36

Rep. Mahon moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 292

Rep. Waters in the Chair.

Yeas—71

Adams	Evers	Joyner	Reagan
Antone	Fields	Justice	Rice
Attkisson	Flores	Kendrick	Richardson
Ausley	Gannon	Kottkamp	Robaina
Barreiro	Garcia	Kravitz	Roberson
Bean	Gardiner	Kreegel	Rubio
Bendross-Mindingall	Gelber	Littlefield	Russell
Berfield	Gibson, A.	Llorente	Ryan
Bogdanoff	Goodlette	Machek	Sands
Brandenburg	Gottlieb	Mahon	Seiler
Bucher	Grant	McInvale	Simmons
Bullard	Greenstein	Meadows	Slosberg
Clarke	Hays	Peterman	Smith
Cretul	Henriquez	Pickens	Sobel
Culp	Holloway	Planas	Taylor
Cusack	Hukill	Porth	Vana
Detert	Jennings	Proctor	Waters
Domino	Jordan	Quinones	

Nays—39

Allen	Carroll	Homan	Ross
Altman	Davis, D.	Johnson	Sansom
Ambler	Davis, M.	Kyle	Sorensen
Anderson	Dean	Mayfield	Stansel
Arza	Farkas	Mealor	Stargel
Baxley	Galvano	Murzin	Traviesa
Benson	Glorioso	Needelman	Troutman
Brown	Goldstein	Negron	Williams
Brummer	Harrell	Patterson	Zapata
Cannon	Hasner	Rivera	

Votes after roll call:

Yeas—Legg, Lopez-Cantera
Nays to Yeas—D. Davis, Galvano

Rep. Mahon moved that the House consider the following late-filed amendment.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 901997)

Amendment 2—Remove lines 95-99 and insert:

Section 5. This section and section 4 shall take effect upon this act becoming a law. Sections 1, 2, and 3 shall take effect upon the date the Office of Insurance Regulation approves the title insurance form and corresponding rate for the insurance provided in s. 624.608(2), Florida

Statutes as amended by this act.

Rep. Mahon moved the adoption of the amendment, which was adopted. The vote was:

Session Vote Sequence: 293

Rep. Waters in the Chair.

Yeas—83

Adams	Davis, D.	Jennings	Proctor
Ambler	Dean	Jordan	Quinones
Anderson	Detert	Joyner	Reagan
Antone	Domino	Justice	Rice
Attkisson	Evers	Kendrick	Richardson
Ausley	Farkas	Kottkamp	Robaina
Barreiro	Fields	Kravitz	Roberson
Bean	Flores	Kreegel	Ross
Bendross-Mindingall	Gannon	Legg	Rubio
Bense	Garcia	Littlefield	Russell
Berfield	Gardiner	Machek	Ryan
Bilirakis	Gelber	Mahon	Sands
Bogdanoff	Gibson, A.	Mayfield	Seiler
Brandenburg	Goodlette	McInvale	Simmons
Brummer	Gottlieb	Meadows	Slosberg
Bucher	Grant	Murzin	Sobel
Bullard	Greenstein	Negron	Sorensen
Clarke	Hays	Peterman	Taylor
Cretul	Henriquez	Pickens	Vana
Culp	Holloway	Poppell	Waters
Cusack	Hukill	Porth	

Nays—26

Allen	Galvano	Kyle	Stargel
Altman	Gibson, H.	Mealor	Traviesa
Arza	Glorioso	Needelman	Troutman
Baxley	Goldstein	Patterson	Williams
Cannon	Hasner	Rivera	Zapata
Carroll	Homan	Sansom	
Davis, M.	Johnson	Stansel	

Votes after roll call:

Yeas—Grimsley, Lopez-Cantera, Planas

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

HB 1347—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride; revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer;

prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the display of products containing ephedrine or related compounds; providing an exemption from liability for a general owner or operator of an outlet where a sale of products containing ephedrine or related compounds exceeding the specified amount took place if specified employee training was provided; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing for exemption of products from certain provisions if they receive a certain certification; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, F.S., in references thereto; providing applicability; providing an effective date.

The Justice Appropriations Committee recommended the following:

HB 1347 CS—A bill to be entitled An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of "listed precursor chemical" to include benzaldehyde, hydriodic acid, and nitroethane, and to remove anhydrous ammonia and benzyl chloride;

revising the definition of "listed essential chemical" to include anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine or from possessing listed chemicals with the intent to manufacture methamphetamine or phencyclidine; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing criminal penalties in circumstances involving a violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer; increasing the criminal penalties if such violation results in death or great bodily harm to such officer; prohibiting a person from selling, manufacturing, delivering, or attempting to sell, manufacture, or deliver a controlled substance in, on, or within 1,000 feet of an assisted living facility; providing criminal penalties for such offense; specifying minimum terms of imprisonment for such offense; amending s. 893.135, F.S.; including offenses involving pseudoephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine knowing that the probable result will be death; amending s. 893.149, F.S., relating to the prohibition against possessing listed chemicals; providing an exception to such prohibition for a person authorized to clean up or dispose of hazardous waste or toxic substances pursuant to ch. 893, F.S.; providing that damages arising out of the unlawful possession of, storage of, or tampering with a listed chemical is the sole responsibility of the person unlawfully possessing, storing, or tampering with the chemical; providing that the lawful owner, installer, maintainer, designer, manufacturer, possessor, or seller is immune from liability in the absence of negligent misconduct or failure to abide by laws governing possession or storage; creating s. 893.1495, F.S.; limiting retail sales of products containing more than a specified amount of ephedrine or related compounds in a single transaction; providing restrictions on the retail display of products containing ephedrine or related compounds; requiring specified training for employees of retail outlets who engage in the retail sale of such products; providing that local regulations passed after a specified date that are more restrictive than this act are superseded; providing criminal penalties; reenacting s. 893.02(12), F.S., relating to the definition of the term "listed chemical," for the purpose of incorporating the amendment to s. 893.033, F.S., in a reference thereto; reenacting ss. 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2), F.S., relating to exemptions from disqualification for certain employment, disposition and sentencing alternatives, the assessment of fees for purposes of funding the Operating Trust Fund of the Department of Law Enforcement, and the terms and conditions of probation, respectively, for the purpose of incorporating the amendment to s. 893.13, F.S., in references thereto; reenacting ss. 311.12(3)(c), 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c), 921.0022(3)(g), (h), and (i), 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S., relating to seaport security standards, eligibility for temporary cash assistance, mandatory sentencing in circumstances involving the possession of use of a weapon, specified offenses that may be charged as murder if death results, prohibited acts by prescribing practitioners, circumstances in which the court may order pretrial detention, the offense severity ranking chart of the Criminal Punishment Code, worksheet computations and scoresheets under the Criminal Punishment Code, sentencing in capital drug trafficking cases, limitations on circumstances in which a criminal history record may be expunged, and limitations on circumstances in which a criminal history record may be sealed, respectively, for the purpose of incorporating the amendment to s. 895.135, F.S., in references thereto; reenacting ss. 397.451(4)(b) and (6), 772.12(2)(a), 893.1351(1), and 903.133, F.S., relating to background checks of service provider personnel, the Drug Dealer Liability Act, the prohibition against leasing or renting for the purpose of trafficking in a controlled substance, and the

limitation of admission to bail, respectively, for the purpose of incorporating the amendments to ss. 893.13 and 893.135, 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 1459—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 Justice Council recommended the following:

HB 1459 CS—A bill to be entitled An act relating to liens on commercial real estate; creating part III of ch. 475, F.S., the "Commercial Real Estate Sales Commission Lien Act"; providing definitions; specifying conditions under which a broker is entitled to a lien upon the owner's net proceeds from the disposition of commercial real estate for any commission earned by the broker under a brokerage agreement; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the commission notice and delivery to certain parties; providing a form for the commission notice; providing that a lien may not be enforced if the notice is not delivered to certain parties; providing that the commission notice may be recorded; providing for expiration and extension under certain conditions; providing for release of the commission notice under certain conditions; providing the duties of the closing agent; requiring the closing agent to reserve an owner's proceeds under certain conditions; providing for the release of proceeds under certain conditions; requiring deduction of certain costs from the proceeds; providing for interpleader or other legal proceedings sought by a closing agent to adjudicate certain rights; providing for the deposit of reserved proceeds in a court registry; providing for the discharge of the closing agent from further liability; providing for a civil action if a dispute arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; establishing the priority of a recorded commission notice; providing for the service of notice; providing that a buyer's broker is not entitled to a lien; providing certain conditions under which a buyer's broker may seek payment of a commission; creating part IV of ch. 475, F.S., the "Commercial Real Estate Leasing Commission Lien Act"; providing definitions; providing conditions under which a broker may place a lien upon an owner's interest in commercial real estate for any commission earned under a brokerage agreement with respect to a lease of commercial real estate; providing that the lien cannot be assigned, enforced, or waived by anyone other than the broker; requiring disclosure; providing for the contents of the lien notice; providing a form for the lien notice; providing that the lien notice may be recorded; providing that a lien may not be enforced if the broker fails to record the notice; providing for effectiveness of a recorded lien notice; providing for release of the lien notice under certain conditions; providing for expiration and extension under certain conditions; providing for foreclosure of a recorded lien under certain conditions; providing a form; providing for a civil action if a dispute

arises concerning the proceeds; providing that the prevailing party may recover certain fees and costs incurred in a civil action; providing procedures to transfer a lien to a security; providing that the clerk of court may collect a service charge; providing for subordination of a broker's lien; amending s. 475.42, F.S.; providing that a broker may place a lien when allowed by law; 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: 294

Rep. Waters in the Chair.

Yeas—115

Adams	Cusack	Homan	Poppell
Allen	Davis, D.	Hukill	Porth
Altman	Davis, M.	Jennings	Proctor
Ambler	Dean	Johnson	Quinones
Anderson	Detert	Jordan	Reagan
Antone	Domino	Joyner	Rice
Arza	Evers	Justice	Richardson
Attkisson	Farkas	Kendrick	Rivera
Ausley	Fields	Kottkamp	Robaina
Barreiro	Flores	Kravitz	Roberson
Baxley	Galvano	Kreegel	Ross
Bean	Gannon	Kyle	Rubio
Bendross-Mindingall	Garcia	Legg	Russell
Bense	Gardiner	Littlefield	Ryan
Benson	Gelber	Llorrente	Sansom
Berfield	Gibson, A.	Lopez-Cantera	Simmons
Bilirakis	Gibson, H.	Machek	Smith
Bogdanoff	Glorioso	Mahon	Sobel
Bowen	Goldstein	Mayfield	Sorensen
Brandenburg	Goodlette	McInvale	Stansel
Brown	Gottlieb	Meadows	Stargel
Brummer	Grant	Mealor	Taylor
Bucher	Greenstein	Murzin	Traviesa
Bullard	Grimsley	Needelman	Troutman
Cannon	Harrell	Negron	Vana
Carroll	Hasner	Patterson	Waters
Clarke	Hays	Peterman	Williams
Cretul	Henriquez	Pickens	Zapata
Culp	Holloway	Planas	

Nays—None

Votes after roll call:

Yeas—Sands, Seiler, Slosberg

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

HB 147—A bill to be entitled An act relating to retirement; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing an effective date.

The Fiscal Council recommended the following:

HB 147 CS—A bill to be entitled An act relating to retirement; providing a popular name; providing legislative intent; providing a statement of important state interest; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; authorizing reemployment of a person who retired with in-line-of-duty disability benefits by employers not participating in a state-administered retirement system; authorizing reemployment of a person who retired with in-line-of-duty disability benefits by an employer participating in a state-administered retirement system after one calendar month; providing for contribution rate increases to fund benefits provided in s. 121.091, F.S., as amended; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, 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 955—A bill to be entitled An act relating to waterfront property; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 327.47, F.S.; providing for funding certain boating grant programs administered by the Fish and Wildlife Conservation Commission; amending s. 328.72, F.S.; increasing vessel registration fees; providing for a portion of the fees to be designated for boating grant programs; amending s. 328.76, F.S.; clarifying the use of funds designated for boating grant programs; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.304-197.3047, F.S.; providing a tax deferral for ad valorem taxes and non-ad valorem assessments covered by a tax certificate and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease if there is a change in the use of the property; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes; providing for distribution of payments; providing for construction of provisions authorizing the deferrals; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

The State Infrastructure Council recommended the following:

HB 955 CS—A bill to be entitled An act relating to waterfront property; amending s. 163.3174, F.S.; authorizing municipalities in

certain chartered counties to exercise exclusive land use planning authority subject to the adoption of a resolution; defining the scope of said authority; amending s. 163.3177, F.S.; requiring the future land use plan element of a local comprehensive plan for a coastal county to include criteria to encourage the preservation of recreational and commercial working waterfronts; including public access to waterways within those items indicated in a recreation and open space element; amending s. 163.3178, F.S.; providing requirements for the shoreline use component of a coastal management element with respect to recreational and commercial working waterfronts; amending s. 163.3187, F.S.; including areas designated as rural areas of critical economic concern in an exemption for certain small scale amendments from a limit on the frequency of amendments to the comprehensive plan of a county or a municipality; increasing various acreage limitations governing eligibility for such exemption for a small scale amendment within such an area; requiring certification of the amendment to the Office of Tourism, Trade, and Economic Development; requiring public review of certain property; amending s. 253.002, F.S.; removing an obsolete reference; revising the responsibilities of the Department of Agriculture and Consumer Services for aquaculture activities; amending s. 253.03, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to encourage certain uses for sovereign submerged lands; amending s. 253.67, F.S.; clarifying the definition of "aquaculture"; amending s. 253.68, F.S.; providing authority to the board for certain aquaculture activities; providing a definition; requiring the board to establish certain guidelines by rule; amending s. 253.74, F.S.; providing penalties for certain unauthorized aquaculture activities; amending s. 253.75, F.S.; revising the responsibilities of the board with regard to certain aquaculture activities; establishing the Waterfronts Florida Program within the Department of Community Affairs; providing definitions; requiring that the program implement the Waterfronts Florida Partnership Program in coordination with the Department of Environmental Protection; authorizing the Department of Community Affairs to provide financial assistance to certain local governments; requiring the Department of Environmental Protection and water management districts to adopt programs to expedite the processing of permits for certain projects; requiring the Department of Environmental Protection, in coordination with the Fish and Wildlife Conservation Commission, to study the use of state parks for recreational boating; requiring that the department make recommendations to the Governor and the Legislature; amending s. 328.72, F.S.; revising the distribution of vessel registration fees; providing for a portion of the fees to be designated for certain trust funds; providing for a grant program for public launching facilities; providing priority consideration for certain counties; requiring certain counties to provide an annual report to the Fish and Wildlife Conservation Commission; requiring the commission to provide exemptions for certain counties; creating s. 342.07, F.S.; enunciating the state's interest in maintaining recreational and commercial working waterfronts; defining the term "recreational and commercial working waterfront"; creating ss. 197.303-197.3047, F.S.; authorizing county commissions to adopt tax deferral ordinances for recreational and commercial working waterfront properties; requiring bonding periods effective prior the deferral to remain in effect for certain properties; providing requirements for deferral notification and application for certain properties; providing a tax deferral for ad valorem taxes and non-ad valorem assessments authorized to be deferred by ordinance and levied on recreational and commercial working waterfronts; providing certain exceptions; specifying the rate of the deferral; providing that the taxes, assessments, and interest deferred constitute a prior lien on the property; providing an application process; providing notice requirements; providing for a decision of the tax collector to be appealed to the value adjustment board; providing for calculating the deferral; providing requirements for deferred payment tax certificates; providing for the deferral to cease under certain circumstances; requiring notice to the tax collector; requiring payment of deferred taxes, assessments, and interest under certain circumstances; authorizing specified parties to make a prepayment of deferred taxes;

providing for distribution of payments; providing for construction of provisions authorizing the deferments; providing penalties; providing for a penalty to be appealed to the value adjustment board; providing an effective date.

—was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 255523)

Amendment 1 (with title amendment)—Remove lines 100 through 148.

Remove lines 7 through 10.

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 112057)

Amendment 2—Remove line(s) 325 and insert:
per acre, or the proposed future land use category allows a maximum residential density of the same or less than the maximum residential density allowable under the existing future land use category, except that this limitation does not apply to small

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

Representative Brown offered the following:

(Amendment Bar Code: 367243)

Amendment 3 (with title amendment)—Between lines 374 and 375, insert:

Section 5. Subsections (10), (11), and (12) of section 163.3246, Florida Statutes, are renumbered as subsections (12), (13), and (14), respectively, and new subsections (10) and (11) are added to said section to read:

163.3246 Local government comprehensive planning certification program.--

(10) Notwithstanding subsections (2), (4), (5), (6), and (7), any municipality designated as a rural area of critical economic concern pursuant to s. 288.0656 that is located within a county eligible to levy the Small County Surtax under s. 212.055(3) shall be considered certified during the effectiveness of the designation of rural area of critical economic concern. The state land planning agency shall provide a written notice of certification to the local government of the certified area, which shall be considered final agency action subject to challenge under s. 120.569. The notice of certification shall include the following components:

(a) The boundary of the certification area.

(b) A requirement that the local government submit either an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report shall, at a minimum, include the number of amendments to the comprehensive plan adopted by the local government, the number of plan amendments challenged by an affected person, and the disposition of those challenges.

(11) If the local government of an area described in subsection (10) does not request that the state land planning agency review the developments of regional impact that are proposed within the certified

area, an application for approval of a development order within the certified area shall be exempt from review under s. 380.06, subject to the following:

(a) Concurrent with filing an application for development approval with the local government, a developer proposing a project that would have been subject to review pursuant to s. 380.06 shall notify in writing the regional planning council with jurisdiction.

(b) The regional planning council shall coordinate with the developer and the local government to ensure all concurrency requirements as well as federal, state, and local environmental permit requirements are met.

Remove line 29 and insert:

of certain property; amending s. 163.3246, F.S.; revising provisions for the local government comprehensive planning certification program; providing for certain municipalities to be considered certified; requiring the state land planning agency to provide a written notice of certification; specifying components of such notice; requiring local governments to submit monitoring reports to the state land planning agency; providing exemptions from certain development-of-regional-impact reviews; amending s. 253.002, F.S.; removing

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

Representative D. Davis offered the following:

(Amendment Bar Code: 682767)

Amendment 4 (with title amendment)—Between lines 374 and 375, insert:

Section 5. Subsection (1) of section 193.501, Florida Statutes, is amended, paragraphs (g), (h), and (i) of subsection (6) of said section are redesignated as paragraphs (h), (i), and (j), respectively, and a new paragraph (g) is added to subsection (6), to read:

193.501 Assessment of lands subject to a conservation easement, environmentally endangered lands, or lands used for outdoor recreational or park purposes when land development rights have been conveyed or conservation restrictions have been covenanted.--

(1) The owner or owners in fee of any land subject to a conservation easement as described in s. 704.06(1); land qualified as environmentally endangered pursuant to paragraph (6)(j)(4) and so designated by formal resolution of the governing board of the municipality or county within which such land is located; land designated as conservation land in a comprehensive plan adopted by the appropriate municipal or county governing body; or any land which is utilized for outdoor recreational or park purposes may, by appropriate instrument, for a term of not less than 10 years:

(a) Convey the development right of such land to the governing board of any public agency in this state within which the land is located, or to the Board of Trustees of the Internal Improvement Trust Fund, or to a charitable corporation or trust as described in s. 704.06(3); or

(b) Covenant with the governing board of any public agency in this state within which the land is located, or with the Board of Trustees of the Internal Improvement Trust Fund, or with a charitable corporation or trust as described in s. 704.06(3), that such land be subject to one or more of the conservation restrictions provided in s. 704.06(1) or not be used by the owner for any purpose other than outdoor recreational or park purposes. If land is covenanted and used for an outdoor recreational purpose, the normal use and maintenance of the land for that purpose, consistent with the covenant, shall not be restricted.

(6) The following terms whenever used as referred to in this section have the following meanings unless a different meaning is clearly indicated by the context:

(g) "Open to the general public" means open to any person for the property's normal use on terms no less favorable than those available to any person given the right of use of the property based on ownership or

membership, such as a member of a club or member or shareholder of a neighborhood or other residential association, including a condominium association or cooperative association or corporation, and including a resident or owner in a residential or other subdivision that may afford a right to use a common element held for the benefit of lot owners, members, shareholders, or residents.

Remove line 29 and insert:
of certain property; amending s. 193.501, F.S.; conforming a cross reference; defining the term "open to the general public" for determining "outdoor recreational or park purposes"; amending s. 253.002, F.S.; removing

Rep. D. Davis moved the adoption of the amendment.

On motion by Rep. D. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative D. Davis offered the following:

(Amendment Bar Code: 043315)

Amendment 1 to Amendment 4—Remove lines 44-53 and insert:
(g) "Open to the general public," as applied to a golf course, means that the golf course is open to any person who pays the daily access fee. The daily access fee may not exceed the lowest fee charged to any person.

Rep. D. Davis moved the adoption of the amendment to the amendment.

Point of Order

Rep. Seiler raised a point of order, under Rule 12.8(b), that the amendment to the amendment was not germane.

The Chair [Speaker pro tempore Waters] referred the point to Rep. Goodlette, Chair of the Rules & Calendar Council, for a recommendation.

THE SPEAKER IN THE CHAIR

Subsequently, **Amendment 1 to Amendment 4** was withdrawn.

The question recurred on the adoption of **Amendment 4**, which was withdrawn.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 553093)

Amendment 5—Remove line 581 and insert:
new recreational boating access may be located. The environment and wildlife values shall be taken into consideration but shall not dictate the final outcome. The report must

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 290731)

Amendment 6—Remove lines 610 and 611 and insert:
vessel registration revenues that at least \$1 of the registration fees were spent on boating infrastructure shall only be required to

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 078613)

Amendment 7—Remove lines 689 through 706 and insert:

(6)(a) If an application for deferral is granted on property that is located in a community redevelopment area, the amount of taxes eligible for deferral shall be reduced, as provided for in paragraph (b), if:

1. The community redevelopment agency has previously issued instruments of indebtedness that are secured by increment revenues on deposit in the community redevelopment trust fund; and

2. Those instruments of indebtedness are associated with the real property applying for the deferral.

(b) If the provisions of paragraph (a) apply, the tax deferral shall not apply to an amount of taxes equal to the amount that must be deposited into the community redevelopment trust fund by the entity granting the deferral based upon the taxable value of the property upon which the deferral is being granted. Once all instruments of indebtedness that existed at the time the deferral was originally granted are no longer outstanding or have otherwise been defeased, the provisions of this paragraph shall no longer apply.

(c) If a portion of the taxes on a property were not eligible for deferral because of the provisions of paragraph (b), the community redevelopment agency shall notify the property owner and the tax collector 1 year before the debt instruments that prevented said taxes from being deferred are no longer outstanding or otherwise defeased.

(d) The tax collector shall notify a community redevelopment agency of any tax deferral that has been granted on property located within the community redevelopment area of that agency.

(e) Issuance of debt obligation after the date a deferral has been granted shall not reduce the amount of taxes eligible for deferral.

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

Representative(s) Berfield offered the following:

(Amendment Bar Code: 804603)

Amendment 8—Remove line 914 and insert:
Section 17. This act shall take effect January 1, 2006.

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

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

HB 1325—A bill to be entitled An act relating to governmental authority in communication services; creating the Governmental Authority Provision for Communication Services Act; providing definitions; authorizing governmental authorities to provide communication services in certain circumstances; providing requirements for the provision of communication services; requiring a referendum for the provision of such services; requiring regulatory compliance by governmental authorities and service providers; providing for the use of certain structures and facilities; authorizing governmental authorities to secure funding for certain costs; providing for the payment of taxes on certain acquired entities; providing severability; providing an effective date.

The Commerce Council recommended the following:

HB 1325 CS—A bill to be entitled An act relating to governmental

authority in communication services; creating the Governmental Authority Provision for Communication Services Act of 2005; providing definitions; authorizing governmental authorities to provide communication services in certain circumstances; providing requirements for the provision of communication services; requiring a referendum for the provision of such services; requiring regulatory compliance by governmental authorities and service providers; providing for the use of certain structures and facilities; authorizing governmental authorities to secure funding for certain costs; authorizing governmental authorities providing specific services prior to a date certain to continue to offer those specific services; providing for the payment of taxes on certain acquired entities; providing severability; providing an effective date.

—was read the second time by title.

On motion by Rep. Attkisson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 066693)

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

Section 1. Communications services offered by governmental entities.--

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

(a) "Advanced service" means high-speed-Internet-access-service capability in excess of 200 kilobits per second in the upstream or the downstream direction, including any service application provided over the high-speed-access service or any information service as defined in 47 U.S.C. s. 153(20).

(b) "Cable service" has the same meaning as in 47 U.S.C. s. 522(6).

(c) "Communications services" includes any "advanced service," "cable service," or "telecommunications service" and shall be construed in the broadest sense.

(d) "Enterprise fund" means a separate fund to account for the operation of communications services by a local government, established and maintained in accordance with generally accepted accounting principles as prescribed by the Governmental Accounting Standards Board.

(e) "Governmental entity" means any political subdivision as defined in section 1.01, Florida Statutes, including any county, municipality, special district, school district, or utility authority or other authority or any instrumentality, agency, unit, or department thereof. The term does not include an independent special district created before 1970 which has been granted express legislative authority to provide a communications service and which does not sell a communications service outside its district boundaries.

(f) "Provide," "providing," "provision," or "provisioning" means offering or supplying a communications service for a fee or other consideration to a person, including any portion of the public or a private provider, but does not include service by a governmental entity to itself or to any other governmental law enforcement or governmental emergency services entity.

(g) "Subscriber" means a person who receives a communications service.

(h) "Telecommunications services" means the transmission of signs, signals, writing, images, sounds, messages, data, or other information of the user's choosing, by wire, radio, light waves, or other electromagnetic means, without change in the form or content of the information as sent and received by the user and regardless of the facilities used, including, without limitation, wireless facilities.

(2)(a) Prior to a proposal to provide any provision of communications services, a governmental entity shall hold no less than two public hearing not less than 30 days apart. At least 30 days before the first of the two

public hearings, the governmental entity shall give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity shall electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department's and the commission's website. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202, Florida Statutes, or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice shall include the time and place of the hearings and shall state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice shall include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice shall also state that any dealer who wishes to do so may appear and be heard at the public hearings.

(b) At a public hearing required by this subsection, a governmental entity shall, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or a similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the governmental entity to provide the communications service, the estimated realistic cost of operation and maintenance, and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the effect on existing and future jobs, actual economic development prospects, tax-base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity shall make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of customers to be served by the venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (2)(b) and (2)(c), the governmental entity may authorize providing a communications service by a majority recorded vote, by resolution, ordinance, or other formal means of adoption.

(e) The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance provision of a communications service:

a. Within the county in which the governmental entity is located;

b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, or electric or natural gas service, or within an urban service area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent, by a majority recorded vote by resolution, ordinance, or other formal means of adoption, of the governmental entity within the boundaries of which the municipality or special district proposes to provide service.

Any governmental entity from which consent is sought pursuant to subparagraph c. shall be located within the county in which the governmental entity is located for consent to be effective.

2. Revenue bonds issued in order to finance provision of a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance provision of a communications service that does not mature within 15 years shall be approved by the electors. The election shall be conducted as specified in chapter 100, Florida Statutes.

(f) A governmental entity providing a communications service may not price any service below the cost of providing the service by subsidizing the communications service with moneys from rates paid by customers of a noncommunications services utility or from any other revenues. The cost standard for determining cross-subsidization is whether the total revenue from the service is less than the total long-run incremental cost, including direct costs and indirect costs, as allocated pursuant to the cost-allocation plan described in paragraph (g), of the service. "Total long-run incremental cost" means service-specific volume and nonvolume-sensitive costs.

(g) A governmental entity providing a communications service shall keep separate and accurate books and records, maintained in accordance with generally accepted accounting principles, of a governmental entity's communication service, which books and records shall be made available for any audits of the books and records conducted under applicable law. To facilitate equitable distribution of indirect costs, a local governmental entity shall develop and follow a cost-allocation plan in accordance with OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Government, published by the United States Office of Management and Budget.

(h) The governmental entity shall establish an enterprise fund to account for its operation of communications services.

(i) The governmental entity shall adopt separate operating and capital budgets for its communications services.

(j) A governmental entity may not use its powers of eminent domain under chapter 73, Florida Statutes, solely or primarily for the purpose of providing a communications service.

(k) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity's provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services.

(l) If the governmental entity chooses to continue providing communications services, or approves a plan provided in paragraph (k), but thereafter does not implement the plan, the governmental entity shall either develop a new business plan provided under paragraph (c) or

provide notice of the decision to not pursue the provisions under paragraph (k). The new plan shall be submitted to the governing body for approval within 60 days after the public hearing and shall be implemented upon approval. If the governing body does not approve the new plan, the governmental entity shall cease providing communications services within 12 months thereafter.

(m) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting, the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(n)1. Within 12 months after the end of each fiscal year, a governmental entity that is providing communications services shall prepare a modified statement of revenues, expenses, and changes in net assets for the enterprise fund used to account for the communications services. Such statement shall present a full and complete accounting of the operations of the covered services for the fiscal year in accordance with generally accepted accounting principles and utilizing full cost accounting. The principal financial officer of the governmental entity responsible for the preparation of this statement shall assert in writing the following affidavit regarding this statement:

I am responsible for the preparation and presentation of the attached modified statement of revenue, expenses, and changes in net assets. I hereby assert that the above statement presents the full and complete accounting of the revenues and expenses of the (insert name of covered services) for the year (period) ended (insert fiscal year end), in accordance with Section xx, Florida Statutes.

2. Within 12 months after the end of each fiscal year, a governmental entity that is providing communications services shall retain a licensed certified public accountant to perform and complete an examination of the modified statement of revenue, expenses, and changes in net assets and shall deliver a copy of the accountant's report and the affidavit referenced in subparagraph 1. to the Director of Economic Regulation at the Florida Public Service Commission or the director's designee, the Department of Revenue, and the Joint Legislative Auditing Committee. The accountant's report on such examination shall express an opinion that the modified statement of revenue, expenses, and changes in net assets are fairly presented in accordance with requirements of this section. Failure of the governmental entity to provide an unqualified examination report within a 12-month period shall constitute noncompliance with this section.

3. The governmental entity shall, as specified in subparagraph 2., provide the copy of the accountant's report and affidavit referenced in subparagraph 1. to the Department of Revenue, in addition to the governmental entity's regular annual financial report and audit, required by s. 218.32, Florida Statutes. The Department of Revenue or other required recipients of the report and affidavit may proceed in accordance with the procedures set forth in s. 218.32(1)(f), Florida Statutes, if the report and affidavit are not received within the specified time period. If such procedures are pursued, the Legislative Auditing Committee may take the state action set forth in s. 11.40(5), Florida Statutes.

(o) Before a person that has an interest affected by a governmental entity's violation of this section may file an action in circuit court for violation of this section, that person shall file a written complaint with the governmental entity. A private provider providing communications services to subscribers in the governmental entity shall be deemed to have such an interest. Within 30 days after receipt of such complaint, the governmental entity shall respond in writing explaining the corrective action taken or to be taken, if any. If the governmental entity denies that it has violated this section, its response shall include an explanation and documentation demonstrating why the conduct complained of does not constitute a violation. The person may file an action in circuit court, shall

be deemed to have standing and a special injury for purposes of an action in court for violation of this section, and shall be entitled to injunctive relief. The court shall award to the prevailing party or parties reasonable attorney's fees.

(3)(a) A governmental entity that provides a cable service shall comply with the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., the regulations issued by the Federal Communications Commission under the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq., and all applicable state and federal rules and regulations, including, but not limited to, s. 166.046, Florida Statutes, and those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(b) A governmental entity that provides a telecommunications service or advanced service shall comply, if applicable, with chapter 364, Florida Statutes, and rules adopted by the Public Service Commission; chapter 166, Florida Statutes, and all applicable state and federal rules and regulations, including, but not limited to, those provisions of chapters 202, 212, and 337, Florida Statutes, which apply to a provider of the services.

(c) A governmental entity may not exercise its power or authority in any area, including zoning or land use regulation, to require any person, including residents of a particular development, to use or subscribe to any communications service of a governmental entity.

(d) A governmental entity shall apply its ordinances, rules, and policies, and exercise any authority under state or federal laws, including, but not limited to, those relating to the following subjects and without discrimination as to itself when providing a communications service or to any private provider of communications services:

1. Access to public rights-of-way; and

2. Permitting, access to, use of, and payment for use of governmental-entity-owned poles. The governmental entity is subject to the same terms, conditions, and fees, if any, for access to governmental-entity-owned poles which the governmental entity applies to a private provider for access.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, it is not required to comply with paragraphs (2)(a)-(f), in order to continue to provide advanced services, cable services, or telecommunications services, but it shall comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, it is not required to comply with paragraph (2)(a), (b), (c), (d), (e)1.c., or (f) in order to provide advanced services, cable services, or telecommunications services, respectively, but it shall comply with and be subject to all other provisions of this section.

(c) A governmental entity that has purchased equipment specifically for the provisioning of advanced service, cable service, or telecommunications service by April 1, 2005, and has received authorization by a recorded majority vote by resolution, ordinance, or other formal means of adoption, for the provision of an advanced service, cable service, or telecommunications service, is not required to comply with paragraph (2)(a), (b), (c), (d), (2)(e)1.c., or (f) in order to provide such services, but shall comply with and be subject to all other provisions of this section.

(5) Notwithstanding s. 542.235, Florida Statutes, or any other law, a governmental entity that provides a communications service is subject to the same prohibitions applicable to private providers under ss. 542.18 and 542.19, Florida Statutes, as it relates to providing a communications service. In addition, this section does not confer state action immunity, or any other antitrust immunity or exemption, on any governmental entity providing communications services.

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in s. 159.27(17), Florida Statutes, exemption from this section is granted to any airport authority or other governmental entity that provides or is proposing to provide:

(a) Communications services only within the boundaries of its airport layout plan, as defined in s. 333.01(6), Florida Statutes, to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility.

(b) Shared-tenant service under s. 364.339, Florida Statutes, not including dial tone, enabling subscribers to complete calls outside the airport layout plan, to one or more subscribers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility.

An airport authority or other governmental entity that provides or is proposing to provide communications services to one or more customers within its airport layout plan which are not integral and essential to the safe and secure transportation of passengers and freight through the airport facility, or to one or more customers outside its airport layout plan, is not exempt from this section. By way of example and not limitation, the integral, essential subscribers may include airlines and emergency service entities, and the nonintegral, nonessential subscribers may include retail shops, restaurants, hotels, or rental car companies.

(7) This section does not alter or affect any provisions in the charter, code, or other governing authorities of a governmental entity that impose additional or different requirements on provision of communications service by a governmental entity. Any such provisions shall apply in addition to the applicable provisions in this section.

Section 2. 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 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 local governments; providing definitions; providing for notice of public hearings to consider whether the local government will provide a communications service; requiring a governmental entity to consider certain factors before a communications service is provided; providing certain restrictions on revenue bonds to finance provisioning of communications services; requiring a local government to make available a written business plan; providing criteria for the business plan; setting pricing standards; providing for accounting and books and records; requiring the governmental entity to establish an enterprise fund; requiring the governmental entity to maintain separate operating and capital budgets; limiting the use of eminent-domain powers; requiring a governmental entity to hold a public hearing to consider certain factors if the business plan goals are not met; requiring compliance with certain federal and state laws; requiring a local government to treat itself the same as it treats other providers of similar communications services; exempting certain governmental entities from specified provisions of the act; requiring a local governmental provider of communications services to follow the same prohibitions as other providers of the same services; providing an exemption for airports under certain conditions; recognizing preemption of a charter, code, or other governmental authority; providing for severability; providing an effective date.

Rep. Attkisson moved the adoption of the amendment.

On motion by Rep. Attkisson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Attkisson offered the following:

(Amendment Bar Code: 894699)

Amendment 1 to Amendment 1—Remove line 321 and insert:

services, cable services, or telecommunications services, respectively, but it

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

On motion by Rep. Attkisson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Attkisson offered the following:

(Amendment Bar Code: 898597)

Amendment 2 to Amendment 1—Remove line 339 and insert: provide advanced services, cable services, or telecommunications services, respectively, but shall comply with and be subject to

Rep. Attkisson 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.

Section II. Expedited Local Bill Calendar

The absence of a quorum was suggested. A quorum was present [Session Vote Sequence: 295].

HB 619—A bill to be entitled An act relating to the Nassau County Ocean Highway and Port Authority; codifying, reenacting, amending, and repealing special acts of the Nassau County Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 619 CS—A bill to be entitled An act relating to the Ocean Highway and Port Authority, Nassau County; codifying, reenacting, amending, and repealing special acts of the Ocean Highway and Port Authority; providing for its membership, terms of office, officers, quorum, and meetings; defining the powers and duties of the authority; providing for compensation of authority members; authorizing the issuance of bonds and other instruments of indebtedness; providing for road and other projects; repealing chapters 21418 (1941), 24733 (1947), 26048 (1949), 27763 (1951), 30290 (1955), 67-1737, 67-1739, 67-1748, 69-1328, 83-471, 83-474, 84-486, 86-371, 87-439, and 91-347, Laws of Florida; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Gardiner	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom
Bense	Gibson, A.	Machek	Seiler
Benson	Gibson, H.	Mahon	Simmons
Berfield	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

HB 765—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District and transferring its powers, duties, functions, assets, and liabilities to the Lake Region Lakes Management District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; prohibiting the board of commissioners of the district from taking specified actions with respect to canals and waterways within areas of the district; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 765 CS—A bill to be entitled An act relating to Polk County; abolishing the Peace Creek Drainage District; amending the charter of the Lake Region Lakes Management District, as reenacted and amended by chapter 2004-393, Laws of Florida; redefining the territorial boundaries of the district; clarifying eligibility to vote for members of the board of commissioners of the district; revising the authority of the district to perform certain works on its property; limiting tax assessments; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan	Bense	Gardiner	Kreegel	Roberson
Allen	Dean	Jordan	Rice	Benson	Gelber	Legg	Ross
Altman	Detert	Joyner	Richardson	Berfield	Gibson, A.	Littlefield	Rubio
Anderson	Domino	Justice	Rivera	Bogdanoff	Gibson, H.	Llorente	Russell
Antone	Evers	Kendrick	Robaina	Bowen	Glorioso	Lopez-Cantera	Ryan
Arza	Farkas	Kottkamp	Roberson	Brandenburg	Goldstein	Machek	Sands
Attkisson	Fields	Kravitz	Ross	Brown	Goodlette	Mahon	Sansom
Ausley	Flores	Kreegel	Rubio	Brummer	Gottlieb	Mayfield	Seiler
Barreiro	Galvano	Legg	Russell	Bucher	Grant	McInvale	Simmons
Baxley	Gannon	Littlefield	Ryan	Bullard	Greenstein	Meadows	Slosberg
Bean	Gardiner	Llorente	Sands	Cannon	Grimsley	Mealor	Smith
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom	Carroll	Harrell	Murzin	Sobel
Bense	Gibson, A.	Machek	Seiler	Clarke	Hasner	Needelman	Sorensen
Benson	Gibson, H.	Mahon	Simmons	Cretul	Hays	Negron	Stansel
Berfield	Glorioso	Mayfield	Slosberg	Culp	Henriquez	Patterson	Stargel
Bogdanoff	Goldstein	McInvale	Smith	Cusack	Holloway	Peterman	Taylor
Bowen	Goodlette	Meadows	Sobel	Davis, D.	Homan	Pickens	Traviesa
Brandenburg	Gottlieb	Mealor	Sorensen	Davis, M.	Hukill	Planas	Troutman
Brown	Grant	Murzin	Stansel	Dean	Jennings	Poppell	Vana
Brummer	Greenstein	Needelman	Stargel	Detert	Johnson	Porth	Waters
Bucher	Grimsley	Negron	Taylor	Domino	Jordan	Proctor	Williams
Bullard	Harrell	Patterson	Traviesa	Evers	Joyner	Quinones	Zapata
Cannon	Hasner	Peterman	Troutman	Farkas	Justice	Reagan	
Carroll	Hays	Pickens	Vana	Fields	Kendrick	Rice	
Clarke	Henriquez	Planas	Waters	Flores	Kottkamp	Richardson	
Cretul	Holloway	Poppell	Williams	Gannon	Kravitz	Robaina	
Culp	Homan	Porth	Zapata				
Cusack	Hukill	Proctor					
Davis, D.	Jennings	Quinones					

Nays—Galvano

Nays—None

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

HB 783—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing for construction; providing an effective date.

The Health & Families Council recommended the following:

HB 783 CS—A bill to be entitled An act relating to the Sarasota County Public Hospital District; amending chapter 2003-359, Laws of Florida; authorizing the Sarasota County Public Hospital Board to establish, operate, and maintain facilities and services outside the boundaries of the district; restricting the use of ad valorem tax funds to facilities and services within the district; providing for severability; providing an effective date.

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

Session Vote Sequence: 8000

Speaker Bense in the Chair.

Yeas—114

Adams	Anderson	Attkisson	Baxley
Allen	Antone	Ausley	Bean
Altman	Arza	Barreiro	Bendross-Mindingall

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

HB 1053—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing for exemption from taxation; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1053 CS—A bill to be entitled An act relating to St. Lucie County; creating the St. Lucie County Research and Education Authority, an independent special district in St. Lucie County; providing definitions; providing for a governing board and powers; providing for a research and educational facilities benefit assessment; providing minimum charter requirements; providing for a referendum; providing for construction and severability; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Arza	Bean	Bogdanoff
Allen	Attkisson	Bendross-Mindingall	Bowen
Altman	Ausley	Bense	Brandenburg
Anderson	Barreiro	Benson	Brown
Antone	Baxley	Berfield	Brummer

Bucher	Goldstein	Llorente	Roberson
Bullard	Goodlette	Lopez-Cantera	Ross
Cannon	Gottlieb	Machek	Rubio
Carroll	Grant	Mahon	Russell
Clarke	Greenstein	Mayfield	Ryan
Cretul	Grimsley	McInvale	Sands
Culp	Harrell	Meadows	Sansom
Cusack	Hasner	Mealor	Seiler
Davis, D.	Hays	Murzin	Simmons
Davis, M.	Henriquez	Needelman	Slosberg
Dean	Holloway	Negron	Smith
Detert	Homan	Patterson	Sobel
Domino	Hukill	Peterman	Sorensen
Evers	Jennings	Pickens	Stansel
Farkas	Johnson	Planas	Stargel
Fields	Jordan	Poppell	Taylor
Flores	Joyner	Porth	Traviesa
Galvano	Justice	Proctor	Troutman
Gannon	Kendrick	Quinones	Vana
Gardiner	Kottkamp	Reagan	Waters
Gelber	Kravitz	Rice	Williams
Gibson, A.	Kreegel	Richardson	Zapata
Gibson, H.	Legg	Rivera	
Glorioso	Littlefield	Robaina	

Nays—None

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

HB 1243—A bill to be entitled An act relating to the City of Tampa, Hillsborough County; amending chapter 23559, Laws of Florida, 1945, as amended; revising the definition of "salaries or wages" to provide for an employer pickup so that the employees in Division A may make pension contributions on a pre-tax basis; revising longevity retirement provisions to provide for a multiplier of 1.15 percent for employees in Division B; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Brown	Flores	Holloway
Allen	Brummer	Galvano	Homan
Altman	Bucher	Gannon	Hukill
Anderson	Bullard	Gardiner	Jennings
Antone	Cannon	Gelber	Johnson
Arza	Carroll	Gibson, A.	Jordan
Attkisson	Clarke	Gibson, H.	Joyner
Ausley	Cretul	Glorioso	Justice
Barreiro	Culp	Goldstein	Kendrick
Baxley	Cusack	Goodlette	Kottkamp
Bean	Davis, D.	Gottlieb	Kravitz
Bendross-Mindingall	Davis, M.	Grant	Kreegel
Bense	Dean	Greenstein	Legg
Benson	Detert	Grimsley	Littlefield
Berfield	Domino	Harrell	Llorente
Bogdanoff	Evers	Hasner	Lopez-Cantera
Bowen	Farkas	Hays	Machek
Brandenburg	Fields	Henriquez	Mahon

Mayfield	Poppell	Rubio	Stansel
McInvale	Porth	Russell	Stargel
Meadows	Proctor	Ryan	Taylor
Mealor	Quinones	Sands	Traviesa
Murzin	Reagan	Sansom	Troutman
Needelman	Rice	Seiler	Vana
Negron	Richardson	Simmons	Waters
Patterson	Rivera	Slosberg	Williams
Peterman	Robaina	Smith	Zapata
Pickens	Roberson	Sobel	
Planas	Ross	Sorensen	

Nays—None

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

HB 1355—A bill to be entitled An act relating to Broward County; amending chapter 94-429, Laws of Florida, as amended; authorizing expenditures for the purposes enumerated therein, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering goodwill toward its seaport, Port Everglades; providing severability; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Gardiner	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom
Bense	Gibson, A.	Machek	Seiler
Benson	Gibson, H.	Mahon	Simmons
Berfield	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

HB 1361—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

The Local Government Council recommended the following:

HB 1361 CS—A bill to be entitled An act relating to the Performing Arts Center Authority, Broward County; codifying, reenacting, amending, and repealing special acts relating to the authority; providing that the authority is a public body, corporate and politic; providing purposes; providing membership and organization; providing definitions; providing for the method and manner of the appointment of the authority and terms of the authority's membership; providing for reimbursement of members' expenses; providing for removal of members; providing for the organization, powers, functions, financing, privileges, duties, and responsibilities of the authority; providing for competitive bidding in certain instances; authorizing the acquisition of certain property acquired by eminent domain; providing for budget approval by the Broward County Commission and the Fort Lauderdale City Commission; providing for the issuance of revenue bonds by the authority to carry out the purposes of this act; providing for sources of revenues for paying for the construction of facilities, the administrative expenses of the authority, and said revenue bonds; authorizing appropriations by the county, the city, and other governmental units in Broward County for operation and maintenance of said facilities; providing for public or private subscriptions; providing for the issuance of a license to sell alcoholic beverages for on-premise consumption; providing severability; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Barreiro	Bowen	Clarke
Allen	Baxley	Brandenburg	Cretul
Altman	Bean	Brown	Culp
Anderson	Bendross-Mindingall	Brummer	Cusack
Antone	Bense	Bucher	Davis, D.
Arza	Benson	Bullard	Davis, M.
Attkisson	Berfield	Cannon	Dean
Ausley	Bogdanoff	Carroll	Detert

Domino	Henriquez	Meadows	Russell
Evers	Holloway	Mealor	Ryan
Farkas	Homan	Murzin	Sands
Fields	Hukill	Needelman	Sansom
Flores	Jennings	Negron	Seiler
Galvano	Johnson	Patterson	Simmons
Gannon	Jordan	Peterman	Slosberg
Gardiner	Joyner	Pickens	Smith
Gelber	Justice	Planas	Sobel
Gibson, A.	Kendrick	Poppell	Sorensen
Gibson, H.	Kottkamp	Porth	Stansel
Glorioso	Kravitz	Proctor	Stargel
Goldstein	Kreegel	Quinones	Taylor
Goodlette	Legg	Reagan	Traviesa
Gottlieb	Littlefield	Rice	Troutman
Grant	Llorente	Richardson	Vana
Greenstein	Lopez-Cantera	Rivera	Waters
Grimley	Machek	Robaina	Williams
Harrell	Mahon	Roberson	Zapata
Hasner	Mayfield	Ross	
Hays	McInvale	Rubio	

Nays—None

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

HB 1423—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1423 CS—A bill to be entitled An act relating to the St. Johns Water Control District, Indian River County; codifying, amending, and reenacting special acts relating to the district; fixing and prescribing boundaries of said district; making the provisions of chapter 298, F.S., applicable thereto; providing for the levy, collection, and enforcement of installment and maintenance taxes by said district at the same time and in like manner as county taxes; providing that said taxes shall be extended by the county on the county tax roll and shall be collected by the tax collector in the same manner and time as county taxes; providing for the same discounts and penalties as county taxes; providing for the compensation of the county and tax collector; providing that district taxes shall be a lien on lands against which taxes are levied of equal dignity

with county and other taxes; providing that the approval of the board of drainage commissioners is not required to issue bonds; providing for floating indebtedness of the district; providing that payment of taxes in advance is not authorized; providing that use of bonds and interest coupons in payment of taxes is not authorized; providing that the board may enter into certain covenants and agreements with holders of bonds; providing that water is a common enemy; providing for compensation of the board of supervisors; providing for the levy of fines for the introduction of pollutants into the waters of the district; providing additional powers of the board; providing for severability of the provisions of the act; repealing chapters 65-812 and 69-1162, Laws of Florida, relating to the district; 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: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Richardson
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Gardiner	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom
Bense	Gibson, A.	Machek	Seiler
Benson	Gibson, H.	Mahon	Simmons
Berfield	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

HB 1425—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; providing an effective date.

The Local Government Council recommended the following:

HB 1425 CS—A bill to be entitled An act relating to the Technological Research and Development Authority, Brevard County; codifying, amending, reenacting, and repealing special acts relating to the district; providing purposes of the authority; setting a commission to govern the authority; prescribing the duties and responsibilities of the commission and terms of office; providing a procedure for the appointment of the commission; providing for liberal construction; providing severability; 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: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Gelber	Llorente	Sands
Bense	Gibson, A.	Lopez-Cantera	Sansom
Benson	Gibson, H.	Machek	Seiler
Berfield	Glorioso	Mahon	Simmons
Bogdanoff	Goldstein	Mayfield	Slosberg
Bowen	Goodlette	McInvale	Smith
Brandenburg	Gottlieb	Meadows	Sobel
Brown	Grant	Mealor	Sorensen
Brummer	Greenstein	Murzin	Stansel
Bucher	Grimsley	Needelman	Stargel
Bullard	Harrell	Negron	Taylor
Cannon	Hasner	Patterson	Traviesa
Carroll	Hays	Peterman	Troutman
Clarke	Henriquez	Pickens	Vana
Cretul	Holloway	Planas	Waters
Culp	Homan	Poppell	Williams
Cusack	Hukill	Porth	Zapata
Davis, D.	Jennings	Proctor	
		Quinones	

Nays—None

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

HB 1479—A bill to be entitled An act relating to the North Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1479 CS—A bill to be entitled An act relating to the North

Springs Improvement District, Broward County; codifying, amending, reenacting, and repealing chapters 71-580, 84-398, 85-387, 87-505, 89-440, 91-353, 92-245, 94-445, and 96-537, Laws of Florida, relating to the district; providing legislative intent; deleting gender-specific references; providing a district charter; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Gardiner	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom
Bense	Gibson, A.	Machek	Seiler
Benson	Gibson, H.	Mahon	Simmons
Berfield	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

HB 1555—A bill to be entitled An act relating to the Hastings Drainage District, Putnam and St. Johns Counties; codifying, amending, reenacting, and repealing chapters 7969 (1919), 8880 (1921), 10671 (1925), 13654 (1929), 15616 (1931), 17978 (1937), 27310 (1951), 28382 (1953), 81-481, 88-511, and 89-514, Laws of Florida, relating to the district; providing for the continuation without interruption of the district and its boundaries as previously created and established; providing for membership of the Hastings Drainage District Board; providing for the powers, functions, and duties of the district; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Davis, M.	Johnson	Reagan
Allen	Dean	Jordan	Rice
Altman	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Gardiner	Llorente	Sands
Bendross-Mindingall	Gelber	Lopez-Cantera	Sansom
Bense	Gibson, A.	Machek	Seiler
Benson	Gibson, H.	Mahon	Simmons
Berfield	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

HB 1657—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1657 CS—A bill to be entitled An act relating to the Downtown Development Authority of the City of Fort Lauderdale, Broward County; codifying, amending, reenacting, and repealing chapters 65-1541, 67-1385, 69-1056, 75-371, 80-501, 85-393, 87-507, 89-431, 92-247, 93-392, and 95-531, Laws of Florida; providing severability; providing an effective date.

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

Session Vote Sequence: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Altman	Antone	Attkisson
Allen	Anderson	Arza	Ausley

Barreiro	Fields	Kendrick	Richardson
Baxley	Flores	Kottkamp	Rivera
Bean	Galvano	Kravitz	Robaina
Bendross-Mindingall	Gannon	Kreegel	Roberson
Bense	Gardiner	Legg	Ross
Benson	Gelber	Littlefield	Rubio
Berfield	Gibson, A.	Llorente	Russell
Bogdanoff	Gibson, H.	Lopez-Cantera	Ryan
Bowen	Glorioso	Machek	Sands
Brandenburg	Goldstein	Mahon	Sansom
Brown	Goodlette	Mayfield	Seiler
Brummer	Gottlieb	McInvale	Simmons
Bucher	Grant	Meadows	Slosberg
Bullard	Greenstein	Mealor	Smith
Cannon	Grimsley	Murzin	Sobel
Carroll	Harrell	Needelman	Sorensen
Clarke	Hasner	Negron	Stansel
Cretul	Hays	Patterson	Stargel
Culp	Henriquez	Peterman	Taylor
Cusack	Holloway	Pickens	Traviesa
Davis, D.	Homan	Planas	Troutman
Davis, M.	Hukill	Poppell	Vana
Dean	Jennings	Porth	Waters
Detert	Johnson	Proctor	Williams
Domino	Jordan	Quinones	Zapata
Evers	Joyner	Reagan	
Farkas	Justice	Rice	

Nays—None

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

HB 1685—A bill to be entitled An act relating to the Bay County Law Library; codifying, amending, reenacting, and repealing chapters 69-835, 75-328, 96-464, and 96-530, Laws of Florida, relating to the Bay County Law Library; providing legislative intent; providing a governing body; providing that the district is a dependent district; providing a district charter; eliminating obsolete provisions; 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: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Bowen	Domino	Greenstein
Allen	Brandenburg	Evers	Grimsley
Altman	Brown	Farkas	Harrell
Anderson	Brummer	Fields	Hasner
Antone	Bucher	Flores	Hays
Arza	Bullard	Galvano	Henriquez
Attkisson	Cannon	Gannon	Holloway
Ausley	Carroll	Gardiner	Homan
Barreiro	Clarke	Gelber	Hukill
Baxley	Cretul	Gibson, A.	Jennings
Bean	Culp	Gibson, H.	Johnson
Bendross-Mindingall	Cusack	Glorioso	Jordan
Bense	Davis, D.	Goldstein	Joyner
Benson	Davis, M.	Goodlette	Justice
Berfield	Dean	Gottlieb	Kendrick
Bogdanoff	Detert	Grant	Kottkamp

Kravitz	Needelman	Rivera	Sobel
Kreegel	Negron	Robaina	Sorensen
Legg	Patterson	Roberson	Stansel
Littlefield	Peterman	Ross	Stargel
Llorente	Pickens	Rubio	Taylor
Lopez-Cantera	Planas	Russell	Traviesa
Machek	Poppell	Ryan	Troutman
Mahon	Porth	Sands	Vana
Mayfield	Proctor	Sansom	Waters
McInvale	Quinones	Seiler	Williams
Meadows	Reagan	Simmons	Zapata
Mealor	Rice	Slosberg	
Murzin	Richardson	Smith	

Nays—None

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

HB 1829—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1829 CS—A bill to be entitled An act relating to Holmes County; amending chapter 30843, Laws of Florida (1955), as amended, relating to the Holmes County Hospital Corporation; revising provisions relating to the corporation's issuance of bonds to construct and erect a new hospital facility in Holmes County; repealing various provisions of said chapter; requiring a referendum; 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: 296

Speaker Bense in the Chair.

Yeas—114

Adams	Cannon	Goldstein	Legg
Allen	Carroll	Goodlette	Littlefield
Altman	Clarke	Gottlieb	Llorente
Anderson	Cretul	Grant	Lopez-Cantera
Antone	Culp	Greenstein	Machek
Arza	Cusack	Grimsley	Mahon
Attkisson	Davis, D.	Harrell	Mayfield
Ausley	Davis, M.	Hasner	McInvale
Barreiro	Dean	Hays	Meadows
Baxley	Detert	Henriquez	Mealor
Bean	Domino	Holloway	Murzin
Bendross-Mindingall	Evers	Homan	Needelman
Bense	Farkas	Hukill	Negron
Benson	Fields	Jennings	Patterson
Berfield	Flores	Johnson	Peterman
Bogdanoff	Galvano	Jordan	Pickens
Bowen	Gannon	Joyner	Planas
Brandenburg	Gardiner	Justice	Poppell
Brown	Gelber	Kendrick	Porth
Brummer	Gibson, A.	Kottkamp	Proctor
Bucher	Gibson, H.	Kravitz	Quinones
Bullard	Glorioso	Kreegel	Reagan

Rice	Russell	Smith	Troutman
Richardson	Ryan	Sobel	Vana
Rivera	Sands	Sorensen	Waters
Robaina	Sansom	Stansel	Williams
Roberson	Seiler	Stargel	Zapata
Ross	Simmons	Taylor	
Rubio	Slosberg	Traviesa	

Nays—None

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

Section III. Local Bills

HB 1487—A bill to be entitled An act relating to Spring Lake Improvement District, Highlands County; providing for codification of special laws relating to the Spring Lake Improvement District, a special tax district; providing legislative intent; codifying, reenacting, amending, and repealing chapters 71-669, 77-563, 88-461, and 90-434, Laws of Florida.; providing for minimum charter requirements; providing for provision of other laws made applicable; providing for severability; providing an effective date.

—was read the second time by title.

Representative(s) Grimsley offered the following:

(Amendment Bar Code: 315443)

Amendment 1—Remove line(s) 591-592 and insert:

(10) To access and impose an ad valorem tax, an annual drainage tax, and a

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

On motion by Rep. Grimsley, the rules were waived and HB 1487 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 297

Speaker Bense in the Chair.

Yeas—117

Adams	Brandenburg	Flores	Holloway
Allen	Brown	Galvano	Homan
Altman	Brummer	Gannon	Hukill
Ambler	Bucher	Garcia	Jennings
Anderson	Bullard	Gardiner	Johnson
Antone	Cannon	Gelber	Jordan
Arza	Carroll	Gibson, A.	Joyner
Attkisson	Clarke	Gibson, H.	Justice
Ausley	Cretul	Glorioso	Kendrick
Barreiro	Culp	Goldstein	Kottkamp
Baxley	Cusack	Goodlette	Kravitz
Bean	Davis, D.	Gottlieb	Kreegel
Bendross-Mindingall	Davis, M.	Grant	Kyle
Bense	Dean	Greenstein	Legg
Benson	Detert	Grimsley	Littlefield
Berfield	Domino	Harrell	Llorente
Bilirakis	Evers	Hasner	Lopez-Cantera
Bogdanoff	Farkas	Hays	Machek
Bowen	Fields	Henriquez	Mahon

Mayfield	Poppell	Rubio	Stargel
McInvale	Porth	Russell	Taylor
Meadows	Proctor	Ryan	Traviesa
Mealor	Quinones	Sands	Troutman
Murzin	Reagan	Seiler	Vana
Needelman	Rice	Simmons	Waters
Negron	Richardson	Slosberg	Williams
Patterson	Rivera	Smith	Zapata
Peterman	Robaina	Sobel	
Pickens	Roberson	Sorensen	
Planas	Ross	Stansel	

Nays—None

Votes after roll call:

Yeas—Sansom

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

HB 1515—A bill to be entitled An act relating to the Board of Trustees of Bay Medical Center, Bay County; codifying, amending, reenacting, and repealing chapters 23183 (1945), 27396 (1951), 30578 (1955), 57-1140, 59-1073, 61-1871, 61-1876, 93-375, and 95-510, Laws of Florida, relating to the Board of Trustees of Bay Medical Center, an independent special district of the State of Florida; providing legislative intent for the ratification and confirmation of the establishment of the district; ratifying the appointments and terms of existing members of the board; deleting obsolete language; providing alternative methods for disbursing and receiving funds of the board; providing an effective date.

—was read the second time by title.

Representative(s) Brown offered the following:

(Amendment Bar Code: 144473)

Amendment 1 (with title amendment)—Remove line 423 and insert: and regulations provide. The provisions of chapter 120, Florida Statutes, shall not apply to the board.

Remove line(s) 13 and insert: funds of the board; confirming inapplicability of the Administrative Procedure Act; providing an effective date.

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

On motion by Rep. Brown, the rules were waived and HB 1515 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 298

Speaker Bense in the Chair.

Yeas—117

Adams	Barreiro	Bowen	Cretul
Allen	Baxley	Brandenburg	Culp
Altman	Bean	Brown	Cusack
Ambler	Bendross-Mindingall	Brummer	Davis, D.
Anderson	Bense	Bucher	Davis, M.
Antone	Benson	Bullard	Dean
Arza	Berfield	Cannon	Detert
Attkisson	Bilirakis	Carroll	Domino
Ausley	Bogdanoff	Clarke	Evers

Farkas	Homan	Mealor	Ryan
Fields	Hukill	Murzin	Sands
Flores	Jennings	Needelman	Sansom
Galvano	Johnson	Negron	Seiler
Gannon	Jordan	Patterson	Simmons
Garcia	Joyner	Peterman	Slosberg
Gardiner	Justice	Pickens	Smith
Gelber	Kendrick	Planas	Sobel
Gibson, A.	Kottkamp	Poppell	Sorensen
Gibson, H.	Kravitz	Porth	Stansel
Glorioso	Kreegel	Proctor	Stargel
Goldstein	Kyle	Quinones	Taylor
Goodlette	Legg	Reagan	Traviesa
Gottlieb	Littlefield	Rice	Troutman
Grant	Llorente	Richardson	Vana
Greenstein	Lopez-Cantera	Rivera	Waters
Grimsley	Machek	Robaina	Williams
Harrell	Mahon	Roberson	Zapata
Hays	Mayfield	Ross	
Henriquez	McInvale	Rubio	
Holloway	Meadows	Russell	

Nays—None

Votes after roll call:
Yeas—Hasner

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

HB 777—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

The Local Government Council recommended the following:

HB 777 CS—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending chapter 24981 (1947), Laws of Florida, as amended; revising provisions relating to the West Palm Beach Firefighters Pension Fund; revising definition of the term "final average salary"; revising provisions relating to permissible investments; revising provisions relating to the BackDROP; providing for loans from the BackDROP; clarifying provisions relating to benefits of the surviving spouse of a member who dies in line of duty; providing an effective date.

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

Session Vote Sequence: 299

Speaker Bense in the Chair.

Yeas—117

Adams	Arza	Bendross-Mindingall	Bowen
Allen	Attkisson	Bense	Brandenburg
Altman	Ausley	Benson	Brown
Ambler	Barreiro	Berfield	Brummer
Anderson	Baxley	Bilirakis	Bucher
Antone	Bean	Bogdanoff	Bullard

Cannon	Goodlette	Lopez-Cantera	Ross
Carroll	Gottlieb	Machek	Rubio
Clarke	Greenstein	Mahon	Russell
Cretul	Grimsley	Mayfield	Ryan
Culp	Harrell	McInvale	Sands
Cusack	Hasner	Meadows	Sansom
Davis, D.	Hays	Mealor	Seiler
Davis, M.	Henriquez	Murzin	Simmons
Dean	Holloway	Needelman	Slosberg
Detert	Homan	Negron	Smith
Domino	Hukill	Patterson	Sobel
Evers	Jennings	Peterman	Sorensen
Farkas	Johnson	Pickens	Stansel
Fields	Jordan	Planas	Stargel
Flores	Joyner	Poppell	Taylor
Galvano	Justice	Porth	Traviesa
Gannon	Kendrick	Proctor	Troutman
Garcia	Kottkamp	Quinones	Vana
Gardiner	Kravitz	Reagan	Waters
Gelber	Kreegel	Rice	Williams
Gibson, A.	Kyle	Richardson	Zapata
Gibson, H.	Legg	Rivera	
Glorioso	Littlefield	Robaina	
Goldstein	Llorente	Roberson	

Nays—None

Votes after roll call:
Yeas—Grant

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

HB 899—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; providing authority for enforcement of covenants and deed restrictions; increasing the membership of the governing board; providing for staggered terms of members; providing an effective date.

The Local Government Council recommended the following:

HB 899 CS—A bill to be entitled An act relating to the Ranger Drainage District, Orange County; amending chapter 99-453, Laws of Florida; providing additional authority for limited fire control and prevention; providing for maintenance of passive recreation areas and facilities, environmental mitigation, security services, signage, and maintenance of common areas; increasing the membership of the governing board; providing for staggered terms of members; providing for a referendum; providing a ballot statement; providing an effective date.

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

Session Vote Sequence: 300

Speaker Bense in the Chair.

Yeas—118

Adams	Altman	Anderson	Arza
Allen	Ambler	Antone	Attkisson

Ausley	Farkas	Justice	Rice
Barreiro	Fields	Kendrick	Richardson
Baxley	Flores	Kottkamp	Rivera
Bean	Galvano	Kravitz	Robaina
Bendross-Mindingall	Gannon	Kreegel	Roberson
Bense	Garcia	Kyle	Ross
Benson	Gardiner	Legg	Rubio
Berfield	Gelber	Littlefield	Russell
Bilirakis	Gibson, A.	Llorente	Ryan
Bogdanoff	Gibson, H.	Lopez-Cantera	Sands
Bowen	Glorioso	Machek	Sansom
Brandenburg	Goldstein	Mahon	Seiler
Brown	Goodlette	Mayfield	Simmons
Brummer	Gottlieb	McInvale	Slosberg
Bucher	Grant	Meadows	Smith
Bullard	Greenstein	Mealor	Sobel
Cannon	Grimsley	Murzin	Sorensen
Carroll	Harrell	Needelman	Stansel
Clarke	Hasner	Negron	Stargel
Cretul	Hays	Patterson	Taylor
Culp	Henriquez	Peterman	Traviesa
Cusack	Holloway	Pickens	Troutman
Davis, D.	Homan	Planas	Vana
Davis, M.	Hukill	Poppell	Waters
Dean	Jennings	Porth	Williams
Detert	Johnson	Proctor	Zapata
Domino	Jordan	Quinones	
Evers	Joyner	Reagan	

Nays—None

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

HB 1043—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the "city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1043 CS—A bill to be entitled An act relating to the North Lauderdale Water Control District, Broward County; amending, reenacting, repealing, and codifying chapters 63-661, 82-273, 85-385, 94-428, and 97-370, Laws of Florida, relating to the North Lauderdale Water Control District; revising district boundaries; revising the powers of the district to provide that the district may borrow money at a rate not exceeding that which is provided by law; providing that the members of the board of supervisors shall be the "city commission," rather than the

"city council," of the City of North Lauderdale and that a board chair and vice chair shall be elected at each annual meeting and as necessary to fill vacancies; providing meeting notice requirements and requiring that meetings be held at a public place; providing that the City Clerk of the City of North Lauderdale shall serve as the district secretary; providing for reimbursement of supervisors for travel expenses pursuant to s. 112.061, F.S.; providing that the interest rate on bonds issued by the board not exceed the maximum rate allowed by law; providing that the interest rates on tax anticipation notes issued by the board shall not exceed the maximum rate allowed by law; deleting provision relating to payment of taxes not authorized in advance; providing for the use of non-ad valorem assessments; updating references to ch. 298, F.S.; providing for severability; providing an effective date.

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

Session Vote Sequence: 301

Speaker Bense in the Chair.

Yeas—116

Adams	Cusack	Homan	Porth
Allen	Davis, D.	Jennings	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	Detert	Joyner	Richardson
Antone	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Flores	Kreegel	Rubio
Baxley	Galvano	Kyle	Russell
Bean	Gannon	Legg	Ryan
Bendross-Mindingall	Garcia	Littlefield	Sands
Bense	Gardiner	Llorente	Sansom
Benson	Gelber	Lopez-Cantera	Seiler
Berfield	Gibson, A.	Machek	Simmons
Bilirakis	Gibson, H.	Mahon	Slosberg
Bogdanoff	Glorioso	Mayfield	Smith
Bowen	Goldstein	McInvale	Sobel
Brandenburg	Goodlette	Meadows	Sorensen
Brown	Gottlieb	Mealor	Stansel
Brummer	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Waters
Cretul	Henriquez	Planas	Williams
Culp	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Hukill, Proctor

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

HB 1045—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the Town of Davie; providing for annexation of the unincorporated area known as Pine Island Ridge; providing for an election; providing for an effective date of

annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 302

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1167—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 92-341, Laws of Florida, as amended; authorizing the waiver of payment and performance bonds for the construction of a public building, for the prosecution and completion of a public work, or for repair upon a public building or public work when the cost of the project is \$500,000 or less and the contract for the construction, completion, or repair is awarded pursuant to an economic development program established to encourage local small businesses to participate in City of Jacksonville procurement programs; providing an effective date.

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

Session Vote Sequence: 303

Speaker Bense in the Chair.

Yeas—117

Adams	Davis, D.	Jennings	Reagan
Allen	Davis, M.	Johnson	Rice
Altman	Dean	Jordan	Richardson
Ambler	Detert	Joyner	Rivera
Anderson	Domino	Justice	Robaina
Antone	Evers	Kendrick	Roberson
Arza	Farkas	Kravitz	Ross
Attkisson	Fields	Kreegel	Rubio
Ausley	Flores	Kyle	Russell
Barreiro	Galvano	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bendross-Mindingall	Gardiner	Lopez-Cantera	Seiler
Bense	Gelber	Machek	Simmons
Benson	Gibson, A.	Mahon	Slosberg
Berfield	Gibson, H.	Mayfield	Smith
Bilirakis	Glorioso	McInvale	Sobel
Bogdanoff	Goldstein	Meadows	Sorensen
Bowen	Goodlette	Mealor	Stansel
Brandenburg	Gottlieb	Murzin	Stargel
Brown	Grant	Needelman	Taylor
Brummer	Greenstein	Negron	Traviesa
Bucher	Grimsley	Patterson	Troutman
Bullard	Harrell	Peterman	Vana
Cannon	Hasner	Pickens	Waters
Carroll	Hays	Planas	Williams
Clarke	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	
Cusack	Hukill	Quinones	

Nays—None

Votes after roll call:
Yeas—Kottkamp

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

HB 1245—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an effective date.

The Business Regulation Committee recommended the following:

HB 1245 CS—A bill to be entitled An act relating to Hillsborough County; authorizing the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue an alcoholic beverage license to the Arts Council of Hillsborough County for use within the Tampa Theatre; providing that the license may be used for special events only; providing for payment of the license fee by the council; providing for sale of beverages for consumption within the theatre; prohibiting sales for consumption off the premises; providing that purchasers may remove partially consumed, open containers from the premises; providing for temporary transfer of the license; providing an

effective date.

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

Session Vote Sequence: 304

Speaker Bense in the Chair.

Yeas—117

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—1

Vana

Votes after roll call:

Nays to Yeas—Vana

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

HB 1291—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations;

providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to acquire land, enter into contracts, establish salaries, and establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; requiring a referendum; providing an effective date.

The Local Government Council recommended the following:

HB 1291 CS—A bill to be entitled An act relating to the Key Largo Fire Rescue and Emergency Medical Services District, Monroe County; creating a special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of district personnel; providing for election of board officers; providing for compensation, oath, and bonds of commissioners; providing for powers, duties, and responsibilities of the board; providing for ad valorem taxes; providing a cap on the rate of taxation; providing for user charges; providing for impact fees; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances; authorizing the district to appoint a fire marshal; authorizing the district to conduct inspections, establish and operate fire, rescue, and emergency medical services; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing for an exclusive charter; requiring a referendum; providing an effective date.

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

Session Vote Sequence: 305

Speaker Bense in the Chair.

Yeas—117

Adams	Brown	Gannon	Jennings
Allen	Brummer	Garcia	Johnson
Altman	Bucher	Gardiner	Jordan
Ambler	Bullard	Gelber	Joyner
Anderson	Cannon	Gibson, A.	Kendrick
Antone	Carroll	Gibson, H.	Kottkamp
Arza	Clarke	Glorioso	Kravitz
Attkisson	Cretul	Goldstein	Kreegel
Ausley	Culp	Goodlette	Kyle
Barreiro	Cusack	Gottlieb	Legg
Baxley	Davis, D.	Grant	Littlefield
Bean	Davis, M.	Greenstein	Llorente
Bendross-Mindingall	Dean	Grimsley	Lopez-Cantera
Bense	Detert	Harrell	Machek
Benson	Domino	Hasner	Mahon
Berfield	Evers	Hays	Mayfield
Bilirakis	Farkas	Henriquez	McInvale
Bogdanoff	Fields	Holloway	Meadows
Bowen	Flores	Homan	Mealor
Brandenburg	Galvano	Hukill	Murzin

Needelman	Reagan	Sands	Taylor
Negron	Rice	Sansom	Traviesa
Patterson	Richardson	Seiler	Troutman
Peterman	Rivera	Simmons	Vana
Pickens	Robaina	Slosberg	Waters
Planas	Roberson	Smith	Williams
Poppell	Ross	Sobel	Zapata
Porth	Rubio	Sorensen	
Proctor	Russell	Stansel	
Quinones	Ryan	Stargel	

Needelman	Quinones	Russell	Sorensen
Negron	Reagan	Ryan	Stargel
Patterson	Rice	Sands	Taylor
Peterman	Richardson	Sansom	Traviesa
Pickens	Rivera	Seiler	Troutman
Planas	Robaina	Simmons	Vana
Poppell	Roberson	Slosberg	Waters
Porth	Ross	Smith	Williams
Proctor	Rubio	Sobel	Zapata

Nays—None

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

HB 1309—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

The Local Government Council recommended the following:

HB 1309 CS—A bill to be entitled An act relating to the City of Jacksonville; amending chapter 92-341, Laws of Florida, as amended; revising provisions of Article 22 of the charter of the City of Jacksonville, relating to the Jacksonville Police and Fire Pension Board of Trustees; revising trustees' terms of office; providing authority of the board with regard to assets of the plan; revising provisions relating to the investment and reinvestment of assets in the pension fund; providing for applicability of state law; providing severability; providing an effective date.

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

Session Vote Sequence: 306

Speaker Bense in the Chair.

Yeas—116

Adams	Brown	Gannon	Johnson
Allen	Brummer	Garcia	Jordan
Altman	Bucher	Gardiner	Joyner
Ambler	Bullard	Gelber	Justice
Anderson	Cannon	Gibson, A.	Kendrick
Antone	Carroll	Gibson, H.	Kottkamp
Arza	Clarke	Glorioso	Kravitz
Attkisson	Cretul	Goldstein	Kreegel
Ausley	Culp	Goodlette	Kyle
Barreiro	Cusack	Gottlieb	Legg
Baxley	Davis, D.	Grant	Littlefield
Bean	Davis, M.	Greenstein	Llorente
Bendross-Mindingall	Dean	Grimsley	Lopez-Cantera
Bense	Detert	Harrell	Machek
Benson	Domino	Hasner	Mahon
Berfield	Evers	Hays	Mayfield
Bilirakis	Farkas	Henriquez	McInvale
Bogdanoff	Fields	Holloway	Meadows
Bowen	Flores	Hukill	Mealor
Brandenburg	Galvano	Jennings	Murzin

Nays—None

Votes after roll call:

Yeas—Homan, Stansel

Yeas to Nays—Stansel

Nays to Yeas—Stansel

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

HB 1537—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing immunity from tort liability for officers, agents, and employees; providing for district expansion; providing for construction and effect; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1537 CS—A bill to be entitled An act relating to Walton County; creating the Glendale Fire District, an independent special district; providing definitions; providing for creation, status, charter amendments, boundaries, and purposes; providing for a board of commissioners; providing for election and terms of commissioners; providing for employment of board personnel; providing for election of board officers; providing for compensation and bonds of commissioners; providing powers, duties, and responsibilities of the board; preserving the authority to levy non-ad valorem special assessments; providing for impact fees; authorizing the board to levy special assessments; providing legislative intent; providing duties of the property appraiser; providing for special assessment as a lien; providing for deposit of such special assessments; providing for authority to disburse funds; authorizing the board to borrow money; providing for use of district funds; requiring a record of all board meetings; authorizing the board to adopt policies and regulations; providing for the board to make an annual budget; requiring an annual report; authorizing the board to enact fire prevention ordinances, appoint a district fire chief, acquire land, enter contracts, establish salaries, and establish and operate a fire rescue service; providing for district authority upon annexation of district lands; providing for dissolution; providing

immunity from tort liability for officers, agents, and employees; providing for construction and effect; requiring a referendum; 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: 307

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1707—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; amending, codifying, reenacting, and repealing chapters 63-1587, 65-1894, 65-1895, 72-613, 80-534, 82-323, 84-473, 94-373, and 95-503, Laws of Florida, relating to the district; providing boundaries of the district; providing for a board of commissioners; providing for election and organization of the board; providing powers and duties of the board; providing for a special assessment; providing powers and duties of the district; requiring a financial statement and budget; providing definitions; requiring a record of meetings of the board; providing for filling vacancies; providing for bonds; providing for severability; amending chapter 93-352, Laws of Florida, to remove a reference; providing an effective date.

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

Session Vote Sequence: 308

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1477—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

The Local Government Council recommended the following:

HB 1477 CS—A bill to be entitled An act relating to Broward County; providing for the extension of corporate limits of the City of Cooper City and the Town of Davie; providing for annexation of the unincorporated area known as "United Ranches"; providing for annexation of the area known as "Rio Ranches Neighborhood"; providing for an election; providing for an effective date of annexation; providing for interlocal agreement; providing for continuation of certain Broward County regulations; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 309

Speaker Bense in the Chair.

Yeas—116

Adams	Cusack	Homan	Poppell
Allen	Davis, D.	Hukill	Porth
Altman	Davis, M.	Jennings	Proctor
Ambler	Dean	Johnson	Quinones
Anderson	Detert	Jordan	Reagan
Antone	Domino	Joyner	Rice
Arza	Evers	Justice	Richardson
Attkisson	Farkas	Kendrick	Rivera
Ausley	Fields	Kottkamp	Robaina
Barreiro	Flores	Kravitz	Roberson
Baxley	Galvano	Kreegel	Ross
Bean	Gannon	Kyle	Rubio
Bendross-Mindingall	Garcia	Legg	Russell
Bense	Gardiner	Littlefield	Sands
Benson	Gelber	Llorente	Sansom
Berfield	Gibson, A.	Lopez-Cantera	Seiler
Bilirakis	Gibson, H.	Machek	Simmons
Bogdanoff	Glorioso	Mahon	Slosberg
Bowen	Goldstein	Mayfield	Smith
Brandenburg	Goodlette	McInvale	Sobel
Brown	Gottlieb	Meadows	Sorensen
Brummer	Grant	Mealor	Stargel
Bucher	Greenstein	Murzin	Taylor
Bullard	Grimsley	Needelman	Traviesa
Cannon	Harrell	Negron	Troutman
Carroll	Hasner	Patterson	Vana
Clarke	Hays	Peterman	Waters
Cretul	Henriquez	Pickens	Williams
Culp	Holloway	Planas	Zapata

Nays—None

Votes after roll call:

Yeas—Ryan, Stansel

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

HB 1335—A bill to be entitled An act relating to the City of Melbourne, Brevard County; providing for extending the corporate limits of the City of Melbourne; providing for annexation of two unincorporated areas known and described as Aurora Road Area A and Aurora Road Area B; providing for elections; providing for effective dates of annexation; providing for the effects of annexation; providing for transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 310

Speaker Bense in the Chair.

Yeas—116

Adams	Antone	Barreiro	Bense
Allen	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield
Anderson	Ausley	Bendross-Mindingall	Bilirakis

Bogdanoff	Gardiner	Kravitz	Rice
Bowen	Gelber	Kreegel	Richardson
Brandenburg	Gibson, A.	Kyle	Rivera
Brown	Gibson, H.	Legg	Robaina
Brummer	Glorioso	Littlefield	Roberson
Bucher	Goldstein	Llorente	Ross
Bullard	Goodlette	Lopez-Cantera	Rubio
Cannon	Gottlieb	Machek	Russell
Carroll	Grant	Mahon	Sands
Clarke	Greenstein	Mayfield	Sansom
Cretul	Grimsley	McInvale	Seiler
Culp	Harrell	Meadows	Simmons
Cusack	Hasner	Mealor	Slosberg
Davis, D.	Hays	Murzin	Smith
Davis, M.	Henriquez	Needelman	Sobel
Dean	Holloway	Negron	Sorensen
Detert	Homan	Patterson	Stansel
Domino	Hukill	Peterman	Stargel
Evers	Jennings	Pickens	Taylor
Farkas	Johnson	Planas	Traviesa
Fields	Jordan	Poppell	Troutman
Flores	Joyner	Porth	Vana
Galvano	Justice	Proctor	Waters
Gannon	Kendrick	Quinones	Williams
Garcia	Kottkamp	Reagan	Zapata

Nays—None

Votes after roll call:

Yeas—Ryan

Abstain from Voting

I abstain from voting on HB 1335. This is a local annexation bill in Melbourne. My family business owns a large portion of land in the area affected.

*Rep. Thad Altman
District 30*

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

HB 1359—A bill to be entitled An act relating to Broward County; providing for extending the corporate limits of the City of Coral Springs and the City of Parkland; providing for the annexation of specified unincorporated areas; providing for annexation of the unincorporated area known as Country Acres; providing for an election; providing for an effective date of annexation; providing for an interlocal agreement; providing for a continuation of certain Broward County regulations; providing for the transfer of public roads and rights-of-way; providing an effective date.

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

Session Vote Sequence: 311

Speaker Bense in the Chair.

Yeas—118

Adams	Anderson	Ausley	Bendross-Mindingall
Allen	Antone	Barreiro	Bense
Altman	Arza	Baxley	Benson
Ambler	Attkisson	Bean	Berfield

Bilirakis	Gardiner	Kreegel	Rivera
Bogdanoff	Gelber	Kyle	Robaina
Bowen	Gibson, A.	Legg	Roberson
Brandenburg	Gibson, H.	Littlefield	Ross
Brown	Glorioso	Llorente	Rubio
Brummer	Goldstein	Lopez-Cantera	Russell
Bucher	Goodlette	Machek	Ryan
Bullard	Gottlieb	Mahon	Sands
Cannon	Grant	Mayfield	Sansom
Carroll	Greenstein	McInvale	Seiler
Clarke	Grimsley	Meadows	Simmons
Cretul	Harrell	Mealor	Slosberg
Culp	Hasner	Murzin	Smith
Cusack	Hays	Needelman	Sobel
Davis, D.	Henriquez	Negron	Sorensen
Davis, M.	Holloway	Patterson	Stansel
Dean	Homan	Peterman	Stargel
Detert	Hukill	Pickens	Taylor
Domino	Jennings	Planas	Traviesa
Evers	Johnson	Poppell	Troutman
Farkas	Jordan	Porth	Vana
Fields	Joyner	Proctor	Waters
Flores	Justice	Quinones	Williams
Galvano	Kendrick	Reagan	Zapata
Gannon	Kottkamp	Rice	
Garcia	Kravitz	Richardson	

establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

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

Session Vote Sequence: 312

Speaker Bense in the Chair.

Nays—None

Yeas—117

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

HB 1429—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing that the exercise of the special powers by the district within Manatee and Sarasota Counties is limited until such time as the district enters into an interlocal agreement with the respective county; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

Adams	Davis, D.	Johnson	Reagan
Allen	Davis, M.	Jordan	Rice
Altman	Dean	Joyner	Richardson
Ambler	Detert	Justice	Rivera
Anderson	Domino	Kendrick	Robaina
Antone	Evers	Kottkamp	Roberson
Arza	Farkas	Kravitz	Ross
Attkisson	Fields	Kreegel	Rubio
Ausley	Flores	Kyle	Russell
Barreiro	Gannon	Legg	Ryan
Baxley	Garcia	Littlefield	Sands
Bean	Gardiner	Llorente	Sansom
Bendross-Mindingall	Gelber	Lopez-Cantera	Seiler
Bense	Gibson, A.	Machek	Simmons
Benson	Gibson, H.	Mahon	Slosberg
Berfield	Glorioso	Mayfield	Smith
Bilirakis	Goldstein	McInvale	Sobel
Bogdanoff	Goodlette	Meadows	Sorensen
Bowen	Gottlieb	Mealor	Stansel
Brandenburg	Grant	Murzin	Stargel
Brown	Greenstein	Needelman	Taylor
Brummer	Grimsley	Negron	Traviesa
Bucher	Harrell	Patterson	Troutman
Bullard	Hasner	Peterman	Vana
Cannon	Hays	Pickens	Waters
Carroll	Henriquez	Planas	Williams
Clarke	Holloway	Poppell	Zapata
Cretul	Homan	Porth	
Culp	Hukill	Proctor	
Cusack	Jennings	Quinones	

The Local Government Council recommended the following:

Nays—None

HB 1429 CS—A bill to be entitled An act relating to Manatee and Sarasota Counties; creating within portions of such counties the "Lakewood Ranch Stewardship District Act"; providing a popular name; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and

Abstain from Voting

I abstain from voting on HB 1429. I represent Lakewood Ranch

Development as an attorney and shareholder of Grimes, Goebel, Grimes, Hawkins, Gladsfelter and Galvano PL.

*Rep. Bill Galvano
District 68*

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

HB 1793—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

The Local Government Council recommended the following:

HB 1793 CS—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

—was read the second time by title.

Representative(s) Kendrick offered the following:

(Amendment Bar Code: 333395)

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

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to Alligator Point Water Resources District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 63-1350 and 85-414, Laws of Florida, are amended, codified, reenacted, and repealed as herein provided.

Section 3. The Alligator Point Water Resources District is re-created and the charter for such district is re-created and reenacted to read:

Section 1. This act shall be known as the "Alligator Point Water Resources District Act."

Section 2. As used in this act:

(1) "Water system" means waterworks or water treatment plant, or other operation concerning fresh water production, distribution, or sale.

(2) "District" means the Alligator Point Water Resources District of Franklin County.

(3) "Board" means the Alligator Point Water Resources Board.

(4) "Sewer system" means plant, system, facility, or other operation concerning collection, treatment, purification, or disposal of sewage.

Section 3. There is created in Franklin County an independent special district to be known as Alligator Point Water Resources District. The district shall include all that portion of Alligator Point in said county described as follows:

Fractional sections 4, 5, 6 and 7 in Township 7, South, Range 1 West and fractional section 1, 2, 3 and 12 in Township 7 South, Range 2 West.

Section 4. (1) The governing body of the district shall be the Alligator Point Water Resources Board consisting of three members, each of whom shall be the owner of the fee simple title to real estate located in

the district.

(2) Appointments to fill interim vacancies on the board shall be for the unexpired term only. Members shall be appointed by the Governor for terms of 4 years.

Section 5. Boards appointed by the Governor shall at their first meeting elect from their membership a chair. No person shall be appointed as a member of the board if such person is not the owner of real property within the district.

Section 6. The board of the Alligator Point Water Resources District is authorized and empowered:

(1) To purchase and/or construct, reconstruct, buy, improve, extend, enlarge, equip, repair, maintain, and operate a water system; to provide fresh water either within the area described in section 3 of this act or to property located outside the district's boundaries if the district enters into an agreement with effected property owners, or both; to operate, manage, and control all such systems so purchased and/or constructed and all properties pertaining thereto; and to furnish and supply water, sewage, and disposal services to such district or adjoining area and any persons, firms, or corporation, public or private, in any such area.

(2) To issue negotiable water revenue certificates of the district, payable from revenues to be derived from the operation of said water and/or sewer system.

(3) To levy a tax not to exceed 5 mills on all taxable property within the district.

(4) To fix and collect rates and charges for water or sewer furnished by said water and sewer systems and to fix and collect charges for making connections with any water or sewer system.

(5) To acquire in the name of the district, by purchase or gift, within and without such lands and rights and interests therein, including lands over and under water and riparian rights; to acquire such personal property as it may deem necessary in connection with the construction or operation of water and sewer systems; and to hold and dispose of all real and personal property under its control.

(6) To enter into contracts with private parties or interlocal agreements with governmental entities for the purpose of purchasing, constructing, operating, or maintaining a water system or providing water services in the area described in section 3 of this act or to areas outside the district's boundaries.

(7) To exercise the right and power of eminent domain, pursuant to general law, over property described in section 3, except municipal, county, state, special district, or federal property used for a public purpose.

(8) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any bonds issued hereunder; to employ such expert and clerical personnel as may, in the judgment of the board, be deemed necessary; and to fix their compensation, provided, however, that all such expenses shall be payable solely from funds made available under the provisions of this act.

(9) To exercise jurisdiction, control, and supervision over any water and sewer systems owned, operated, or maintained by it; to make and enforce such rules and regulations for the maintenance and operation of any such system as may in its judgment be necessary or desirable for the efficient operation thereof; and to accomplish the purposes of this act.

(10) To enter on any lands, water, or premises located within the area described in section 3 or, pursuant to an agreement with the property owner or interlocal agreement, land located outside the district's boundaries to make surveys, borings, soundings, or examinations to effectuate the purposes of this act.

(11) To construct and operate water mains, laterals, conduits, pipelines, pumping stations, lift stations, valves, force mains, laterals, pressure lines, mains, and all necessary appurtenances thereto, in, along, or under any street, alley, highway, or other public place in the area described in section 3 or any other area that is subject to an agreement between the district and the entity controlling the public property.

(12) To restrain, enjoin, or otherwise prevent any political subdivision

or agency and any person or corporation, public or private, from discharging into any navigable or nonnavigable waters within the limits of the district any sewage, industrial waters, or other refuse which would contribute to the pollution of such and to restrain, enjoin, or otherwise prevent the violation of any provision of this act or any resolution, regulation, or rule adopted pursuant to the powers granted by this act.

(13) Subject to such provisions and restrictions as may be set forth in any resolution or trust agreement authorizing or securing any bonds issued under the provisions of this act, to enter into contracts with the government of the United States or the state or any agency or instrumentality of either thereof, or with any municipality, district, private corporation, copartnership, association, or individual providing for or relating to such water system or the purchase and sale of water or sewer system and the disposal of sewage.

(14) To receive and accept from any authorized agency of the Federal Government loans or grants for the planning, construction, improvement, extension, enlargement, reconstruction, or equipment of any water and sewer systems; to enter into agreements with such agency respecting any such loans or grants; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, or contributions be made.

(15) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

Section 7. No funds of the district shall be used for any purpose other than those defined in section 6 and the administration of the affairs and business of the district, or the purpose, acquisition, construction, expansion, care, maintenance, upkeep, and operation of a fresh water system and sewer system in the district as the board may determine to be for the best interest of the district and inhabitants thereof.

Section 8. All taxable property within the district shall be subject to an ad valorem tax not to exceed 5 mills of the assessed valuation of such property to be used to carry out the purposes of this act. In accordance with timetables set by Florida Statutes, each year the district board shall meet and determine the millage necessary to provide funds to be levied and assessed on such property to carry out the purposes of this act; provided, however, that the millage determined by the board shall not exceed the limitations of this section. The ad valorem tax authorized by this section shall be levied and collected in the same manner as taxes for county purposes are assessed and collected in Franklin County. Taxes of the district shall be of equal dignity with taxes for county purposes and shall become liens and be enforced in the same manner as taxes for county purposes.

Section 9. The board may fix and revise from time to time rates and charges for water furnished by any water system and for sewage disposal by any sewer system and charge and collect the same. Any such rates and charges shall be so fixed and revised as to provide funds, with other funds available for such purpose, sufficient at all times:

(1) To pay the cost of maintaining, repairing, and operating the water and sewer systems of the district, and to provide reserves therefor and for replacements, depreciation, and necessary extensions and enlargements.

(2) To pay the principal of and the interest on all outstanding bonds for the payment of which such rates and charges are pledged as the same shall become due and provide reserves therefor.

(3) To provide a margin of safety for making such payments and providing such reserves. Such rates and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the state or of any political subdivision of the state. Such rates and charges shall be just and equitable.

Section 10. The board may provide in the resolution authorizing the issuance of bonds under this act or in any trust agreement securing such bonds that if any water or sewer rates shall not be paid within 30 days from the rendition of any such bills, the district shall discontinue furnishing water to such premises and may disconnect the same from the water system. Any such resolution or trust agreement may include any or all of the following provisions, and may require the board to adopt such

resolutions or to take such other lawful action as shall be necessary to effectuate such provisions, and the board is hereby authorized to adopt such resolutions and to take such other action.

(1) The district may require the owner, tenant, or occupant of each lot or parcel of land within the district who is obligated to pay water or sewer rates to the district; to make a reasonable deposit with the district in advance; to ensure the payment of such rates or charges; and to be subject to application to the payment thereof if and when delinquent.

(2) If any water or sewer rates charges payable to the district shall not be paid within 30 days after the same shall become due and payable, the district may at the expiration of such 30 days period disconnect the premises from the water system and the district may proceed to recover the amount of any such delinquent rates or charges, with interest at the highest legal rate, in any court having jurisdiction over claims for money damages.

Section 11. The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for and if any of the provisions of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 4. This act shall be construed as a remedial act and shall be liberally construed to promote the purpose for which it is intended.

Section 5. Chapters 63-1350 and 85-414, Laws of Florida, are repealed.

Section 6. In accordance with provisions of law relating to elections currently in force, the Alligator Point Water Resources District shall call and the Franklin County Supervisor of Elections shall conduct a referendum no later than November 30, 2006, of the qualified electors residing within the area proposed to be annexed pursuant to section 7. "Qualified elector" means a person who is a registered voter qualified to vote in a general election held in Franklin County. The purpose of said referendum shall be to determine whether the boundaries of the Alligator Point Water Resources District shall be expanded to include land that is not currently within the district's boundaries as described in section 7, and whether property within the annexed area shall be subject to ad valorem taxation at a rate not to exceed 5 mills.

Section 7. Effective 15 days after approval by a majority vote of those qualified electors residing within the area proposed to be annexed and voting on the question in the referendum, section 3 of the charter contained in section 3 of this act shall be amended to read:

Section 3. There is created in Franklin County a special taxing district to be known as Alligator Point Water Resources District. The district shall include all that portion of Alligator Point in said county described as follows:

Fractional sections 4, 5, 6 and 7 in Township 7, South, Range 1 West and fractional section 1, 2, 3 and 12 in Township 7 South, Range 2 West.

A parcel of land in Township 6 South, Range 1 West, Township 6 South, Range 2 West, Franklin County, Florida, described as follows:

All of Sections 17, 20, 21, 28, 29, 31, 32 and 33, Township 6 South, Range 1 West;

AND:

That part of Sections 18 and 19, Township 6 South, Range 1 West, Franklin County, Florida lying Easterly of the following described line:

For a POINT OF BEGINNING commence at the Northwest corner of Section 30, Township 6 South, Range 1 West, Franklin County, Florida; thence N

00°13'04" W along the West line of the Southwest 1/4 of said Section 19 a distance of 2645.60 feet to the Northwest corner of said Southwest 1/4; thence N 00°13'26" W along the West line of the Northwest 1/4 of said Section 19 a distance of 799.70 feet; thence N 80°03'23" E a distance of 1556 feet, more or less, to the waters of an unnamed tidal creek; thence Southerly, Easterly and Northerly along the waters of said unnamed tidal creek to the waters of Ochlockonee Bay and the POINT OF TERMINATION;

AND:

That part of Section 30, Township 6 South, Range 1 West, and Sections 25 and 36, Township 6 South, Range 2 West, Franklin County, Florida lying easterly of the following described line:

For a POINT OF BEGINNING commence at the Northwest corner of said Section 30; thence S 00°16'05" E along the west line of said Section 30 a distance of 278.33 feet to a point of intersection with a line that is parallel with and 25 feet westerly of the centerline of an existing unnamed woods road, said point being on a non-tangent curve to the right, concave westerly, having a radius of 973.04 feet; thence southerly along the arc of said curve, through a central angle of 03°46'22" for an arc length of 64.07 feet, said curve subtended by a chord bearing S 14°07'41" E for 64.06 feet, to an intersection with a non-tangent curve to the left, concave southeasterly, having a radius of 85.00 feet; thence southwesterly along the arc of said curve, through a central angle of 32°48'03" for an arc length of 48.66 feet, said curve subtended by a chord bearing S 26°58'09" W for 48.00 feet, to the PRC with a curve to the right, concave westerly, having a radius of 725.03 feet; thence southerly along the arc of said curve, through a central angle of 09°30'31" for an arc length of 120.33 feet to the PT; thence S 20°04'38" W a distance of 23.17 feet to the PC of a curve to the left, concave easterly, having a radius of 221.01 feet; thence southerly along the arc of said curve, through a central angle of 24°30'22" for an arc length of 94.53 feet to the PT; thence S 04°25'44" E a distance of 93.27 feet to the PC of a curve to the right, concave westerly, having a radius of 310.59 feet; thence southerly along the arc of said curve, through a central angle of 30°49'17" for an arc length of 167.08 feet to the PT; thence S 26°23'33" W a distance of 116.92 feet to the PC of a curve to the left, concave southeasterly, having a radius of 287.01 feet; thence southwesterly along the arc of said curve, through a central angle of 17°25'20" for an arc length of 87.27 feet to the PCC with a curve to the left, concave easterly, having a radius of 225.01 feet; thence southerly along the arc of said curve, through a central angle of 19°30'16" for an arc length of 76.60 feet to the PCC with a curve to the left, concave northeasterly, having a radius of 475.02 feet; thence southeasterly along the arc of said curve, through a central angle of 18°51'32" for an arc length of 156.35 feet to the PT; thence S 29°23'36" E a distance of 108.55 feet to the PC of a curve to the right, concave westerly, having a radius of 254.01 feet; thence southerly along the arc of said curve, through a central angle of 35°25'30" for an arc length of 157.05 feet to the PT; thence S 06°01'54" W a distance of 145.63 feet to the PC of a curve to the left, concave easterly, having a radius of

275.01 feet; thence southerly along the arc of said curve, through a central angle of 20°25'36" for an arc length of 98.04 feet to the PRC with a curve to the right, concave westerly, having a radius of 188.78 feet; thence southerly along the arc of said curve, through a central angle of 22°37'19" for an arc length of 74.54 feet to the PT; thence S 08°13'37" W a distance of 110.11 feet to the PC of a curve to the right, concave northwesterly, having a radius of 55.00 feet; thence southwesterly along the arc of said curve, through a central angle of 57°46'34" for an arc length of 55.46 feet to the PT; thence S 66°00'12" W a distance of 99.90 feet to the PC of a curve to the left, concave southeasterly, having a radius of 125.00 feet; thence southwesterly along the arc of said curve, through a central angle of 28°30'00" for an arc length of 62.18 feet to the PCC with a curve to the left, concave southeasterly, having a radius of 255.01 feet; thence southwesterly along the arc of said curve, through a central angle of 13°28'58" for an arc length of 60.01 feet to the PT; thence S 24°01'13" W a distance of 85.10 feet to the PC of a curve to the left, concave easterly, having a radius of 240.01 feet; thence southerly along the arc of said curve, through a central angle of 38°23'12" for an arc length of 160.80 feet to the PRC with a curve to the right, concave westerly, having a radius of 5734.76 feet; thence southerly along the arc of said curve, through a central angle of 01°25'26" for an arc length of 142.51 feet to the PCC with a curve to the right, concave westerly, having a radius of 1200.05 feet; thence southerly along the arc of said curve, through a central angle of 08°00'00" for an arc length of 167.56 feet to the PT; thence S 04°56'33" E for a distance of 97.78 feet to the PC of a curve to the right, concave westerly, having a radius of 159.48 feet; thence southerly along the arc of said curve, through a central angle of 24°10'04" for an arc length of 67.27 feet to the PT; thence S 19°13'31" W a distance of 81.51 feet to the PC of a curve to the left, concave easterly, having a radius of 261.29 feet; thence southerly along the arc of said curve, through a central angle of 20°52'24" for an arc length of 95.19 feet to the PT; thence S 01°38'53" E a distance of 161.74 feet to the PC of a curve to the left, concave northeasterly, having a radius of 103.82 feet; thence southeasterly along the arc of said curve, through a central angle of 37°13'42" for an arc length of 67.46 feet to the PT; thence S 38°52'35" E a distance of 59.04 feet to the PC of a curve to the left, concave northeasterly, having a radius of 145.01 feet; thence southeasterly along the arc of said curve, through a central angle of 17°01'58" for an arc length of 43.11 feet to the PCC with a curve to the left, concave northeasterly, having a radius of 1165.05 feet; thence southeasterly along the arc of said curve, through a central angle of 05°24'08" for an arc length of 109.85 feet to the PRC with a curve to the right, concave southwesterly, having a radius of 130.01 feet; thence southeasterly along the arc of said curve, through a central angle of 35°15'03" for an arc length of 79.99 feet to the PT; thence S 26°03'37" E a distance of 36.95 feet to the PC of a curve to the right, concave westerly, having a radius of 155.90 feet; thence southerly along the arc of said curve, through a central angle of 19°29'19" for an arc length of 53.03 feet to the PT; thence S 06°34'18" E a distance of 145.31 feet to the PC of a curve to the right, concave westerly, having a radius of 381.72 feet; thence southerly along the arc of said curve, through a central angle of 20°52'37" for an arc length of

139.09 feet to the PRC with a curve to the left, concave easterly, having a radius of 217.01 feet; thence southerly along the arc of said curve, through a central angle of 15°07'08" for an arc length of 57.26 feet to the PT; thence S 00°48'49" E a distance of 918.62 feet to the PC of a curve to the left, concave easterly, having a radius of 1100.05 feet; thence southerly along the arc of said curve, through a central angle of 03°32'45" for an arc length of 68.08 feet to the PRC with a curve to the right, concave westerly, having a radius of 1081.49 feet; thence southerly along the arc of said curve, through a central angle of 07°46'27" for an arc length of 146.74 feet to the PRC of a curve to the left, concave easterly, having a radius of 371.42 feet; thence southerly along the arc of said curve, through a central angle of 09°50'26" for an arc length of 63.79 feet to the PRC with a curve to the right, concave westerly, having a radius of 466.22 feet; thence southerly along the arc of said curve, through a central angle of 10°34'22" for an arc length of 86.03 feet to the PRC with a curve to the left, concave easterly, having a radius of 1097.87 feet; thence southerly along the arc of said curve, through a central angle of 08°04'58" for an arc length of 154.87 feet to the PRC with a curve to the right, concave westerly, having a radius of 157.61 feet; thence southerly along the arc of said curve, through a central angle of 21°49'49" for an arc length of 60.05 feet to the PRC with a curve to the left, concave easterly, having a radius of 525.02 feet; thence southerly along the arc of said curve, through a central angle of 10°11'47" for an arc length of 93.43 feet to the PCC with a curve to the left, concave easterly, having a radius of 581.75 feet; thence southerly along the arc of said curve, through a central angle of 11°08'59" for an arc length of 113.21 feet to the PRC with a curve to the right, concave westerly, having a radius of 651.66 feet; thence southerly along the arc of said curve, through a central angle of 03°52'58" for an arc length of 44.16 feet to the PRC with a curve to the left, concave easterly, having a radius of 5339.97 feet; thence southerly along the arc of said curve, through a central angle of 01°57'39" for an arc length of 182.76 feet to the PT; thence S 01°31'47" E a distance of 205.41 feet to the PC of a curve to the right, concave westerly, having a radius of 1347.71 feet; thence southerly along the arc of said curve, through a central angle of 03°51'32" for an arc length of 90.77 feet to the PRC with a curve to the left, concave easterly, having a radius of 1572.32 feet; thence southerly along the arc of said curve, through a central angle of 04°54'51" for an arc length of 134.85 feet to the PT; thence S 02°35'06" E a distance of 221.17 feet to the PC of a curve to the right, concave westerly, having a radius of 129.00 feet; thence southerly along the arc of said curve, through a central angle of 04°53'08" for an arc length of 11.00 feet to the PRC with a curve to the left, concave easterly, having a radius of 4508.07 feet; thence southerly along the arc of said curve, through a central angle of 02°37'18" for an arc length of 206.27 feet to an intersection with a line that is parallel with and 1320.00 feet southerly of a westerly projection of the South line of said Section 30; thence S 88°48'15" W along said line a distance of 1475.19 feet to an intersection with a line that is parallel with and 1500.00 feet westerly of a southerly projection of the West line of said Section 30; thence S 00°16'05" E a distance of 703 feet, more or less, to the waters of Alligator Harbor and the POINT OF TERMINATION.

Section 8. This act shall take effect upon becoming a law.

Remove the entire title and insert:

A bill to be entitled

An act relating to Alligator Point Water Resources District, Franklin County; codifying, amending, reenacting, and repealing chapters 63-1350 and 85-414, Laws of Florida; providing legislative intent; providing definitions; providing that the district may provide sewer and wastewater collection and disposal services; providing severability; providing construction; providing for annexation; requiring a referendum; providing an effective date.

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

On motion by Rep. Kendrick, the rules were waived and HB 1793 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 313

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzinn	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

Section IV.

HB 207—A bill to be entitled An act relating to dwelling and structure burglaries during a declared state of emergency; amending s. 810.02, F.S.; providing that it is a felony of the first degree to commit a burglary of a dwelling during a state of emergency; providing that it is a felony of the second degree to commit a burglary of a structure during a state of

emergency and, in the course of that burglary, commit the crime of grand theft from that structure in an amount of \$300 or more; providing penalties; providing that a person who is arrested for any such felony shall be held in custody until brought before the court for admittance to bail; amending s. 921.0022, F.S.; ranking the offense severity level of such felonies in the Criminal Punishment Code; providing an effective date.

The Justice Council recommended the following:

HB 207 CS—A bill to be entitled An act relating to criminal acts committed during a state of emergency; amending s. 810.02, F.S.; providing enhanced penalties for specified burglaries that are committed during a state of emergency; providing that a person arrested for committing a burglary during a state of emergency may not be released until that person appears before a magistrate at a first-appearance hearing; directing that a felony burglary committed during a state of emergency be reclassified one level above the current ranking of the offense committed; amending s. 812.014, F.S.; providing enhanced penalties for the theft of certain property stolen during a state of emergency; directing that a felony theft committed during a state of emergency be reclassified one level above the current ranking of the offense committed; providing an effective date.

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

HB 257—A bill to be entitled An act relating to drug testing of student athletes; amending s. 1001.43, F.S.; authorizing district school board programs and policies to require random drug testing of certain student athletes for the use of performance-enhancing drugs; providing criteria for such testing; amending s. 1002.42, F.S.; authorizing private schools to implement random drug-testing procedures; providing criteria for such testing; amending s. 1006.20, F.S.; requiring bylaws of the Florida High School Athletic Association to specify that a school must abide by random drug-testing procedures in order to qualify for membership in the organization; providing an effective date.

The PreK-12 Committee recommended the following:

HB 257 CS—A bill to be entitled An act relating to student athletics; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association to adopt bylaws relating to steroid use and the adherence to a coaches code of ethics; requiring development of such code; requiring the Florida High School Athletic Association to make recommendations for a pilot drug testing program to test for performance-enhancing drugs; providing an effective date.

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

Session Vote Sequence: 314

Speaker Bense in the Chair.

Yeas—118

Adams	Ausley	Bilirakis	Cannon
Allen	Barreiro	Bogdanoff	Carroll
Altman	Baxley	Bowen	Clarke
Ambler	Bean	Brandenburg	Cretul
Anderson	Bendross-Mindingall	Brown	Culp
Antone	Bense	Brummer	Cusack
Arza	Benson	Bucher	Davis, D.
Attkisson	Berfield	Bullard	Davis, M.

Dean	Hasner	Mayfield	Rubio
Detert	Hays	McInvale	Russell
Domino	Henriquez	Meadows	Ryan
Evers	Holloway	Mealor	Sands
Farkas	Homan	Murzin	Sansom
Fields	Hukill	Needelman	Seiler
Flores	Jennings	Negron	Simmons
Galvano	Johnson	Patterson	Slosberg
Gannon	Jordan	Peterman	Smith
Garcia	Joyner	Pickens	Sobel
Gardiner	Justice	Planas	Sorensen
Gelber	Kendrick	Poppell	Stansel
Gibson, A.	Kottkamp	Porth	Stargel
Gibson, H.	Kravitz	Proctor	Taylor
Glorioso	Kreegel	Quinones	Traviesa
Goldstein	Kyle	Reagan	Troutman
Goodlette	Legg	Rice	Vana
Gottlieb	Littlefield	Richardson	Waters
Grant	Llorente	Rivera	Williams
Greenstein	Lopez-Cantera	Robaina	Zapata
Grimsley	Machek	Roberson	
Harrell	Mahon	Ross	

Nays—None

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

HB 811—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; providing an effective date.

The Health Care General Committee recommended the following:

HB 811 CS—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; revising application of the act; providing construction; authorizing carriers to offer coverage to certain employees without being subject to the act under certain circumstances; providing requirements; providing an effective date.

—was read the second time by title.

Representative(s) Homan offered the following:

(Amendment Bar Code: 609771)

Amendment 1 (with title amendment)—Between lines 14 and 15, insert:

Section 1. Subsection (2) of section 627.638, Florida Statutes, is amended to read:

627.638 Direct payment for hospital, medical services.--

(2) Whenever, in any health insurance claim form, an insured specifically authorizes payment of benefits directly to any recognized hospital or physician, the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. The insurance contract may not prohibit, and claims forms must provide option for, the payment of benefits directly to a licensed hospital and physician for care provided pursuant to s. 395.1041.

Remove line(s) 6 and insert:

An act relating to health insurance; amending s. 627.638, F.S.; proscribing insurance contracts from prohibiting payment of benefits directly to a licensed hospital and physician for certain care; providing a claims form requirement;

Rep. Farkas moved the adoption of the amendment.

On motion by Rep. Hays, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Hays offered the following:

(Amendment Bar Code: 290961)

Amendment 1 to Amendment 1 (title amendment)—Remove lines 10-15 and insert:

any recognized hospital, ~~or~~ physician, or dentist, the insurer shall make such payment to the designated provider of such services, unless otherwise provided in the insurance contract. The insurance contract may not prohibit, and claims forms must provide option for, the payment of benefits directly to a licensed hospital, physician, and dentist for care provided pursuant to s. 395.1041.

Remove line(s) 21 and 22 and insert:
payment of benefits directly to a licensed hospital, physician, and dentist for certain care; providing a claims form

Rep. Hays 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.

HB 209—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting recipients of state funds used for educational purposes from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services; providing requirements for administration; providing a restriction relating to the diagnosis or treatment of mental disorders; providing an effective date.

The Education Council recommended the following:

HB 209 CS—A bill to be entitled An act relating to administration of medication to public school students; creating s. 1006.0625, F.S.; defining the term "psychotropic medication"; prohibiting a recipient of state funds from requiring a student to be prescribed or administered psychotropic medication as a condition of receipt of educational services financed by state funds; providing requirements for administration; providing an effective date.

—was read the second time by title.

Representative(s) Pickens, Stargel, and Barreiro offered the following:

(Amendment Bar Code: 332115)

Amendment 1 (with title amendment)—Between line(s) 33 and 34 insert:

(3) No referral for diagnosis or treatment of any student for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders shall occur without full disclosure. The disclosure must inform parents that the behaviors could be the result of underlying physical conditions, that the parents should consider consulting a medical doctor to rule out physical causes, that the parent has the right to decline the psychological screening, and that the diagnosis may be documented in the student's cumulative record which may have other consequences in the future.

Remove line(s) 12 and insert:

providing requirements for administration; providing a restriction relating to referral for diagnosis or treatment of mental disorders without full disclosure; providing requirements for disclosure; providing an

Rep. Barreiro moved the adoption of the amendment.

Representative(s) Pickens, Stargel, Barreiro, and Arza offered the following:

(Amendment Bar Code: 599695)

Substitute Amendment 1 (with title amendment)—Between line(s) 33 and 34 insert:

(3) Before a student is evaluated for the purposes of classification or placement under s. 1003.57(5) for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders, the parent shall be notified that:

(a) The behaviors prompting the evaluation could be the result of underlying physical conditions.

(b) The parent should consider consulting a medical doctor to rule out physical causes.

(c) The parent has the right to decline the evaluation.

(d) The evaluation and subsequent classification or placement may be documented on the student's cumulative record and have future consequences.

Remove line(s) 12 and insert:

providing requirements for administration; requiring notification to parents prior to evaluation of certain students for classification or placement as an exceptional student; providing an

Rep. Pickens moved the adoption of the substitute amendment, which was adopted.

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

HB 937—A bill to be entitled An act relating to contamination notification; amending s. 376.031, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when an environmental contaminant may have spread beyond the boundaries of a source property; providing requirements for notice; providing requirements for temporary extension of a point of compliance; providing for additional notice requirements when using a temporary point of compliance; requiring warning signs in certain circumstances; providing an effective date.

The State Resources Council recommended the following:

HB 937 CS—A bill to be entitled An act relating to contamination notification; amending s. 376.301, F.S.; defining specified terms; creating s. 376.30702, F.S.; requiring notice when contamination is discovered as a result of site rehabilitation activities; providing requirements for notice; requiring notice when laboratory analytical results demonstrate that contamination exists in any medium beyond the boundaries of the property of the site rehabilitation; providing requirements for notice; providing rulemaking authority; amending ss. 287.0595 and 316.302, F.S.; conforming cross references; providing an effective date.

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

HB 509—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. 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 exceptions; creating s. 255.0705, F.S.; providing a popular name; 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; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of 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; 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 that specified sections of the act do not apply to certain pending contracts and projects; providing an effective date.

The State Administration Council recommended the following:

HB 509 CS—A bill to be entitled An act relating to prompt payment for construction services; amending s. 218.70, F.S.; providing a popular name; amending s. 218.72, F.S.; redefining terms used in pt. 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 exceptions; creating s. 255.0705, F.S.; providing a popular name; 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; authorizing the collection of interest under certain circumstances; providing for an award of court costs and attorney's fees; providing for project closeout and payment of 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; providing limitations on a claimant's institution of certain actions against a contractor or surety; amending s. 287.0585, F.S.; providing an exemption for contractors making late payment to subcontractors when the contract is subject to the "Prompt Payment Act"; amending s. 95.11, F.S., to conform a cross reference; providing that specified sections of the act do not apply to certain pending 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.

Consideration of **HB 381** was temporarily postponed.

HB 71—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term "conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

The Justice Appropriations Committee recommended the following:

HB 71 CS—A bill to be entitled An act relating to motor vehicle speed competitions; amending s. 316.191, F.S.; defining the term

"conviction"; specifying that the section applies to motor vehicles; revising penalties for violation of prohibitions against described motor vehicle speed competitions; providing for impoundment of vehicles used in violation of motor vehicle speed competition provisions; providing for application of the Florida Contraband Forfeiture Act; providing an effective date.

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

HB 381—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; providing a requirement for granting or denying a license; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.004, F.S.; conforming cross references; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe

additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051, 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for

destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; creating s. 626.565, F.S.; requiring an agent of the Department of Financial Services or Office of Insurance Regulation to dispose of records containing personal financial or health information concerning certain persons after the retention requirement has been met; requiring such disposition to protect the confidentiality of personal financial or health information; authorizing the Department of Financial Services or the Financial Services Commission to adopt rules for the disposition of personal financial or health information; providing severability; providing an effective date.

The State Administration Appropriations Committee recommended the following:

HB 381 CS—A bill to be entitled An act relating to financial entities and transactions; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to adopt rules relating to obtaining such an accommodation; providing a requirement for granting or denying a license; amending s. 494.0016, F.S.; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for

procedures; amending s. 494.0029, F.S.; specifying criteria for receipt of certain applications; specifying that certain permits are not transferable or assignable; amending s. 494.00295, F.S.; revising provisions to specify continuing education for certain professions; amending s. 494.003, F.S.; clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s. 494.004, F.S.; conforming cross references; amending s. 494.0041, F.S.; specifying an additional ground for disciplinary action; amending s. 494.006, F.S.; clarifying the application of an exemption from mortgage lender licensure requirements to certain entities; amending s. 494.0061, F.S.; requiring licensure of mortgage lenders; specifying criteria for receipt of applications; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; amending s. 494.0062, F.S.; requiring licensure of correspondent mortgage lenders; specifying criteria for receipt of applications; authorizing the office to require applicants to provide certain information; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; deleting certain provisions relating to cancellation and reinstatement of licenses; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; requiring notice of a change in principal representatives; providing educational requirements for principal representatives; amending s. 494.0064, F.S.; clarifying a reference to professional continuing education for certain licensees; amending s. 494.0065, F.S.; specifying criteria for receipt of applications; specifying education and testing requirements for certain principal representatives and for certain applications or transfer applications; authorizing the commission to waive specified examination requirements under certain circumstances; authorizing the commission to prescribe additional testing fees; increasing a license transfer fee; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring mortgage lenders to designate a principal representative; providing criteria and requirements; requiring notice of a change in principal representatives; amending s. 494.0066, F.S.; clarifying licensure requirements for branch offices; amending s. 494.0067, F.S.; clarifying reference to professional continuing education requirements; amending s. 494.0072, F.S.; providing an additional ground for disciplinary action; amending s. 494.00721, F.S.; correcting cross-references; amending s. 501.137, F.S.;

imposing attorney's fees and costs on lenders under certain circumstances; amending s. 516.03, F.S.; specifying criteria for receipt of certain applications; providing that specified fees are nonrefundable; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; authorizing the commission to make rules relating to obtaining such an accommodation; amending s. 516.031, F.S.; increasing a reimbursement charge for certain investigation costs; amending s. 516.05, F.S.; deleting provisions relating to fees for licenses that have been denied; amending s. 516.07, F.S.; providing an additional ground for disciplinary action; amending s. 516.12, F.S.; authorizing the commission to prescribe minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending s. 517.061, F.S.; revising provisions related to exempt transactions; amending ss. 517.051 and 517.081, F.S.; revising standards for accounting principles to be used in preparing certain financial statements; amending s. 517.12, F.S.; revising provisions for taking and submitting fingerprints of dealers, associated persons, and similarly situated persons; revising provisions relating to expiration and renewal of registration of such persons; providing an exemption from registration requirements for a Canadian dealer and an associated person who represents a Canadian dealer, under certain conditions; providing for notice filing by a Canadian dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; amending ss. 560.105 and 560.118, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; amending s. 560.114, F.S.; providing an additional ground for disciplinary action; amending s. 560.121, F.S.; authorizing the commission to prescribe certain minimum information that must be shown in a licensee's books, accounts, records, and documents; authorizing the commission to prescribe requirements for destroying books, accounts, records, and documents; authorizing the commission to recognize alternative statutes of limitation for such destruction; providing for procedures; decreasing the required time period for the office to retain certain reports, records, applications, and related information; amending s. 560.126, F.S.; requiring notice of changes in information contained in a registration application; amending s. 560.205, F.S.; revising fingerprinting requirements; authorizing the commission to prescribe fees and

procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; authorizing the commission to establish procedures for depositing fees and filing documents electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; amending s. 817.801, F.S.; providing a definition; amending s. 817.802, F.S.; revising the amount of fees that a debt manager or credit counselor may charge to certain debtors; amending s. 817.804, F.S.; revising an audit requirement; amending s. 817.805, F.S.; providing that creditor contributions are exempt from disbursement requirements; providing appropriations; providing an effective date.

—was read the second time by title.

Representative(s) Berfield offered the following:

(Amendment Bar Code: 953939)

Amendment 1—Remove line 2678 and insert:
the greater of 12 ~~7.5~~ percent of the amount paid monthly by the

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

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

HB 189—A bill to be entitled An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of 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; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance 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 307—A bill to be entitled An act relating to physical examinations; amending s. 493.6108, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of Class "G" permit applicants; amending s. 633.34, F.S.; authorizing physician assistants or advanced registered nurse practitioners to conduct physical examinations of any person applying for employment as a firefighter; 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: 315

Speaker Bense in the Chair.

Yeas—111

Adams	Cusack	Jennings	Quinones
Allen	Davis, D.	Johnson	Reagan
Altman	Davis, M.	Jordan	Rice
Ambler	Dean	Joyner	Richardson
Anderson	Detert	Justice	Rivera
Antone	Domino	Kendrick	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kreegel	Ross
Ausley	Fields	Kyle	Rubio
Barreiro	Flores	Legg	Ryan
Baxley	Galvano	Littlefield	Sands
Bean	Gannon	Llorente	Sansom
Bendross-Mindingall	Gelber	Lopez-Cantera	Seiler
Bense	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mayfield	Slosberg
Bilirakis	Glorioso	McInvale	Smith
Bogdanoff	Goldstein	Meadows	Sobel
Bowen	Goodlette	Mealor	Sorensen
Brandenburg	Grant	Murzin	Stansel
Brown	Greenstein	Needelman	Stargel
Brummer	Grimsley	Negron	Taylor
Bucher	Harrell	Patterson	Traviesa
Bullard	Hasner	Peterman	Troutman
Cannon	Hays	Pickens	Vana
Carroll	Henriquez	Planas	Waters
Clarke	Holloway	Poppell	Williams
Cretul	Homan	Porth	Zapata
Culp	Hukill	Proctor	

Nays—None

Votes after roll call:

Yeas—Gottlieb, Kravitz, Russell

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

HB 1071—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a popular name; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of an accident that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the

requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; requiring that victim injury points be assessed against an offender convicted of leaving the scene of an accident that results in injury or death; providing an effective date.

—was read the second time by title.

Representative Galvano offered the following:

(Amendment Bar Code: 028089)

Amendment 1 (with title amendment)—Remove lines 144-146 and insert:
for an offense described in s. 316.027 and the court finds that the offender caused victim injury, sentence points for victim injury may be assessed against the offender.

Remove lines 18-21 and insert:
imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

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

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

HB 1387—A bill to be entitled An act relating to career offender and murderer registration; amending s. 775.261, F.S.; providing for registration of murderers as well as career offenders; defining terms; providing criteria for murderer registration; specifying registration information that must be provided by murderers; providing for reporting by murderers; requiring lifetime registration; providing exceptions; providing penalties for violations; providing for prosecution of violations; amending ss. 775.13 and 944.608, F.S.; conforming provisions; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 1387 CS—A bill to be entitled An act relating to career offender and murderer registration; amending s. 775.13, F.S.; exempting a murderer who has registered under another provision of law from certain registration requirements; amending s. 775.26, F.S.; providing legislative intent relating to registration of murderers and public notification; amending s. 775.261, F.S.; providing a short title; revising and providing definitions; providing criteria for the registration of persons convicted of murder; providing exemptions; requiring the clerk of court to secure and distribute fingerprints of a convicted murderer who is not sentenced to prison; requiring a person convicted of murder to register and provide certain information; requiring the sheriff to secure and distribute a photo and fingerprints of a registered murderer; requiring the Department of Highway Safety and Motor Vehicles to forward to the Department of Law Enforcement and the Department of Corrections certain of the information provided by a registered murderer; providing for notice to law enforcement officials of the residence of a registered murderer; providing criminal penalties for a murderer who fails to provide certain information regarding residence; providing for the adoption of guidelines governing registration as a murderer and dissemination of information regarding a murderer; providing for removal of a person from classification as a murderer; authorizing a law enforcement agency to notify the community that a person convicted of murder is present in the community; requiring development of a system to verify the address of persons convicted of murder; providing that a person convicted of murder commits a felony of the third degree if he or she fails to register or

otherwise violates the act; specifying the locations in which a person convicted of murder may be prosecuted for violations of the act; amending s. 944.608, F.S.; defining the term "murderer"; requiring the clerk of court to collect and distribute to the Department of Corrections the fingerprints of a murderer who is not sentenced to prison; providing for registration of a murderer who is not incarcerated; requiring a registered murderer to provide certain information; directing the department to compile information relating to registered murderers; providing for distribution of information compiled by the department to the Department of Law Enforcement; providing that a murderer who violates the section commits a felony of the third degree; amending s. 944.609, F.S.; defining the term "murderer"; providing legislative intent; directing the Department of Corrections to provide information regarding a murderer who is being released from incarceration to certain law enforcement officials and other persons; authorizing a law enforcement agency to notify the community that a murderer is present in the community; providing an effective date.

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

HB 1593—A bill to be entitled An act relating to community associations; creating s. 718.1265, F.S.; authorizing a condominium association board to exercise specified emergency powers during an emergency created by a catastrophic event; providing a definition; providing immunity for acts taken by a board in good faith; amending s. 718.112, F.S.; extending a period in which condominium common areas do not have to be retrofitted with sprinkler systems; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

The Insurance Committee recommended the following:

HB 1593 CS—A bill to be entitled An act relating to community associations; directing the Advisory Council on Condominiums to hold public hearings and prepare and present a report to the Legislature regarding certain issues relating to the powers of condominium associations during catastrophic windstorm events and the recovery and rebuilding following such events; amending s. 720.305, F.S.; providing that a fine levied by a homeowners' association against a homeowner shall not become a lien against a parcel unless it is imposed for violations of use restrictions on the land; amending s. 720.311, F.S.; providing that the failure of a party to make payment of fees and costs or appear for a mediation session or arbitration proceeding acts as an impasse in the proceeding and entitles the other party to proceed in court and to receive and enforce an award of costs and fees associated with the mediation or arbitration; deleting the training hours required for certification of mediators and arbitrators; providing that qualifications for certification as a mediator or arbitrator will be established by the Florida Supreme Court; deleting a provision requiring the initial costs of educating homeowners and other parties about homeowners' associations and the use of alternative dispute resolution techniques to be paid from moneys and filing fees generated by the arbitration of recall and election disputes and by the mediation of those disputes; creating s. 712.11, F.S.; providing for the revival of certain declarations that have been extinguished; providing an effective date.

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

HB 1651—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; creating s. 460.4064, F.S.; providing legislative intent; authorizing chiropractic college-based internships; providing eligibility requirements for registration of

chiropractic interns; providing requirements for approval of chiropractic college-based internship programs; requiring an annual report to the Board of Chiropractic Medicine; requiring the board to adopt implementing rules; providing an effective date.

The Health & Families Council recommended the following:

HB 1651 CS—A bill to be entitled An act relating to chiropractic education; amending s. 400.9905, F.S.; providing that pt. XIII of ch. 400, F.S., the Health Care Clinic Act, does not apply to clinical facilities affiliated with certain chiropractic colleges; amending s. 460.402, F.S.; providing an exception to regulation for chiropractic students participating in chiropractic college clinical internships; amending s. 460.403, F.S.; defining "chiropractic college clinical internship"; 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. Goodlette, the House moved to the order of—

Bills and Joint Resolutions on Third Reading

HB 1745—A bill to be entitled An act relating to residential property insurance; amending s. 215.555, F.S.; revising provisions relating to calculation of an insurer's retention for purposes of reimbursement from the Florida Hurricane Catastrophe Fund; amending s. 627.4133, F.S.; prohibiting insurers from canceling or nonrenewing residential property insurance policies under certain emergency circumstances; providing exceptions; providing notice requirements; providing application to personal residential and commercial residential policies covering certain damaged property; extending the effective date of certain policies under certain hurricane circumstances; authorizing the insurer to collect premium for the extended period; providing nonapplication; amending s. 627.4143, F.S.; requiring private passenger motor vehicle insurance policies to contain an outline of coverage; prohibiting delivery or issuance of basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies without a comprehensive checklist and outline of coverage; specifying checklist and outline of coverage contents; requiring the checklist and outline of coverage to be sent with each renewal of personal lines residential insurance policies; specifying application of the checklist and outline of coverage to basic homeowner's, mobile home owner's, condominium unit owner's, and dwelling policies; amending s. 627.701, F.S.; revising a limitation on a deductible amount attributable to hurricane or wind losses; providing for computation and display of the dollar value of hurricane deductibles; requiring insurers to compute and display actual dollar values of certain riders for certain policies; providing additional notice requirements for certain deductible amounts; requiring insurers to notify applicants or policyholders of the availability and amounts of certain discounts, credits, rate differentials, or reductions in deductibles for properties on which certain fixtures have been installed or construction techniques have been implemented; requiring insurers to provide qualifying information; authorizing the Financial Services Commission to adopt rules; providing for application of hurricane deductibles for certain personal lines residential property insurance policies; requiring insurers to offer commercial residential property insurance policyholders certain alternative hurricane deductibles; providing effective dates.

—was read the third time by title.

Representative(s) Gannon offered the following:

(Amendment Bar Code: 148777)

Amendment 3 (with title amendment)—Between lines 419 and 420, insert:

Section 7. Section 350.061, Florida Statutes, is transferred, renumbered as section 11.402, Florida Statutes, and amended to read:

11.402 ~~350.061~~ Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Joint Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Office of Insurance Regulation. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he or she shall first resign from his or her office or employment.

Section 8. Section 350.0611, Florida Statutes, is transferred, renumbered as section 11.403, Florida Statutes, and amended to read:

11.403 ~~350.0611~~ Public Counsel; duties and powers.--It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Public Service Commission and the Office of Insurance Regulation and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the Public Service Commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties.

(2) To recommend to the Office of Insurance Regulation, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the office relating to:

(a) Rules governing residential property insurance; or

(b) Rate filings for residential property insurance which, pursuant to standards determined by the office, request an average statewide rate increase of 10 percent or greater as compared to the current rates in effect or the rates in effect 12 months prior to the proposed effective date.

The Public Counsel may not stay any final order of the Office of Insurance Regulation.

(3) To and urge in any proceeding or action to which he or she is a party therein any position that which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission, or the counties, or the office, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission, or the counties, or the office, which shall be reviewable by summary procedure in the circuit courts of this state;

(4)(2) To have access to and use of all files, records, and data of the commission, or the counties, or the office available to any other attorney representing parties in a proceeding before the commission, or the counties, or the office;

(5)(3) In any proceeding in which he or she has participated as a

party, to seek review of any determination, finding, or order of the commission, ~~or the counties, or the office,~~ or of any hearing examiner designated by the commission, ~~or the counties, or the office,~~ in the name of the state or its citizens;

(6)(4) To prepare and issue reports, recommendations, and proposed orders to the commission ~~or office,~~ the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission ~~or office,~~ and to make such recommendations as he or she deems appropriate for legislation relative to commission ~~or office~~ procedures, rules, jurisdiction, personnel, and functions; ~~and~~

(7)(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission ~~or office,~~ in the name of the state or its citizens.

Section 9. Section 350.0612, Florida Statutes, is transferred, renumbered as section 11.404, Florida Statutes, and amended to read:

~~11.404 350.0612~~ Public Counsel; location.--The Public Counsel shall maintain his or her office in Leon County ~~on the premises of the commission or, if suitable space there cannot be provided,~~ at such other place convenient to the offices of the Public Services Commission or the Office of Insurance Regulation ~~commissioners~~ as will enable him or her to carry out expeditiously the duties and functions of his or her office.

Section 10. Section 350.0613, Florida Statutes, is transferred, renumbered as section 11.405, Florida Statutes, and amended to read:

~~11.405 350.0613~~ Public Counsel; employees; receipt of pleadings.--The Joint Legislative Auditing Committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, actuaries, economists, or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the Public Service Commission or Office of Insurance Regulation. The commission shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission. The office shall furnish the Public Counsel with copies of all filings that relate to the jurisdiction of the Public Counsel pursuant to s. 11.403(2). ~~and~~ If the Public Counsel intervenes as a party in any proceeding he or she shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his or her subsequent pleadings and exhibits.

Section 11. Section 350.0614, Florida Statutes, is transferred, renumbered as section 11.406, Florida Statutes, and amended to read:

~~11.406 350.0614~~ Public Counsel; compensation and expenses.--

(1) The salaries and expenses of the Public Counsel and his or her employees shall be allocated by the committee only from moneys appropriated to the Public Counsel by the Legislature.

(2) The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the Joint Auditing Committee.

(3) Neither the Executive Office of the Governor nor the Department of Management Services or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.

Section 12. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.--

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter ~~11 350,~~ an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

Remove line 45, and insert:

alternative hurricane deductibles; transferring, renumbering, and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; authorizing the Public Counsel to represent the general public before the Office of Insurance Regulation; including certain proceedings related to rules and rate filings for residential property insurance; authorizing the Public Counsel to have access to files of the office, to seek review of orders of the office, to issue reports, recommendations, and proposed orders to the office; specifying where the Public Counsel shall maintain his or her office; authorizing the Joint Legislative Auditing Committee to authorize the Public Counsel to employ certain types of employees; requiring the Office of Insurance Regulation to provide copies of certain filings to the Public Counsel; amending s. 112.3145, F.S.; conforming a cross-reference; providing effective

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

The question recurred on the passage of HB 1745. The vote was:

Session Vote Sequence: 316

Speaker Bense in the Chair.

Yeas—118

Adams	Ausley	Bilirakis	Cannon
Allen	Barreiro	Bogdanoff	Carroll
Altman	Baxley	Bowen	Clarke
Ambler	Bean	Brandenburg	Cretul
Anderson	Bendross-Mindingall	Brown	Culp
Antone	Bense	Brunner	Cusack
Arza	Benson	Bucher	Davis, D.
Attkisson	Berfield	Bullard	Davis, M.

Dean	Hasner	Mayfield	Rubio
Detert	Hays	McInvale	Russell
Domino	Henriquez	Meadows	Ryan
Evers	Holloway	Mealor	Sands
Farkas	Homan	Murzin	Sansom
Fields	Hukill	Needelman	Seiler
Flores	Jennings	Negron	Simmons
Galvano	Johnson	Patterson	Slosberg
Gannon	Jordan	Peterman	Smith
Garcia	Joyner	Pickens	Sobel
Gardiner	Justice	Planas	Sorensen
Gelber	Kendrick	Poppell	Stansel
Gibson, A.	Kottkamp	Porth	Stargel
Gibson, H.	Kravitz	Proctor	Taylor
Glorioso	Kreegel	Quinones	Traviesa
Goldstein	Kyle	Reagan	Troutman
Goodlette	Legg	Rice	Vana
Gottlieb	Littlefield	Richardson	Waters
Grant	Llorente	Rivera	Williams
Greenstein	Lopez-Cantera	Robaina	Zapata
Grimasley	Machek	Roberson	
Harrell	Mahon	Ross	

Nays—None

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

HB 1937—A bill to be entitled An act relating to property insurance; creating s. 489.1285, F.S.; specifying certain consumer protection measures relating to roofing construction to be in effect following certain executive orders; specifying certain requirements to be complied with relating to roof repair or reroofing; amending s. 627.062, F.S.; limiting an insurer's recoupment of reimbursement premium; providing limitations; amending s. 627.0628, F.S.; limiting use of certain methodologies in determining hurricane loss factors for reimbursement premium rates in certain rate filings; creating s. 627.06281, F.S.; requiring certain insurers and organizations to develop, maintain, and update a public hurricane loss projection model; providing reporting requirements for insurers; protecting trade secret information; amending s. 627.0629, F.S.; tightening a limitation on rate filings based on computer models under certain circumstances; amending s. 627.351, F.S.; providing additional legislative intent relating to the Citizens Property Insurance Corporation; specifying a limitation on dwelling limits for personal lines policies; requiring the corporation to offer wind-only policies in certain areas for new personal residential risks; providing requirements and limitations; authorizes the corporation to issue bonds and incur indebtedness for certain purposes; requiring creation of a Market Accountability Advisory Committee to assist the corporation for certain purposes; providing for appointment of committee members; providing for terms; requiring reports to the corporation; revising requirements for the plan of operation of the corporation; requiring a plan for removing personal lines policies from coverage by the corporation which includes the development and implementation of a take-out bonus strategy; deleting limitations on certain personal lines residential wind-only policies; deleting an obsolete reporting requirement; specifying nonapplication of certain policy requirements in counties lacking reasonable degrees of competition for certain policies under certain circumstances; requiring the commission to adopt rules; deleting an obsolete rate methodology panel reporting requirement provision; requiring the corporation to require the securing of flood insurance as a condition of coverage under certain circumstances; providing requirements and limitations; amending s. 627.411, F.S.; revising grounds for office disapproval of certain forms; amending s. 627.7011, F.S.; specifying payment requirements for insurers for covered losses to a dwelling; limiting payment to actual cost to repair or replace the dwelling; amending s. 627.7011, F.S.; requiring insurers to

offer coverage for additional costs of repair due to laws and ordinances; requiring certain homeowner's insurance policies to contain a specified statement; providing intent; amending s. 627.7015, F.S.; revising purpose and scope provisions relating to an alternative procedure for resolution of disputed property insurance claims; providing an additional criterion for excusing an insured from being required to submit to certain loss appraisal processes; amending s. 627.702, F.S.; specifying intent; providing nonapplication of certain insurer liability requirements under certain circumstances; limiting an insurer's liability to certain loss covered by a covered peril; providing legislative intent relating to application; amending s. 627.706, F.S.; revising definitions relating to sinkholes; providing additional definitions; creating s. 627.7065, F.S.; providing legislative findings; requiring the Department of Financial Services and the Office of the Insurance Consumer Advocate to consult with the Florida Geological Survey and the Department of Environmental Protection to implement a statewide automated database of sinkholes and related activity; providing requirements for the form and content of the database; authorizing the Department of Financial Services to require insurers to provide certain information; providing for management of the database; requiring the department to investigate sinkhole activity reports and include findings and investigations in the database; requiring the Department of Environmental Protection to report on the database to the Governor, Legislature, and Chief Financial Officer; authorizing the Department of Financial Services to adopt implementing rules; amending s. 627.707, F.S.; revising standards for investigations of sinkhole claims by insurers; requiring an insurer to engage an engineer and professional geologist for certain purposes; requiring a report under certain circumstances; requiring an insurer to provide written notice to a policyholder disclosing certain information; authorizing an insurer to deny a claim under certain circumstances; authorizing a policyholder to demand certain testing; providing requirements; specifying required activities for insurers if a sinkhole loss is verified; specifying payment requirements for insurers; providing limitations; requiring the insurer to pay fees of the engineer and geologist; authorizing an insurer to engage a structural engineer for certain purposes; creating s. 627.7072, F.S.; specifying requirements for sinkhole testing by engineers and geologists; creating s. 627.7073, F.S.; providing reporting requirements for engineers and geologists after testing for sinkholes; specifying a presumption of correctness of certain findings; requiring an insurer paying a sinkhole loss claim to file a report and certification with the county property appraiser; requiring the property appraiser to record the report and certification; requiring the insurer to bear the cost of filing and recording; requiring a seller of certain property to make certain disclosures to property buyers under certain circumstances; requiring the Auditor General to perform an operational audit of the Citizens Property Insurance Corporation; specifying audit requirements; requiring a report; requiring the board of governors of the Citizens Property Insurance Corporation to submit a report to the Legislature relating to property and casualty insurance; specifying report requirements; requiring insurers to review and acknowledge receipt of certain communications relating to claims; providing an exception; providing a definition; providing for nonapplication to certain claimants; providing procedures and requirements relating to such acknowledgements; requiring an insurer to conduct certain investigations under certain circumstances; providing for contingent effect; providing effective dates.

—was read the third time by title.

Representative(s) Gannon offered the following:

(Amendment Bar Code: 092735)

Amendment 9 (with title amendment)—Between lines 124 and 125, insert:

Section 1. Section 350.061, Florida Statutes, is transferred, renumbered as section 11.402, Florida Statutes, and amended to read:

11.402 350.061 Public Counsel; appointment; oath; restrictions on Public Counsel and his or her employees.--

(1) The Joint Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission and the Office of Insurance Regulation. The Public Counsel shall be an attorney admitted to practice before the Florida Supreme Court and shall serve at the pleasure of the Joint Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he or she shall first resign from his or her office or employment.

Section 2. Section 350.0611, Florida Statutes, is transferred, renumbered as section 11.403, Florida Statutes, and amended to read:

11.403 350.0611 Public Counsel; duties and powers.--It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Public Service Commission and the Office of Insurance Regulation and in proceedings before counties pursuant to s. 367.171(8). The Public Counsel shall have such powers as are necessary to carry out the duties of his or her office, including, but not limited to, the following specific powers:

(1) To recommend to the Public Service Commission or the counties, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission or the counties,

(2) To recommend to the Office of Insurance Regulation, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the office relating to:

(a) Rules governing residential property insurance; or
(b) Rate filings for residential property insurance which, pursuant to standards determined by the office, request an average statewide rate increase of 10 percent or greater as compared to the current rates in effect or the rates in effect 12 months prior to the proposed effective date.

The Public Counsel may not stay any final order of the Office of Insurance Regulation.

(3) To ~~and~~ urge in any proceeding or action to which he or she is a party therein any position that which he or she deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission, ~~or~~ the counties, or the office, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission, ~~or~~ the counties, or the office, which shall be reviewable by summary procedure in the circuit courts of this state;

(4)(2) To have access to and use of all files, records, and data of the commission, ~~or~~ the counties, or the office available to any other attorney representing parties in a proceeding before the commission, ~~or~~ the counties, or the office;

(5)(3) In any proceeding in which he or she has participated as a party, to seek review of any determination, finding, or order of the commission, ~~or~~ the counties, or the office, or of any hearing examiner designated by the commission, ~~or~~ the counties, or the office, in the name of the state or its citizens;

(6)(4) To prepare and issue reports, recommendations, and proposed

orders to the commission or office, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission or office, and to make such recommendations as he or she deems appropriate for legislation relative to commission or office procedures, rules, jurisdiction, personnel, and functions;~~and~~

(7)(5) To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission or office, in the name of the state or its citizens.

Section 3. Section 350.0612, Florida Statutes, is transferred, renumbered as section 11.404, Florida Statutes, and amended to read:

11.404 350.0612 Public Counsel; location.--The Public Counsel shall maintain his or her office in Leon County ~~on the premises of the commission or, if suitable space there cannot be provided,~~ at such other place convenient to the offices of the Public Service Commission or the Office of Insurance Regulation ~~commissioners~~ as will enable him or her to carry out expeditiously the duties and functions of his or her office.

Section 4. Section 350.0613, Florida Statutes, is transferred, renumbered as section 11.405, Florida Statutes, and amended to read:

11.405 350.0613 Public Counsel; employees; receipt of pleadings.--The Joint Legislative Auditing Committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, actuaries, economists, or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the Public Service Commission or Office of Insurance Regulation. The commission shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission. The office shall furnish the Public Counsel with copies of all filings that relate to the jurisdiction of the Public Counsel pursuant to s. 11.403(2); ~~and~~ If the Public Counsel intervenes as a party in any proceeding he or she shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his or her subsequent pleadings and exhibits.

Section 5. Section 350.0614, Florida Statutes, is transferred, renumbered as section 11.406, Florida Statutes, and amended to read:

11.406 350.0614 Public Counsel; compensation and expenses.--
(1) The salaries and expenses of the Public Counsel and his or her employees shall be allocated by the committee only from moneys appropriated to the Public Counsel by the Legislature.

(2) The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the Joint Auditing Committee.

(3) Neither the Executive Office of the Governor nor the Department of Management Services or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.

Section 6. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.--

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 11 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

Remove line 2 and insert:

An act relating to property insurance; transferring, renumbering, and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; authorizing the Public Counsel to represent the general public before the Office of Insurance Regulation; including certain proceedings related to rules and rate filings for residential property insurance; authorizing the Public Counsel to have access to files of the office, to seek review of orders of the office, and to issue reports, recommendations, and proposed orders to the office; specifying where the Public Counsel shall maintain his or her office; authorizing the Joint Legislative Auditing Committee to authorize the Public Counsel to employ certain types of employees; requiring the Office of Insurance Regulation to provide copies of certain filings to the Public Counsel; amending s. 112.3145, F.S.; conforming a cross reference; creating s.

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

Representative(s) Jennings offered the following:

(Amendment Bar Code: 644489)

Amendment 10 (with title amendment)—Between lines 1427 and 1428, insert:

Section 21. The Office of Insurance Regulation shall, by January 1, 2006, submit a report to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of the Senate and the House of Representatives, and the chairs of the standing committees of the Senate and the House of Representatives having jurisdiction over matters relating to property and casualty insurance. The report shall include findings and recommendations on requiring residential property insurers to provide law and ordinance coverage for residential property insurance policies, the increase or decrease in insurance costs associated with requiring such coverage, and such other related information as the Office of Insurance Regulation determines is appropriate for the Legislature to consider.

Remove line 121 and insert:

effect; requiring the Office of Insurance Regulation to submit a report to the Legislature relating to residential property insurance; providing report

requirements; providing effective dates.

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

The question recurred on the passage of HB 1937. The vote was:

Session Vote Sequence: 317

Speaker Bense in the Chair.

Yeas—96

Adams	Cretul	Homan	Reagan
Altman	Culp	Hukill	Rice
Ambler	Davis, D.	Jennings	Richardson
Anderson	Davis, M.	Jordan	Rivera
Antone	Dean	Kendrick	Robaina
Arza	Detert	Kravitz	Roberson
Attkisson	Domino	Kreegel	Ross
Barreiro	Evers	Legg	Rubio
Baxley	Farkas	Littlefield	Russell
Bean	Fields	Lopez-Cantera	Sands
Bense	Flores	Machek	Sansom
Benson	Galvano	Mahon	Seiler
Berfield	Garcia	Mayfield	Simmons
Bilirakis	Gardiner	McInvale	Slosberg
Bogdanoff	Gibson, H.	Mealor	Sorensen
Bowen	Glorioso	Murzin	Stansel
Brandenburg	Goldstein	Needelman	Stargel
Brown	Goodlette	Negron	Taylor
Brummer	Grant	Patterson	Traviesa
Bucher	Grimsley	Pickens	Troutman
Bullard	Harrell	Planas	Vana
Cannon	Hasner	Poppell	Waters
Carroll	Hays	Proctor	Williams
Clarke	Holloway	Quinones	Zapata

Nays—20

Allen	Gelber	Johnson	Peterman
Ausley	Gibson, A.	Joyner	Porth
Bendross-Mindingall	Gottlieb	Justice	Ryan
Cusack	Greenstein	Kottkamp	Smith
Gannon	Henriquez	Llorente	Sobel

Votes after roll call:

Yeas to Nays—Robaina, Slosberg

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

HB 1939—A bill to be entitled An act relating to public records and public meetings; creating s. 627.06292, F.S.; creating an exemption from public records requirements for reports of hurricane loss data and associated exposure data that are specific to a particular insurance company; providing a definition; providing for review and repeal; providing a statement of public necessity; amending s. 627.0628, F.S.; creating an exemption from public records requirements for trade secrets used in designing and constructing hurricane loss models; creating an exemption from public meetings requirements for that portion of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding wherein confidential and exempt trade secrets are discussed; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 318

Speaker Bense in the Chair.

Yeas—83

Adams	Culp	Homan	Proctor
Allen	Davis, D.	Hukill	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	Detert	Kottkamp	Richardson
Arza	Domino	Kravitz	Rivera
Attkisson	Evers	Kreegel	Robaina
Barreiro	Farkas	Kyle	Ross
Baxley	Flores	Legg	Rubio
Bean	Galvano	Littlefield	Russell
Bense	Garcia	Llorente	Simmons
Benson	Gardiner	Lopez-Cantera	Sorensen
Berfield	Gibson, H.	Mayfield	Stansel
Bilirakis	Glorioso	Mealor	Stargel
Bogdanoff	Goldstein	Murzin	Taylor
Bowen	Goodlette	Needelman	Traviesa
Brown	Grant	Negron	Troutman
Cannon	Grimsley	Patterson	Waters
Carroll	Harrell	Pickens	Williams
Clarke	Hasner	Planas	Zapata
Cretul	Hays	Poppell	

Nays—30

Antone	Gelber	Justice	Sands
Ausley	Gibson, A.	Kendrick	Seiler
Bendross-Mindingall	Gottlieb	Machek	Slosberg
Brandenburg	Greenstein	McInvale	Smith
Bucher	Henriquez	Meadows	Sobel
Cusack	Holloway	Porth	Vana
Fields	Jennings	Roberson	
Gannon	Joyner	Ryan	

Votes after roll call:

Yeas—Sansom
Nays—Brummer

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

On motion by Rep. Johnson, consideration of **HB 1865** was temporarily postponed.

On motion by Rep. Attkisson, consideration of **HB 1901**, **HB 1903**, and **HB 1905** was temporarily postponed.

HB 1373—A bill to be entitled An act relating to the Florida Faith-based and Community-based Advisory Board; creating s. 14.31, F.S.; providing legislative findings and intent; creating the Florida Faith-based and Community-based Advisory Board within the Executive Office of the Governor for certain purposes; providing for board membership; providing for terms of members; providing for successor appointments; providing for meetings and organization of the board; specifying serving without compensation; providing for per diem and travel expenses; specifying required activities of the board; specifying restricted activities; requiring a report to the Governor and Legislature; providing for future repeal and abolition of the board; providing an effective date.

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

Session Vote Sequence: 319

Speaker Bense in the Chair.

Yeas—118

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Russell
Baxley	Gannon	Legg	Ryan
Bean	Garcia	Littlefield	Sands
Bendross-Mindingall	Gardiner	Llorente	Sansom
Bense	Gelber	Lopez-Cantera	Seiler
Benson	Gibson, A.	Machek	Simmons
Berfield	Gibson, H.	Mahon	Slosberg
Bilirakis	Glorioso	Mayfield	Smith
Bogdanoff	Goldstein	McInvale	Sobel
Bowen	Goodlette	Meadows	Sorensen
Brandenburg	Gottlieb	Mealor	Stansel
Brown	Grant	Murzin	Stargel
Brummer	Greenstein	Needelman	Taylor
Bucher	Grimsley	Negron	Traviesa
Bullard	Harrell	Patterson	Troutman
Cannon	Hasner	Peterman	Vana
Carroll	Hays	Pickens	Waters
Clarke	Henriquez	Planas	Williams
Cretul	Holloway	Poppell	Zapata
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

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

HB 1917—A bill to be entitled An act relating to juvenile justice; amending s. 943.0515, F.S.; deleting the term "juvenile prison"; amending s. 985.03, F.S.; revising definitions relating to juvenile justice; creating a definition for the term "day treatment"; creating the minimum-risk nonresidential restrictiveness level; providing that temporary release may be granted under specified conditions to youth committed to the high-risk residential restrictiveness level; providing that high-risk residential facilities may be environmentally secure; removing juvenile prisons from the maximum-risk residential level; amending s. 985.201, F.S.; conforming to definition changes; amending s. 985.207, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; providing for a child to be taken into custody for specified court findings; amending s. 985.208, F.S.; providing that a child may be taken into custody for absconding from a nonresidential commitment facility; amending s. 985.213, F.S.; providing that permissible detention findings include specified criteria for taking a child into custody; amending s. 985.215, F.S.; providing for release from detention for a child who has absconded; providing exceptions that permit a child to be placed in detention postadjudication for more than 15 days; providing procedures for exceptions; conforming a cross reference; providing for detention for committed children awaiting placement; providing secure detention for children awaiting minimum-risk placement who violate home or nonsecure detention or electronic monitoring;

providing for limited secure detention for children being transported to residential commitment programs; amending s. 985.2155, F.S.; revising the definition of a fiscally constrained county; amending s. 985.228, F.S.; requiring the court to include specified conditions in an order of adjudication of delinquency that are applicable to a youth for the postadjudication and predisposition period; amending s. 985.231, F.S.; revising provisions relating to powers of disposition; permitting a court to specify the program or facility a youth shall be placed in when committed; providing procedures for a court's specific placement; providing for commitment of a child to a specific high-risk residential or maximum-risk residential program or facility; providing the maximum length for a minimum-risk nonresidential commitment for a second degree misdemeanor; providing that the department or a provider report quarterly to the court the child's treatment plan progress; making conforming changes; amending s. 985.2311, F.S.; providing that parents shall pay fees for costs of supervision related to minimum-risk nonresidential commitment; amending s. 985.313, F.S.; conforming to definitions changes; amending s. 985.316, F.S.; providing for assessment of residentially committed youth for conditional release services; repealing s. 985.403, F.S., relating to the Task Force on Juvenile Sexual Offenders and their Victims; creating a new task force on juvenile sexual offenders and their victims; providing powers and duties; providing membership; requiring a report; providing for administrative support; providing for dissolution of the task force; creating a task force to study the certification of professional staff working for a provider of juvenile justice services; providing membership; requiring the task force to consider the feasibility of implementing and operating a certification system for professional staff; requiring the task force to consider specified issues; directing the task force to recommend a process for testing and validating the effectiveness of the recommended staff development system; requiring the task force to prepare and submit a report of its deliberations and recommendations by a specified date; providing for administrative support; providing for dissolution of the task force; amending s. 985.404, F.S.; requiring the court to issue written orders granting or denying specified department-requested transfers for committed youth; permitting the court to conduct a hearing; prohibiting specified department-requested transfers prior to department receipt of a written court order granting the transfer; amending s. 985.4135, F.S.; requiring juvenile justice county councils to develop criteria for law enforcement referrals to juvenile assessment centers; providing for permissible representation on juvenile justice county councils or circuit boards; amending ss. 784.075, 984.05, 985.31, and 985.3141, F.S.; conforming cross references; reenacting ss. 985.201(4)(a), 985.233(4)(b), 985.31(3)(k), and 985.311(3)(e), F.S., relating to jurisdiction, sentencing alternatives, commitment of serious or habitual juvenile offenders, and eligibility for an intensive residential treatment program for offenders less than 13 years of age, respectively, to incorporate the amendment to s. 985.231, F.S., in reference thereto; amending s. 985.407, F.S.; changing the level of background screening required for certain department and provider employees from level 1 to level 2; requiring federal criminal records checks every 5 years for certain department and provider employees; providing for electronic submission of specified fingerprint information; providing for retention of specified fingerprint information; providing for searches; requiring the adoption of rules; providing for an annual fee; providing for notice of changes in the employment status of persons whose fingerprint information is retained; requiring the removal of fingerprint information upon the occurrence of specified events; providing an effective date.

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

Session Vote Sequence: 320

Speaker Bense in the Chair.

Yeas—117

Adams	Davis, D.	Jennings	Quinones
Allen	Davis, M.	Johnson	Reagan
Altman	Dean	Jordan	Rice
Ambler	Detert	Joyner	Richardson
Anderson	Domino	Justice	Rivera
Antone	Evers	Kendrick	Robaina
Arza	Farkas	Kottkamp	Roberson
Attkisson	Fields	Kravitz	Ross
Ausley	Flores	Kreegel	Rubio
Barreiro	Galvano	Kyle	Ryan
Baxley	Gannon	Legg	Sands
Bean	Garcia	Littlefield	Sansom
Bendross-Mindingall	Gardiner	Llorente	Seiler
Bense	Gelber	Lopez-Cantera	Simmons
Benson	Gibson, A.	Machek	Slosberg
Berfield	Gibson, H.	Mahon	Smith
Bilirakis	Glorioso	Mayfield	Sobel
Bogdanoff	Goldstein	McInvale	Sorensen
Bowen	Goodlette	Meadows	Stansel
Brandenburg	Gottlieb	Mealor	Stargel
Brown	Grant	Murzin	Taylor
Brummer	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

Votes after roll call:

Yeas—Russell

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

HB 1589—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising the duties of the Secretary of State and the Department of State relating to election laws; providing for rulemaking; authorizing the Secretary of State to delegate voter registration and records maintenance duties to voter registration officials; providing that the secretary has a duty to bring legal action to enforce the performance of county supervisors of elections or other officials performing duties relating to the Florida Election Code; providing a prerequisite to bringing such an action; providing venue; requiring that courts give priority to such an action; providing penalties; providing for the adoption of rules; amending s. 97.021, F.S.; revising and providing definitions; amending s. 97.026, F.S.; providing rulemaking authority to make forms available in alternative formats and via the Internet; removing a cross reference; amending s. 97.051, F.S.; revising the oath taken by a person registering to vote; amending s. 97.052, F.S.; requiring that the uniform statewide voter registration application be accepted for replacement of a voter information card and signature update; revising the information the uniform statewide voter registration application must contain and must elicit from the applicant; providing for the failure of a voter registration applicant to answer questions on the voter registration application; amending s. 97.053, F.S.; revising the criteria for completeness of a voter registration application; specifying the possible valid recipients of a mailed voter registration application; revising the information needed on a voter registration application to establish an applicant's eligibility; providing for verification of authenticity of certain voter registration application information; providing for a provisional ballot to be provided to an applicant if the application is not verified by a certain date;

requiring a voter registration official to enter all voter registration applications into the voter registration system within a certain time period and forward such applications to the supervisor of elections; amending s. 97.0535, F.S.; providing for applicants who have no valid Florida driver's license, identification card, or social security number; amending s. 97.055, F.S.; specifying the information updates permitted for purposes of an upcoming election once registration books are closed; amending s. 97.057, F.S.; revising the voter registration procedure by the Department of Highway Safety and Motor Vehicles; amending s. 97.058, F.S.; revising duties of voter registration agencies; amending s. 97.061, F.S.; revising special registration procedures for electors requiring assistance; amending s. 97.071, F.S.; redesignating the registration identification card as the voter information card; revising requirements for the contents of the card; amending s. 97.073, F.S.; revising the procedure by which an applicant must supply missing information on the voter registration application; revising provisions relating to cancellation of previous registration; amending s. 97.1031, F.S.; revising provisions relating to notice of change of residence, name, or party affiliation; amending s. 97.105, F.S., relating to establishment of the permanent single registration system, to conform; amending s. 98.015, F.S.; revising the duties of supervisors of elections; creating s. 98.035, F.S.; establishing a statewide voter registration system; requiring the Secretary of State to be responsible for the implementation, operation, and maintenance of the system; prohibiting the department from contracting with any other entity to operate the system; authorizing the department to adopt rules relating to the access, use, and operation of the system; amending s. 98.045, F.S.; revising provisions relating to administration of voter registration; providing for the responsibility of such administration to be undertaken by the department in lieu of supervisors of elections; specifying ineligibility criteria; revising provisions relating to removal of registered voters; revising provisions relating to public records access and retention; providing for the establishment of a statewide electronic database of valid residential street addresses; authorizing the department to adopt rules relating to certain voter registration system forms; amending s. 98.065, F.S.; revising provisions relating to registration records maintenance; providing for change of address; providing limitations on notice and renewal; requiring supervisors of elections to certify to the department certain list maintenance activities; providing penalties; amending s. 98.075, F.S.; providing for registration records maintenance by the department; providing procedures in cases involving duplicate registration, deceased persons, adjudication of mental incapacity, felony conviction, and other bases for ineligibility; providing procedures for removal; requiring supervisors of elections to certify to the department certain registration records maintenance activities; creating s. 98.0755, F.S.; providing for appeal of a determination of ineligibility; providing for jurisdiction, burden of proof, and trial costs; amending s. 98.077, F.S.; revising provisions relating to updating a voter's signature; amending s. 98.081, F.S., relating to removal of names from the statewide voter registration system, to conform; amending s. 98.093, F.S.; revising the duty of officials to furnish lists of deceased persons, persons adjudicated mentally incapacitated, and persons convicted of a felony; creating s. 98.0981, F.S.; requiring the department to establish and maintain a statewide voter registration database and provide such database to the Legislature; specifying the required contents of the database; amending s. 98.212, F.S., relating to furnishing of statistical and other information, to conform; amending s. 98.461, F.S.; authorizing use of an electronic database as a precinct register and use of an electronic device for voter signatures and witness initials; amending s. 100.371, F.S.; revising the procedure by which constitutional amendments proposed by initiative shall be placed on the ballot; amending s. 101.001, F.S.; revising requirements of supervisors relating to precincts and precinct boundaries; providing exceptions; amending s. 101.043, F.S.; revising requirements and procedures relating to identification required at polls; amending s. 101.045, F.S., relating to provisions for residence or name change at the polls, to conform; amending s. 101.048, F.S., relating to provisional ballots, to conform; amending s. 101.161, F.S.; correcting a cross

reference; amending s. 101.56062, F.S., relating to standards for accessible voting systems, to conform; amending s. 101.5608, F.S.; revising a provision relating to an elector's signature provided with identification prior to voting; creating s. 101.573, F.S.; requiring supervisors of elections to file precinct-level election results; requiring the Department of State to adopt rules; amending s. 101.62, F.S.; correcting a cross reference; amending ss. 101.64 and 101.657, F.S.; requiring that the supervisor of elections indicate on each absentee or early voted ballot the precinct of the voter; amending s. 101.663, F.S., relating to change of residence, to conform; amending s. 101.6921, F.S., relating to delivery of special absentee ballots to certain first-time voters, to conform; amending s. 101.6923, F.S., relating to special absentee ballot instructions for certain first-time voters, to conform; amending s. 102.012, F.S., relating to conduct of elections by inspectors and clerks, to conform; amending s. 104.013, F.S., relating to unauthorized use, possession, or destruction of voter information cards, to conform; amending s. 106.34, F.S.; revising provisions relating to certain candidate expenditure limits; providing a definition; amending s. 196.141, F.S., relating to homestead exemptions and duties of property appraisers, to conform; amending s. 120.54, F.S.; including certain rules pertaining to the Florida Election Code within the definition of emergency rules governing public health, safety, or welfare during specified times; repealing s. 98.055, F.S., relating to registration list maintenance forms; repealing s. 98.095, F.S., relating to county registers open to inspection and copies; repealing s. 98.0977, F.S., relating to the statewide voter registration database and its operation and maintenance; repealing s. 98.0979, F.S., relating to inspection of the statewide voter registration; repealing s. 98.101, F.S., relating to specifications for permanent registration binders, files, and forms; repealing s. 98.181, F.S., relating to duty of the supervisor of elections to make up indexes or records; repealing s. 98.231, F.S., relating to duty of the supervisor of elections to furnish the department the number of registered electors; repealing s. 98.451, F.S., relating to automation in processing registration data; repealing s. 98.481, F.S., relating to challenges to electors; repealing s. 101.635, F.S., relating to distribution of blocks of printed ballots; providing effective dates.

—was read the third time by title.

Representative Carroll offered the following:

(Amendment Bar Code: 074941)

Amendment 2 (with title amendment)—Between lines 2270 and 2271 and insert:

Section 45. Subsection (7) is added to section 106.0705, Florida Statutes, to read:

106.0705 Electronic filing of campaign treasurer's reports.--

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

Remove line 144 and insert:
conform; amending s. 106.0705, F.S.; providing for the timely filing of certain reports; amending s. 106.34, F.S.; revising provisions

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

Representative(s) Henriquez offered the following:

(Amendment Bar Code: 515321)

Amendment 3 (with title amendment)—Between line(s) 2270 and 2271, insert:

Section 45. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.--

(1)(a) Except for political parties, no person, political committee, or committee of continuous existence may, in any election, make contributions in excess of ~~\$1,000~~ \$500 to any candidate for election or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section.

(b)1. The contribution limits provided in this subsection do not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his or her own campaign.

2. Notwithstanding the limits provided in this subsection, an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

(c) The contribution limits of this subsection apply to each election. For purposes of this subsection, the first primary, second primary, and general election are separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election. With respect to candidates in a circuit holding an election for circuit judge or in a county holding an election for county court judge, there are only two elections, which are the first primary election and general election.

~~(2)(a) A candidate may not accept contributions from national, state, including any subordinate committee of a national, state, or county committee of a political party, and county executive committees of a political party, which contributions in the aggregate exceed \$50,000, no more than \$25,000 of which may be accepted prior to the 28 day period immediately preceding the date of the general election.~~

~~(b) Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a). Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the \$50,000 contribution limits of paragraph (a). Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party under s. 106.29.~~

(2)(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(c) With respect to any campaign for an office in which an independent or minor party candidate has filed as required in s. 99.0955 or s. 99.096, but whose qualification is pending a determination by the Department of State or supervisor of elections as to whether or not the required number of petition signatures was obtained:

1. The department or supervisor shall, no later than 3 days after that determination has been made, notify in writing all other candidates for that office of that determination.

2. Any contribution received by a candidate or the campaign treasurer or deputy campaign treasurer of a candidate after the candidate has been notified in writing by the department or supervisor that he or she has become unopposed as a result of an independent or minor party candidate failing to obtain the required number of petition signatures shall be

returned to the person, political committee, or committee of continuous existence contributing it and shall not be used or expended by or on behalf of the candidate.

~~(3)(4)~~ Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

~~(4)(5)(a)~~ A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

~~(5)(6)~~ A political party may not accept any contribution which has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

~~(6)(7)(a)~~ Any person who knowingly and willfully makes no more than one contribution in violation of subsection (1) or subsection ~~(4)(5)~~, or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection ~~(2)(3)~~, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes two or more contributions in violation of subsection (1) or subsection ~~(4)(5)~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree,

punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7)(8) Except when otherwise provided in subsection (6)(7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(8)(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

Section 46. Paragraph (a) of subsection (1) of section 106.087, Florida Statutes, is amended to read:

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.--

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida
County of _____

Before me, an officer authorized to administer oaths, personally appeared (name), to me well known, who, being sworn, says that he or she is the (title) of the (name of party) (state or specified county) executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; and that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)
(Address)

Sworn to and subscribed before me this ____ day of ____, (year), at ____ County, Florida.

(Signature and title of officer administering oath)

Section 47. Subsection (6) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.--

(6)(a) The national, state, and county executive committees of a political party may not contribute to any candidate any amount in excess of the limits contained in s. 106.08(2), and all contributions required to be reported under s. 106.08(2) by the national executive committee of a political party shall be reported by the state executive committee of that political party.

(b) A violation of the contribution limits contained in s. 106.08(2) is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A civil penalty equal to three times the amount in excess of the limits contained in s. 106.08(2) shall be assessed against any executive committee found in violation thereof.

Remove line(s) 144 and insert: conform; amending s. 106.08, F.S.; revising provisions relating to campaign contribution limits; amending ss. 106.087 and 106.29, F.S., to conform; amending s. 106.34, F.S.; revising provisions

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

to receive the required two-thirds vote for adoption. The vote was:

Session Vote Sequence: 321

Speaker Bense in the Chair.

Yeas—40

Table listing names of representatives who voted 'Yeas' (40 total). Names include Anderson, Antone, Attkisson, Ausley, Bendross-Mindingall, Brandenburg, Bucher, Bullard, Cusack, Fields, Gannon, Gelber, Gibson, A., Gottlieb, Greenstein, Henriquez, Holloway, Jennings, Johnson, Joyner, Justice, Kendrick, Littlefield, Machek, McInvale, Meadows, Peterman, Porth, Richardson, Roberson, Ross, Ryan, Sands, Seiler, Slosberg, Smith, Sobel, Stansel, Taylor, and Vana.

Nays—76

Table listing names of representatives who voted 'Nays' (76 total). Names include Adams, Allen, Altman, Ambler, Arza, Barreiro, Baxley, Bean, Bense, Benson, Berfield, Bogdanoff, Bowen, Brown, Brummer, Cannon, Carroll, Clarke, Cretul, Culp, Davis, D., Davis, M., Dean, Detert, Domino, Evers, Farkas, Flores, Galvano, Garcia, Gardiner, Gibson, H., Glorioso, Goldstein, Goodlette, Grant, Grimsley, Harrell, Hasner, Hays, Homan, Hukill, Jordan, Kottkamp, Kravitz, Kreegel, Kyle, Legg, Llorente, Mahon, Mayfield, Mealor, Murzin, Needelman, Negrón, Patterson, Pickens, Planas, Poppell, Proctor, Quinones, Reagan, Rice, Rivera, Robaina, Rubio, Russell, Sansom, Simmons, Sorensen, Stargel, Traviesa, Troutman, Waters, Williams, and Zapata.

Votes after roll call:

Yeas—Lopez-Cantera
Yeas to Nays—Attkisson, Johnson, Littlefield

Representative(s) Waters offered the following:

(Amendment Bar Code: 384087)

Amendment 4 (with title amendment)—Between line(s) 2332 and 2333, insert:

Section 48. Subsection (1) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.--

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for

nomination or election to federal office or the office of the state attorney or public defender; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office other than the office of state attorney or public defender.

Between line(s) 151 and 152, insert:
amending s. 99.061, F.S.; revising provisions relating to the method of qualifying for nomination to the office of the state attorney or public defender;

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

Representative(s) Gottlieb offered the following:

(Amendment Bar Code: 551975)

Amendment 5 (with title amendment)—Between line(s) 2332 and 2333, insert:

Section 48. A candidate, an individual holding elected office, an agent of a candidate or of an individual holding state or local office, or an entity established, financed, maintained, or controlled by or acting on behalf of one or more candidates or individuals holding elected office shall not directly or indirectly solicit, receive, direct, or transfer any contribution to any political committee, committee of continuous existence, electioneering communication organization, or organization described under s. 527 of the Internal Revenue Code of the United States.

Between line(s) 151 and 152, insert:
providing a limitation on contributions to political committees, committees of continuous existence, and certain organizations;

THE SPEAKER PRO TEMPORE IN THE CHAIR

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

Session Vote Sequence: 322

Rep. Waters in the Chair.

Yeas—37

Antone	Gibson, A.	Kreegel	Seiler
Ausley	Gottlieb	Machek	Slosberg
Bendross-Mindingall	Greenstein	McInvale	Smith
Brandenburg	Henriquez	Meadows	Sobel
Bucher	Holloway	Peterman	Stansel
Bullard	Jennings	Porth	Taylor
Cusack	Johnson	Richardson	Vana
Fields	Joyner	Roberson	
Gannon	Justice	Ryan	
Gelber	Kendrick	Sands	

Nays—78

Adams	Bean	Clarke	Farkas
Allen	Benson	Cretul	Flores
Altman	Berfield	Culp	Galvano
Ambler	Bogdanoff	Davis, D.	Garcia
Anderson	Bowen	Davis, M.	Gardiner
Arza	Brown	Dean	Gibson, H.
Attkisson	Brummer	Detert	Glorioso
Barreiro	Cannon	Domino	Goldstein
Baxley	Carroll	Evers	Goodlette

Grant	Legg	Pickens	Russell
Grimsley	Littlefield	Planas	Sansom
Harrell	Llorente	Poppell	Simmons
Hasner	Lopez-Cantera	Proctor	Stargel
Hays	Mahon	Quinones	Traviesa
Homan	Mayfield	Reagan	Troutman
Hukill	Mealor	Rice	Waters
Jordan	Murzin	Rivera	Williams
Kottkamp	Needelman	Robaina	Zapata
Kravitz	Negron	Ross	
Kyle	Patterson	Rubio	

Representative(s) Seiler offered the following:

(Amendment Bar Code: 179725)

Amendment 6 (with title amendment)—Between line(s) 2270 and 2271, insert:

Section 45. Subsection (1) of section 104.047, Florida Statutes, is amended to read:

104.047 Absentee ballots and voting; violations.--

(1) Any person who provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing absentee ballots with the intent that such person vote or attempt to vote a fraudulent ballot or assist or encourage another person to vote or attempt to vote a fraudulent ballot, except as provided in ss. 101.6105-101.694, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Remove line(s) 144 and insert:
conform; amending s. 104.047, F.S.; revising a provision relating to absentee ballot and voting violations; amending s. 106.34, F.S.; revising provisions

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

The question recurred on the passage of HB 1589. The vote was:

Session Vote Sequence: 323

Rep. Waters in the Chair.

Yeas—81

Adams	Cretul	Hasner	Patterson
Allen	Culp	Hays	Pickens
Altman	Davis, D.	Homan	Planas
Ambler	Davis, M.	Hukill	Poppell
Anderson	Dean	Johnson	Proctor
Arza	Detert	Jordan	Quinones
Attkisson	Domino	Kottkamp	Reagan
Barreiro	Evers	Kravitz	Rivera
Baxley	Farkas	Kreegel	Robaina
Bean	Flores	Kyle	Ross
Benson	Galvano	Legg	Rubio
Berfield	Garcia	Littlefield	Russell
Bilirakis	Gardiner	Llorente	Sansom
Bogdanoff	Gibson, H.	Lopez-Cantera	Simmons
Bowen	Glorioso	Mahon	Sorensen
Brown	Goldstein	Mayfield	Stargel
Brummer	Goodlette	Mealor	Traviesa
Cannon	Grant	Murzin	Troutman
Carroll	Grimsley	Needelman	Waters
Clarke	Harrell	Negron	Williams

Zapata

Nays—None

Nays—36

Antone	Gelber	Kendrick	Ryan
Ausley	Gibson, A.	Machek	Sands
Bendross-Mindingall	Gottlieb	McInvale	Seiler
Brandenburg	Greenstein	Meadows	Slosberg
Bucher	Henriquez	Peterman	Smith
Bullard	Holloway	Porth	Sobel
Cusack	Jennings	Rice	Stansel
Fields	Joyner	Richardson	Taylor
Gannon	Justice	Roberson	Vana

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

HB 1591—A bill to be entitled An act relating to public records; amending s. 97.0585, F.S.; revising an exemption from the public-records law which is provided for information concerning persons who decline to register to vote, information relating to the place where a person registered to vote or updated a registration, and a voter's signature and social security number; creating exemptions from disclosure for a voter's driver's license number and Florida identification number; deleting an exemption from disclosure provided for the voter's telephone number; providing certain exceptions; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a finding of public necessity; providing a contingent effective date.

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

Session Vote Sequence: 324

Rep. Waters in the Chair.

Yeas—116

Adams	Davis, D.	Hukill	Proctor
Allen	Davis, M.	Jennings	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Anderson	Domino	Joyner	Richardson
Antone	Evers	Justice	Rivera
Arza	Farkas	Kendrick	Robaina
Attkisson	Fields	Kottkamp	Roberson
Ausley	Flores	Kravitz	Ross
Barreiro	Galvano	Kreegel	Rubio
Baxley	Gannon	Kyle	Russell
Bean	Garcia	Legg	Ryan
Bendross-Mindingall	Gardiner	Littlefield	Sands
Bense	Gelber	Llorente	Sansom
Benson	Gibson, A.	Lopez-Cantera	Seiler
Berfield	Gibson, H.	Machek	Simmons
Bogdanoff	Glorioso	Mahon	Slosberg
Bowen	Goldstein	Mayfield	Smith
Brandenburg	Goodlette	McInvale	Sobel
Brown	Gottlieb	Mealor	Sorensen
Brummer	Grant	Murzin	Stansel
Bucher	Greenstein	Needelman	Stargel
Bullard	Grimsley	Negron	Taylor
Cannon	Harrell	Patterson	Traviesa
Carroll	Hasner	Peterman	Troutman
Clarke	Hays	Pickens	Vana
Cretul	Henriquez	Planas	Waters
Culp	Holloway	Poppell	Williams
Cusack	Homan	Porth	Zapata

So the bill passed, as amended, by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

HB 1743—A bill to be entitled An act relating to constitutional amendments; amending s. 16.061, F.S.; requiring the Attorney General to provide to the Secretary of State and sponsor a copy of the petition to the Supreme Court requesting an advisory opinion as to the validity of an initiative petition; requiring the Supreme Court to render certain advisory opinions by April 1 of a general election year; amending s. 100.371, F.S.; requiring initiative petitions to be filed by February 1 of a general election year in order to be placed on the ballot; requiring financial impact statements to include certain information; revising submission requirements of the Financial Impact Estimating Conference; permitting challenge of financial impact statements in circuit court; providing an effective date.

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

Session Vote Sequence: 325

Rep. Waters in the Chair.

Yeas—117

Adams	Davis, M.	Johnson	Reagan
Allen	Jordan	Rice	Richardson
Altman	Detert	Joyner	Rivera
Ambler	Domino	Justice	Robaina
Anderson	Evers	Kendrick	Roberson
Antone	Farkas	Kottkamp	Ross
Arza	Fields	Kravitz	Rubio
Attkisson	Flores	Kreegel	Russell
Ausley	Galvano	Kyle	Ryan
Barreiro	Gannon	Legg	Sands
Baxley	Garcia	Littlefield	Sansom
Bean	Gardiner	Llorente	Seiler
Bendross-Mindingall	Gelber	Lopez-Cantera	Simmons
Bense	Gibson, A.	Machek	Slosberg
Benson	Gibson, H.	Mahon	Smith
Berfield	Glorioso	Mayfield	Sobel
Bogdanoff	Goldstein	McInvale	Sorensen
Bowen	Goodlette	Meadows	Stansel
Brandenburg	Gottlieb	Mealor	Stargel
Brown	Grant	Murzin	Taylor
Brummer	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	
Culp	Homan	Porth	
Cusack	Hukill	Proctor	
Davis, D.	Jennings	Quinones	

Nays—None

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

On motion by Rep. Goodlette, consideration of **HB 15** was temporarily postponed.

HB 551—A bill to be entitled An act relating to financial responsibility for operation of motor vehicles; amending s. 324.021, F.S.; revising the definition of "rental company" for purposes of an exclusion from an exemption from application of certain limits of liability provisions to include certain related rental or leasing companies and certain holders of a motor vehicle title or an equity interest in a motor vehicle title under certain circumstances; providing an effective date.

—was read the third time by title.

Motion

Rep. Hays moved that his remarks relating to **HB 551** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Chair of the Rules & Calendar Council.

The question recurred on the passage of HB 551. The vote was:

Session Vote Sequence: 326

Rep. Waters in the Chair.

Yeas—116

Adams	Cusack	Hukill	Proctor
Allen	Davis, D.	Jennings	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	Detert	Justice	Richardson
Antone	Domino	Kendrick	Rivera
Arza	Evers	Kottkamp	Robaina
Attkisson	Farkas	Kravitz	Roberson
Ausley	Fields	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Garcia	Littlefield	Ryan
Bendross-Mindingall	Gardiner	Llorente	Sands
Bense	Gelber	Lopez-Cantera	Sansom
Benson	Gibson, A.	Machek	Seiler
Berfield	Gibson, H.	Mahon	Simmons
Bilirakis	Glorioso	Mayfield	Slosberg
Bogdanoff	Goldstein	McInvale	Smith
Bowen	Goodlette	Meadows	Sobel
Brandenburg	Gottlieb	Mealor	Sorensen
Brown	Grant	Murzin	Stansel
Brummer	Greenstein	Needelman	Stargel
Bucher	Grimsley	Negron	Taylor
Bullard	Harrell	Patterson	Traviesa
Cannon	Hasner	Peterman	Troutman
Carroll	Hays	Pickens	Vana
Clarke	Henriquez	Planas	Waters
Cretul	Holloway	Poppell	Williams
Culp	Homan	Porth	Zapata

Nays—None

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

HB 1513—A bill to be entitled An act relating to civil justice reform; amending s. 47.051, F.S.; revising procedures for bringing actions against corporations; providing a definition; creating s. 768.1259, F.S.; defining the term "seller"; prohibiting commencing or maintaining a civil claim or action against a seller under certain circumstances; specifying criteria for actions for product liability of a seller; amending s. 768.81, F.S.; deleting exceptions to a requirement for liability based on percentage of fault

instead of joint and several liability; providing applicability; providing an effective date.

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

Session Vote Sequence: 327

Rep. Waters in the Chair.

Yeas—79

Adams	Culp	Hukill	Pickens
Allen	Davis, D.	Johnson	Proctor
Altman	Davis, M.	Jordan	Reagan
Ambler	Detert	Kendrick	Rice
Anderson	Domino	Kottkamp	Rivera
Arza	Evers	Kravitz	Robaina
Attkisson	Farkas	Kreegel	Ross
Barreiro	Flores	Kyle	Rubio
Baxley	Galvano	Legg	Russell
Bean	Garcia	Littlefield	Sands
Bense	Gardiner	Llorente	Sansom
Benson	Gibson, H.	Lopez-Cantera	Simmons
Berfield	Glorioso	Machek	Stansel
Bogdanoff	Goodlette	Mayfield	Stargel
Brown	Grant	McInvale	Traviesa
Brummer	Grimsley	Mealor	Troutman
Cannon	Harrell	Murzin	Waters
Carroll	Hasner	Needelman	Williams
Clarke	Hays	Negron	Zapata
Cretul	Homan	Patterson	

Nays—32

Antone	Gannon	Joyner	Roberson
Ausley	Gelber	Justice	Ryan
Bendross-Mindingall	Gibson, A.	Mahon	Seiler
Brandenburg	Gottlieb	Meadows	Slosberg
Bucher	Greenstein	Peterman	Smith
Bullard	Henriquez	Planas	Sobel
Cusack	Holloway	Porth	Taylor
Fields	Jennings	Richardson	Vana

Votes after roll call:

Nays to Yeas—Taylor

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

On motion by Rep. Kyle, consideration of **HB 263** was temporarily postponed.

CS for CS for SB 1494—A bill to be entitled An act relating to information technology management; providing legislative intent that each state agency use a governance process and structure for managing its information technology operations and investments in order to ensure alignment with the business needs and policy requirements of the agency; providing definitions; providing a governance process for information technology which includes management of the agency's information technology portfolio along with project management; specifying the purpose of information technology portfolio management; requiring each agency to submit its information technology portfolio as part of its legislative budget request; requiring that agencies implement and administer a project management methodology; requiring that each agency implement a management process; amending s. 20.22, F.S.; renaming an office within the Department of Management Services;

repealing s. 110.205(2)(e) and (w), F.S., relating to personnel of the State Technology Office; repealing s. 186.022, F.S., relating to information technology strategic plans; repealing s. 216.292(1)(c), F.S., relating to transfer of positions or appropriations for fiscal year 2001-2002; amending s. 282.0041, F.S.; revising definitions; repealing s. 282.005, F.S., relating to legislative findings and intent concerning information technology; creating s. 282.0055, F.S.; prohibiting the Department of Management Services and the Florida Technology Council from taking certain actions with respect to the information technology personnel of cabinet officers; amending s. 282.102, F.S.; eliminating the State Technology Office and transferring responsibilities of the office to the Department of Management Services; revising various responsibilities relating to information technology; amending ss. 282.103, 282.104, 282.105, 282.106, and 282.107, F.S.; transferring responsibilities relating to the SUNCOM Network from the State Technology Office to the Department of Management Services; amending ss. 282.1095 and 282.111, F.S.; transferring responsibilities relating to various law enforcement radio systems from the office to the department; amending s. 282.20, F.S.; revising the duties of the Technology Resource Center; amending s. 282.21, F.S.; transferring authorization to collect fees for provision of remote electronic access services from the office to the department; amending s. 282.22, F.S.; transferring responsibilities relating to production, dissemination, and ownership of various materials or products from the office to the department; repealing s. 282.23, F.S., relating to the State Strategic Information Technology Alliance; creating s. 282.3025, F.S.; creating the Florida Technology Council within the Department of Management Services; providing for the State Technology Officer to head the council; requiring that the council develop a statewide information technology strategic plan, in consultation with the Agency Chief Information Officers Council; providing requirements for the plan; requiring that the council assist state agencies in implementing the information technology portfolio management process; requiring the council to provide status reports to the Administration Commission; amending s. 282.3031, F.S.; deleting provisions assigning responsibility for information resources management to the State Technology Office; repealing s. 282.3055, F.S., relating to personnel of the State Technology Office; repealing s. 282.3063, F.S., relating to the Agency Annual Enterprise Resource Planning and Management Report; repealing s. 282.310, F.S., relating to the State Annual Report on Enterprise Resource Planning and Management; amending s. 282.315, F.S.; revising certain duties of the Agency Chief Information Officers Council; specifying an additional responsibility; amending s. 282.318, F.S.; transferring various responsibilities relating to security of data and information technology resources from the State Technology Office to each agency head or the Department of Management Services; repealing s. 282.322(2), F.S., relating to information technology projects identified as high-risk; amending s. 287.042, F.S.; transferring responsibilities from the State Technology Office to the Department of Management Services; deleting provisions requiring consultation between the department and the office; repealing s. 287.057(24), F.S., relating to strategic information technology alliances; amending s. 445.049, F.S.; transferring responsibilities relating to the Digital Divide Council from the State Technology Office to the Department of Management Services or the secretary of the department; providing an appropriation and authorizing positions; requiring that certain notice with respect to budget actions be given to the Legislative Budget Commission; providing an effective date.

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

Session Vote Sequence: 328

Rep. Waters in the Chair.

Yeas—116

Adams	Allen	Altman	Ambler
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Anderson	Dean	Jennings	Proctor
Antone	Detert	Johnson	Quinones
Arza	Domino	Jordan	Reagan
Attkisson	Evers	Joyner	Rice
Ausley	Farkas	Justice	Richardson
Barreiro	Fields	Kendrick	Rivera
Baxley	Flores	Kottkamp	Robaina
Bean	Galvano	Kravitz	Roberson
Bendross-Mindingall	Gannon	Kreegel	Ross
Bense	Garcia	Kyle	Rubio
Benson	Gardiner	Legg	Russell
Berfield	Gelber	Littlefield	Ryan
Bilirakis	Gibson, A.	Llorente	Sands
Bogdanoff	Gibson, H.	Machek	Sansom
Bowen	Glorioso	Mahon	Seiler
Brandenburg	Goldstein	Mayfield	Simmons
Brown	Goodlette	McInvale	Slosberg
Brummer	Gottlieb	Meadows	Smith
Bucher	Grant	Mealor	Sobel
Bullard	Greenstein	Murzin	Stansel
Cannon	Grimsley	Needelman	Stargel
Carroll	Harrell	Negron	Taylor
Clarke	Hasner	Patterson	Traviesa
Cretul	Hays	Peterman	Troutman
Culp	Henriquez	Pickens	Vana
Cusack	Holloway	Planas	Waters
Davis, D.	Homan	Poppell	Williams
Davis, M.	Hukill	Porth	Zapata

Nays—None

Votes after roll call:

Yeas—Lopez-Cantera

Explanation of Vote for Sequence Number 328

The task of bringing efficiency and accountability to the State of Florida's technology services and purchases is a tremendous undertaking. The Florida House recognized the bold vision of Governor Jeb Bush to implement a comprehensive statewide technology service plan for our government while stimulating the use of technology in Florida's commerce and daily routines. Achieving these goals will place Florida in a leading position in the global marketplace in which we must compete. Our legislation is a product of solutions formed after taking measure of areas of concern and focusing on a new structural governance which can produce inter-agency "buy in" and best practices of project tracking and accountability in order to produce success.

During public presentations, officials from the Executive Branch identified several concerns. These concerns were discussed between the House, Senate, the Secretary of DMS and the agencies to formulate the solutions offered in SB1494.

*Rep. Bob Allen
District 32*

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

On motion by Rep. Gelber, consideration of **HB 785** was temporarily postponed.

HB 1925—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing legislative findings; providing requirements for capacity to file a class action; limiting actions to Florida

residents; providing exceptions; providing requirements for monetary relief; eliminating private class action recovery of statutory penalties and other forms of monetary relief other than actual damages; providing monetary relief; providing for availability of nonmonetary relief; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to the cure period; providing specified defenses to a cause of action; providing an effective date.

—was read the third time by title.

Further consideration of **HB 1925** was temporarily postponed.

THE SPEAKER IN THE CHAIR

HB 317—A bill to be entitled An act relating to trespass; amending s. 810.011, F.S.; providing that property that is owned or leased by a railroad or railway company does not have to satisfy the definition of "posted land" in order to obtain the benefits of ss. 810.09 and 810.12, F.S., in certain circumstances; reenacting s. 810.09(1)(a), F.S., relating to trespass on property other than structure or conveyance, for the purpose of incorporating the amendment to s. 810.011, F.S., in a reference thereto; providing an effective date.

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

Session Vote Sequence: 329

Speaker Bense in the Chair.

Yeas—115

Adams	Cusack	Homan	Porth
Allen	Davis, D.	Hukill	Proctor
Altman	Davis, M.	Jennings	Quinones
Ambler	Dean	Johnson	Reagan
Anderson	Detert	Jordan	Rice
Antone	Domino	Justice	Richardson
Arza	Evers	Kendrick	Rivera
Attkisson	Farkas	Kottkamp	Robaina
Ausley	Fields	Kravitz	Roberson
Barreiro	Flores	Kreegel	Ross
Baxley	Galvano	Kyle	Rubio
Bean	Gannon	Legg	Russell
Bendross-Mindingall	Garcia	Littlefield	Ryan
Bense	Gardiner	Llorente	Sands
Benson	Gelber	Lopez-Cantera	Sansom
Berfield	Gibson, A.	Machek	Seiler
Bilirakis	Gibson, H.	Mahon	Simmons
Bogdanoff	Glorioso	Mayfield	Slosberg
Bowen	Goldstein	McInvale	Smith
Brandenburg	Goodlette	Meadows	Sobel
Brown	Gottlieb	Mealor	Stansel
Brummer	Grant	Murzin	Stargel
Bucher	Greenstein	Needelman	Taylor
Bullard	Grimsley	Negron	Traviesa
Cannon	Harrell	Patterson	Troutman
Carroll	Hasner	Peterman	Vana
Clarke	Hays	Pickens	Williams
Cretul	Henriquez	Planas	Zapata
Culp	Holloway	Poppell	

Nays—1

Joyner

Votes after roll call:

Yeas—Waters

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

HB 505—A bill to be entitled An act relating to the communications services tax; amending s. 202.16, F.S.; requiring dealers to document exempt sales for resale; providing requirements; providing a definition; providing construction; providing for dealer provision of evidence of the exempt status of certain sales through an informal protest process; requiring the Department of Revenue to accept certain evidence during the protest period; providing limitations; providing for retroactive application; requiring the department to establish a toll-free number for certain registration and resale certificate verification purposes; providing requirements; requiring the department to establish a system for receiving certain information relating to certificate numbers of dealers making purchases for resale; providing requirements; amending s. 202.19, F.S.; clarifying a characterization of the local communications services tax as including certain fees and being in lieu of such fees; authorizing municipalities or counties to use certain revenues distributed to a local government for certain purposes; amending s. 202.20, F.S.; limiting local government authority to make certain rate adjustments in the tax under certain circumstances; deleting obsolete provisions relating to making certain adjustments in the tax for certain periods; amending s. 202.21, F.S.; deleting provisions relating to local government adjustments of the tax by emergency ordinance or resolution to conform; specifying that certain amendments are remedial in nature and clarify certain provisions of law but do not grant rights to refund of certain fees or charges under certain circumstances; providing for nonapplication to certain emergency rates; providing effective dates.

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

Session Vote Sequence: 330

Speaker Bense in the Chair.

Yeas—116

Adams	Carroll	Grant	Mahon
Allen	Clarke	Greenstein	Mayfield
Altman	Cretul	Grimsley	McInvale
Ambler	Culp	Harrell	Meadows
Anderson	Cusack	Hasner	Mealor
Antone	Davis, D.	Hays	Murzin
Arza	Davis, M.	Henriquez	Needelman
Attkisson	Dean	Holloway	Negron
Ausley	Detert	Homan	Patterson
Barreiro	Domino	Hukill	Peterman
Baxley	Evers	Jennings	Pickens
Bean	Farkas	Johnson	Planas
Bendross-Mindingall	Fields	Jordan	Poppell
Bense	Flores	Joyner	Porth
Benson	Galvano	Justice	Proctor
Berfield	Gannon	Kendrick	Quinones
Bilirakis	Garcia	Kottkamp	Reagan
Bogdanoff	Gardiner	Kravitz	Rice
Bowen	Gelber	Kreegel	Richardson
Brandenburg	Gibson, A.	Kyle	Rivera
Brown	Gibson, H.	Legg	Robaina
Brummer	Glorioso	Littlefield	Roberson
Bucher	Goldstein	Llorente	Ross
Bullard	Goodlette	Lopez-Cantera	Rubio
Cannon	Gottlieb	Machek	Russell

Ryan	Simmons	Stansel	Troutman
Sands	Slosberg	Stargel	Vana
Sansom	Smith	Taylor	Williams
Seiler	Sobel	Traviesa	Zapata

On motion by Rep. Goodlette, consideration of **HB 1437** was temporarily postponed.

On motion by Rep. Bowen, consideration of **HB 333** was temporarily postponed.

Nays—None

Votes after roll call:

Yeas—Waters

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

HB 263—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; providing that the act does not preclude the Governor from simultaneously notifying any judicial nominating commission of any vacancies created in this act, whether or not the vacancies may be filled on the same date; providing effective dates.

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

Session Vote Sequence: 331

Speaker Bense in the Chair.

Yeas—115

Adams	Davis, D.	Hukill	Porth
Altman	Davis, M.	Jennings	Proctor
Ambler	Dean	Johnson	Quinones
Anderson	Detert	Jordan	Reagan
Antone	Domino	Joyner	Rice
Arza	Evers	Justice	Richardson
Attkisson	Farkas	Kendrick	Rivera
Ausley	Fields	Kottkamp	Robaina
Barreiro	Flores	Kravitz	Roberson
Baxley	Galvano	Kreegel	Ross
Bean	Gannon	Kyle	Rubio
Bendross-Mindingall	Garcia	Legg	Russell
Bense	Gardiner	Littlefield	Ryan
Benson	Gelber	Llorente	Sands
Berfield	Gibson, A.	Lopez-Cantera	Seiler
Bilirakis	Gibson, H.	Machek	Simmons
Bogdanoff	Glorioso	Mahon	Slosberg
Bowen	Goldstein	Mayfield	Smith
Brandenburg	Goodlette	McInvale	Sobel
Brown	Gottlieb	Meadows	Stansel
Brummer	Grant	Mealor	Stargel
Bucher	Greenstein	Murzin	Taylor
Bullard	Grimsley	Needelman	Traviesa
Cannon	Harrell	Negron	Troutman
Carroll	Hasner	Patterson	Vana
Clarke	Hays	Peterman	Waters
Cretul	Henriquez	Pickens	Williams
Culp	Holloway	Planas	Zapata
Cusack	Homan	Poppell	

Nays—None

Votes after roll call:

Yeas—Allen

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

HB 869—A bill to be entitled An act relating to Crohn's and Colitis disease research; creating the Crohn's and Colitis Disease Research Act; requiring the Department of Health to conduct an inflammatory bowel disease epidemiology study with the University of Florida College of Public Health and Health Professions; requiring the Agency for Health Care Administration to conduct a chronic disease study on the coverage standards provided by Medicaid for inflammatory bowel disease therapies; providing for membership in a study group; requiring reports to the Governor and Legislature; providing an effective date.

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

Session Vote Sequence: 332

Speaker Bense in the Chair.

Yeas—113

Adams	Davis, D.	Jennings	Quinones
Altman	Davis, M.	Johnson	Reagan
Ambler	Dean	Jordan	Rice
Anderson	Detert	Joyner	Richardson
Antone	Domino	Justice	Rivera
Arza	Evers	Kendrick	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Ross
Barreiro	Flores	Kreegel	Rubio
Baxley	Galvano	Legg	Russell
Bean	Gannon	Littlefield	Ryan
Bendross-Mindingall	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Greenstein	Needelman	Traviesa
Bucher	Grimsley	Negron	Troutman
Bullard	Harrell	Patterson	Vana
Cannon	Hasner	Peterman	Waters
Carroll	Hays	Pickens	Williams
Clarke	Henriquez	Planas	Zapata
Cretul	Holloway	Poppell	
Culp	Homan	Porth	
Cusack	Hukill	Proctor	

Nays—None

Votes after roll call:

Yeas—Allen

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

HB 21—A bill to be entitled An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain

funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; defining the term "eligible Florida resident"; providing for the redirection of funds to provide additional need-based financial assistance to eligible Florida residents; requiring a report by state universities and community colleges; providing an effective date.

—was read the third time by title.

Pending roll call, further consideration of **HB 21** was temporarily postponed.

HB 1925—A bill to be entitled An act relating to class action lawsuits; creating s. 774.01, F.S.; providing requirements for capacity to file a class action; limiting actions to Florida residents; providing exceptions; providing requirements for monetary relief; providing for nonmonetary relief; requiring a specified statement from a class member claiming monetary relief; providing for discovery prior to filing such statement; providing requirements for judgments; creating s. 774.02, F.S.; requiring a specified demand to cure notice prior to filing a class action; providing for a cure period; providing for inspection of goods or evidence relevant to a claim; requiring that a plaintiff plead and prove specified elements relating to cure period; providing specified defenses to a cause of action; providing an effective date.

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

The question recurred on the passage of HB 1925. The vote was:

Session Vote Sequence: 333

Speaker Bense in the Chair.

Yeas—90

Adams	Culp	Homan	Planas
Allen	Davis, D.	Hukill	Poppell
Altman	Davis, M.	Johnson	Proctor
Ambler	Dean	Jordan	Quinones
Anderson	Detert	Kendrick	Reagan
Arza	Domino	Kottkamp	Rice
Attkisson	Evers	Kravitz	Rivera
Barreiro	Farkas	Kreegel	Robaina
Baxley	Fields	Kyle	Ross
Bean	Flores	Legg	Rubio
Bense	Galvano	Littlefield	Russell
Benson	Garcia	Llorente	Sansom
Berfield	Gardiner	Lopez-Cantera	Simmons
Bilirakis	Gibson, H.	Machek	Sorensen
Bogdanoff	Glorioso	Mahon	Stansel
Bowen	Goldstein	Mayfield	Stargel
Brandenburg	Goodlette	McInvale	Traviesa
Brown	Grant	Mealor	Troutman
Brummer	Grimsley	Murzin	Waters
Cannon	Harrell	Needelman	Williams
Carroll	Hasner	Negron	Zapata
Clarke	Hays	Patterson	
Cretul	Henriquez	Pickens	

Nays—28

Antone	Cusack	Greenstein	Meadows
Ausley	Gannon	Holloway	Peterman
Bendross-Mindingall	Gelber	Jennings	Porth
Bucher	Gibson, A.	Joyner	Richardson
Bullard	Gottlieb	Justice	Roberson

Ryan	Seiler	Smith	Taylor
Sands	Slosberg	Sobel	Vana

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

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 8:30 a.m., Friday, April 29, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 569.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 623.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 727.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1861.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

First Reading by Publication

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 348, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health and Human Services Appropriations and Senators Lynn, Rich and Bullard—

CS for SB 348—A bill to be entitled An act relating to family court

efficiency; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; requiring the Supreme Court, the Criminal and Juvenile Justice Information System Council, the Article V Technology Board, and the Florida Association of State Court Clerks to provide recommendations regarding a personal identifier relating to individuals and families within the court system; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.521, F.S.; conforming provisions to s. 39.0132, F.S., regarding modification of a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; providing for equal contact in custody determinations in certain circumstances; eliminating provisions authorizing the court to award grandparents visitation rights; eliminating provisions giving grandparents equal standing as parents for evaluating custody arrangements; amending s. 61.21, F.S.; requiring the Department of Children and Family Services to approve parenting courses; establishing requirements relating to the provision of approved parenting courses; specifying timeframes for completing the course; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters an order in a subsequent action; amending ss. 61.1827 and 409.2579, F.S., relating to information about applicants and recipients of child-support services; conforming cross-references; providing for severability; providing an effective date.

Referred to the Calendar of the House.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1438 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Criminal Justice and Senator Wise—

CS for SB 1438—A bill to be entitled An act relating to consumer services; amending s. 493.6101, F.S.; expanding the definition of the term "repossession" for purposes of the regulation of repossession services; amending s. 493.6102, F.S.; revising the applicability of ch. 493, F.S., governing private investigative, private security, and repossession services; amending s. 493.6110, F.S.; revising insurance requirements for licensure under ch. 493, F.S.; providing insurance requirements with respect to Class "B" security agencies; amending s. 493.6118, F.S.; revising the grounds for disciplinary action against a person or entity that is licensed as, or an applicant for licensure as, a recovery agency, recovery agent, or recovery agent intern; amending s. 493.6403, F.S.; revising licensure requirements for recovery agent managers and recovery agents, to conform; amending s. 493.6404, F.S.; revising requirements for the inventory of certain personal effects or property contained in or on repossessed property, to conform; amending s. 493.6405, F.S.; providing a penalty for the unauthorized sale of repossessed aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or recovery agent intern and for failure to remit the net proceeds from the sale of such repossessed property to the owner or lienholder; providing an effective date.

Referred to the Calendar of the House.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Gardiner:

Yeas—April 13: 140; April 27: 274

Rep. Grimsley:

Yeas to Nays—April 22: 220

Nays to Yeas—April 22: 220

Rep. Homan:

Yeas—April 27: 275

Cosponsors

HB 15—Benson, Brummer, Farkas, Greenstein

HB 121—Domino

HB 125—Domino

HB 143—Sands

HB 153—Zapata

HB 173—Lopez-Cantera

HB 193—Holloway

HB 261—Homan, Needelman

HB 285—Needelman

HB 303—Domino

HB 317—Needelman

HB 341—Homan, Needelman

HB 381—Roberson

HB 407—Domino

HB 435—Homan

HB 459—Hasner

HB 467—Homan

HB 527—A. Gibson, Holloway

HB 529—Cannon, Homan

HB 537—Clarke

HB 583—Brandenburg, Carroll, Porth

HB 609—Slosberg

HB 691—Allen, Bendross-Mindingall, Brandenburg, Bucher, A. Gibson, Homan, Hukill, Legg, Roberson, Stargel

HB 717—Cannon
 HB 743—Justice
 HB 747—Allen, Bendross-Mindingall, Brandenburg, Bucher, A. Gibson, Homan, Roberson, Stargel, Zapata
 HB 805—Brummer, Hukill
 HB 811—Homan
 HB 869—Glorioso, Homan
 HB 885—Homan, Llorente
 HB 911—Holloway
 HB 931—Zapata
 HB 937—Peterman
 HB 955—Jennings, Williams
 HB 959—Hukill
 HB 989—Williams, Zapata
 HB 1081—Homan
 HB 1141—Needelman
 HB 1147—Planas
 HB 1159—Zapata
 HB 1163—Zapata
 HB 1173—Hasner
 HB 1189—Hukill
 HB 1219—Porth, Sobel
 HB 1221—Sobel
 HB 1283—Homan
 HB 1297—Bullard
 HB 1299—Zapata
 HB 1305—Homan
 HB 1445—Holloway
 HB 1469—Homan
 HB 1475—Adams, Bendross-Mindingall, Culp, Cusack, Gannon, Gelber, Gottlieb, Justice, Porth, Richardson, Smith, Taylor, Vana
 HB 1491—Ambler
 HB 1497—Needelman, Pickens
 HB 1525—Homan

HB 1553—A. Gibson, Homan
 HB 1595—Bogdanoff, Holloway
 HB 1597—Needelman
 HB 1599—Holloway
 HB 1609—Homan
 HB 1681—Benson
 HB 1693—Homan
 HB 1707—Galvano
 HB 1725—Homan, Needelman
 HB 1745—Waters
 HB 1827—Holloway
 HJR 1843—Zapata
 HB 1937—Waters
 HB 1939—Waters

Withdrawals as Cosponsor

HB 1365—Gottlieb

Cosponsors of Combined Bills

HCB 6003 (for HBs 1869, 1871, 1873, 1875)—Brummer

Withdrawals as Cosponsor of Combined Bills

HCB 6007 (for HBs 91, 1021, 1223, 1323, 1365, 1737, 1791, 1847)—Gottlieb, Brandenburg, Richardson

Excused

Rep. Brutus

The following Conference Committee Managers were excused from time to time:

SB 2600 and related legislation: Rep. Negron, Chair; Rep. Mahon, Vice Chair; Full Committee—At Large: Reps. Gardiner, Waters, Rubio, Bowen, Simmons, Brummer, Goodlette, Greenstein, Jennings, and Ryan; Agriculture & Environment—Rep. Mayfield, Chair, and Reps. Evers, Brown, Kendrick, Stansel, Poppell, Littlefield, and Machek (alternate); Education—Rep. Pickens, Chair, and Reps. Rivera, Attkisson, Baxley, Flores, Sansom, Arza, Mealar, Vana, Bendross-Mindingall, Richardson, Justice (alternate), and Altman (alternate); Health Care—Rep. Bean, Chair, and Reps. Benson, Murzin, Cannon, Galvano, Garcia, Farkas, Roberson, Gannon, Bilirakis (alternate), Hays (alternate), and Sobel (alternate); Justice—Rep. Barreiro, Chair, and Reps. Needelman, Kottkamp, Planas, Adams, Hasner, Seiler, Joyner, Clarke (alternate), and Gelber (alternate); State Administration—Rep. Berfield, Chair, and Reps. Troutman, Carroll, Quinones, Reagan, Sands, A. Gibson, and Patterson (alternate); Transportation & Economic Development—Rep. D. Davis, Chair, and Reps. Llorente, Bogdanoff, M. Davis, Traviesa, Kravitz, Cusack, Ausley, McInvale (alternate), and Allen (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:58 p.m., to reconvene at 8:30 a.m., Friday, April 29, or upon call of the Chair.