



The Journal OF THE House of Representatives

Number 16

Wednesday, April 21, 1999

The House was called to order by the Speaker at 1:50 p.m.

Prayer

The following prayer was offered by the Reverend Billy J. Dickerson of the First Baptist Church of Mango, upon invitation of Rep. Byrd:

God our Father, we acknowledge you as our creator and your sovereignty in the world. You are the benefactor of all creation, and in you we live and move and have our being.

Be present in your power and wisdom, and direct the counsel of this honorable body. Bless the men and women of the Florida Legislature, House and Senate, as they exercise their knowledge and wisdom and pursue justice and truth. Reward them for their life of service to you and to the people of Florida. Help all of us to be faithful to your call to fulfill your plan for us as a people of tremendous privilege. May your presence lead the Members of the Florida Legislature, as well as the Governor, the Lieutenant Governor, the Cabinet, and all the officials of this great and beautiful state.

We pray that you will give comfort to all who have been affected by the tragedy in the high school in Littleton, Colorado. We pray for peace in our world today, and our prayer is offered in your love and in your grace. Amen.

The following Members were recorded present:

The Chair	Cosgrove	Greenstein	Minton
Alexander	Crady	Hafner	Morrone
Andrews	Crist	Hart	Murman
Argenziano	Crow	Healey	Ogles
Arnall	Dennis	Henriquez	Patterson
Bainter	Detert	Heyman	Peaden
Ball	Dockery	Hill	Posey
Barreiro	Edwards	Jacobs	Prieguez
Bense	Effman	Johnson	Pruitt
Betancourt	Eggelletion	Jones	Putnam
Bilirakis	Farkas	Kelly	Rayson
Bitner	Fasano	Kilmer	Reddick
Bloom	Feeney	Kosmas	Ritchie
Boyd	Fiorentino	Kyle	Ritter
Bradley	Flanagan	Lacasa	Roberts
Bronson	Frankel	Lawson	Rojas
Brown	Fuller	Levine	Russell
Brummer	Futch	Littlefield	Ryan
Bush	Gay	Logan	Sanderson
Byrd	Goode	Lynn	Sembler
Cantens	Goodlette	Maygarden	Smith, C.
Casey	Gottlieb	Merchant	Smith, K.
Chestnut	Green, C.	Miller, J.	Sobel
Constantine	Greene, A.	Miller, L.	Sorensen

Spratt	Sublette	Villalobos	Wiles
Stafford	Trovillion	Wallace	Wilson
Stansel	Tullis	Warner	Wise
Starks	Turnbull	Wasserman Schultz	
Suarez	Valdes	Waters	

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

A quorum was present.

Pledge

The Members, led by Daniel W. Bell, Jonathan Bouchlas, Chelsea M. Bowman, Paula Bryant, Joshua Bray Corcoran, Debra A. Faulkner, and Zachary L'Hote, pledged allegiance to the Flag. Daniel W. Bell of Tallahassee served at the invitation of the Speaker. Jonathan Bouchlas of Royal Palm Beach served at the invitation of Rep. Healey. Chelsea M. Bowman of Ponte Vedra served at the invitation of the Speaker. Paula Bryant of Plant City served at the invitation of Rep. Brummer. Joshua Bray Corcoran of Pittsfield, Massachusetts, served at the invitation of Rep. Goodlette. Debra A. Faulkner of Palm Harbor served at the invitation of Rep. Bilirakis. Zachary L'Hote of Naples served at the invitation of Rep. Goodlette.

House Physician

The Speaker introduced Dr. Dennis Mayeaux of Milton, who served in the Clinic today upon invitation of Rep. J. Miller.

Correction of the *Journal*

The *Journals* of April 15 and 16 were corrected and approved as corrected.

The *Journal* of April 13 was further corrected as follows: On page 581, column 2, between lines 5 and 6 from the bottom, insert the following report of the Committee on Environmental Protection:

The Committee on Environmental Protection recommends the following pass:

HB 2057 (unanimous)

The above bill was referred to the Committee on Community Affairs.

The *Journal* of April 8 was further corrected as follows: On page 551, column 1, line 9 from the top, in the report of the Committee on Community Colleges & Career Prep, after "HB 1697" delete "with 3 amendments (unanimous)" and insert in lieu thereof: with 1 amendment (unanimous)

The *Journal* of March 9 was further corrected as follows: On page 251, column 1, line 15 from the top, in the report of the Committee on Corrections, after "HB 147" delete ", with 1 amendment"

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HBs 751, 753 & 755, with amendment, and requests the concurrence of the House.

Faye W. Blanton, Secretary

CS/HBs 751, 753 & 755—A bill to be entitled An act relating to a high-quality education system; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent language; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; revising provisions relating to participation in the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; increasing the authority that each school identified in a certain performance grade category has over the allocation of the school's total budget; authorizing the negotiation of a contract for annual assessment; providing contract requirements; assigning responsibility for local assessments in subjects and grade levels other than those included in the statewide assessment program; providing for funding based on school performance; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; revising the duties of the Department of Education with regard to school improvement; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete language; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; correcting cross references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending

s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; removing references to "Blueprint 2000"; correcting cross references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; correcting a cross reference; amending s. 228.056, F.S.; conforming references to testing programs; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; correcting cross references; amending s. 236.685, F.S., relating to educational funding accountability; correcting a cross reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; providing for dropout prevention program funding to be included in Group 1 FEFP programs; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; correcting cross references; amending s. 239.229, F.S., relating to vocational standards; correcting cross references; amending s. 240.529, F.S., relating to approval of teacher education programs; correcting a cross reference; creating s. 231.002, F.S.; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; amending s. 229.592, F.S.; prohibiting the waiver of a required report of out-of-field teachers; amending s. 230.23, F.S., relating to district school board powers and duties; requiring certain performance-based pay for school administrators and instructional personnel; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; requiring demonstration of ability to maintain collaborative relationships with students' families; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; revising assessment procedures for instructional personnel and school administrators; revising provisions

relating to the probation of certain employees; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional-development programs; amending s. 236.08106, F.S.; revising provisions of the Excellent Teaching Program; providing for withholding of wages to repay the certification fee subsidy owed the state by an employee who defaults; providing exceptions; authorizing the State Board of Education to adopt rules; amending s. 240.529, F.S.; requiring the Commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher preparation programs and requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring preservice field experience programs to include supervised contact with lower achieving students; requiring annual reports of program performance; creating s. 231.6135, F.S.; establishing a statewide system for in-service professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, schools, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.23, F.S.; requiring school improvement plans to include additional issues; amending s. 230.2316, F.S.; specifying the elements of dropout prevention and academic intervention programs; revising the intent of the program; revising student eligibility and program criteria; revising reporting requirements for district evaluation; providing for applications by school districts to the Department of Education for grants to operate second chance schools; establishing grant and program requirements; providing for the generation of operating funds through programs of the Florida Education Finance Program; providing new requirements for students seeking to reenter traditional schools; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; creating s. 232.001, F.S.; allowing certain district school boards to implement pilot projects to raise the compulsory age of attendance for children; providing requirements for school boards that choose to participate in pilot projects; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.09, F.S.; clarifying scope of reference to term "criminal prosecution"; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the parent or guardian or the superintendent to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing superintendents to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; deleting certain provisions relating to escalating series of truancy activities; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; requiring the district's FTE membership to be adjusted by multiplying by the average

daily attendance factor; amending s. 240.529, F.S.; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney or the appropriate jurisdictional agency to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; providing definitions for "truancy court" and "truancy petition"; creating s. 984.151, F.S.; providing procedure for truancy petitions; providing for truancy hearings and penalties; reenacting s. 24.121(5)(b) and (c), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.056(9)(e), F.S., relating to charter schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.685(6), F.S., relating to educational funding accountability, s. 239.101(7), F.S., relating to career education, s. 239.229(1) and (3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, s. 240.529(1), F.S., relating to approval of teacher preparation programs, to incorporate references; providing rulemaking authority for the State Board of Education to ensure access for nonprofit professional teacher associations; providing for severability; providing effective dates.

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

and insert:

Section 1. Section 229.0535, Florida Statutes, is amended to read:

229.0535 Authority to enforce school improvement.—It is the intent of the Legislature that all public schools be held accountable for ~~ensuring that~~ students *performing* ~~perform~~ at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools *in which students are not making not providing* adequate progress *toward state standards*, and institutes appropriate measures for enforcing improvement, *and provides rewards and sanctions based on performance* shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall ~~have the authority to~~ intervene in the operation of a district school system ~~when in cases where~~ one or more schools in *the* a school district have failed to make adequate progress for ~~23 consecutive~~ school years in a 4-year period. *For purposes of determining when a school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. Except as otherwise provided*

in s. 229.57(9), a performance rating based on data before the 1998-1999 school year data may not be included in a 4-year period. The state board may determine that the school district or ~~and/or~~ school has not taken steps sufficient for to ensure that students in the school to be academically in question are well served. Considering recommendations of the Commissioner of Education, the state board ~~shall is authorized to~~ recommend action to a district school board that is intended to improve ~~ensure improved~~ educational services to students in each school that is designated as performance grade category "F." ~~the low-performing schools in question.~~ Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall also include student mobility rates, and the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall ~~provide ensure that~~ school districts ~~have~~ sufficient time to improve student performance in schools and ~~have~~ had the opportunity to present evidence of assistance and interventions that the school board has implemented.

(2) The state board is specifically authorized to recommend one or more of the following actions to school boards to ~~enable ensure that~~ students in low-performing schools designated as performance grade category "F" to be academically ~~are~~ well served by the public school system:

(a) Provide additional resources, change certain practices, and provide additional assistance if the state board determines the causes of inadequate progress to be related to school district policy or practice;

(b) Implement a plan that satisfactorily resolves the education equity problems in the school;

(c) Contract for the educational services of the school, or reorganize the school at the end of the school year under a new principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

(d) Allow parents of students in the school to send their children to another district school of their choice, ~~if appropriate~~; or

(e) Other action as ~~deemed~~ appropriate to improve the school's performance.

(3) In recommending actions to school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The state board may adopt rules to further specify how it may respond in specific circumstances. No action taken by the state board shall relieve a school from state accountability requirements.

(4) The State Board of Education is authorized to require the Department of Education or Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with ~~the said~~ action ordered to improve ~~the district's~~ low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve the performance of ~~the school~~. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)(c).

Section 2. Section 229.0537, Florida Statutes, is created to read:

229.0537 Opportunity Scholarship Program.—

(1) *FINDINGS AND INTENT.—The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The Legislature recognizes that the voters of the State of Florida, in the November 1998 general election, amended s. 1, Art. IX, of the Florida Constitution so as to make education a paramount duty of the state. The Legislature finds that the State Constitution requires the state to provide the opportunity to obtain a*

high-quality education. The Legislature further finds that a student should not be compelled, against the wishes of the student's parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period. The Legislature shall make available opportunity scholarships in order to give parents and guardians the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent or guardian chooses to apply the equivalent of the public education funds generated by his or her child to the cost of tuition in the eligible private school as provided in paragraph (6)(a). Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose, as delineated in subsection (4).

(2) *OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—A public school student's parent or guardian may request and receive from the state an opportunity scholarship for the child to enroll in and attend a private school in accordance with the provisions of this section if:*

(a) *By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to s. 229.57 as performance grade category "F," failing to make adequate progress, and that has had two school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect; or the parent or guardian of a student who has been in attendance elsewhere in the public school system or who is entering kindergarten or first grade has been notified that the student has been assigned to such school for the next school year;*

(b) *The student has scored in the lowest quartile on statewide assessment tests described in s. 229.57;*

(c) *The student is a Florida resident; and*

(d) *The parent or guardian has obtained acceptance for admission of the student to a private school eligible for the program pursuant to subsection (4), and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.*

For purposes of continuity of educational choice, the opportunity scholarship shall be for the entire school year for which it was originally issued and shall remain in force until the student leaves the private school for which the scholarship was originally granted, or until the student graduates into high school and the public high school to which the student is assigned has earned a performance grade of "C" or better. If the scholarship student leaves the private school for which the scholarship was originally granted and the public school to which he or she would be assigned has a performance grade of "D" or "F," the student shall remain eligible for an opportunity scholarship. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent or guardian may remove the student from the private school and place the student in a public school, as provided in subparagraph (3)(a)2.

(3) *SCHOOL DISTRICT OBLIGATIONS.—*

(a) *A school district shall, for each student enrolled in or assigned to a school that has been designated as performance grade category "F" for 2 school years in a 4-year period:*

1. *Timely notify the parent or guardian of the student as soon as such designation is made of all options available pursuant to this section; and*

2. *Offer that student's parent or guardian an opportunity to enroll the student in the public school within the district that has been designated by the state pursuant to s. 229.57 as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category "C." For purposes of identifying higher performing public schools eligible for parental choice for the 1999-2000 school year, school grade designations for the 1998-1999 school year shall be the grade equivalent of the corresponding performance level I-V specified in state board rule at the*

time this act becomes a law. Level I corresponds to an "F" grade and Level V corresponds to an "A" grade. The parent or guardian is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(b) The parent or guardian of a student enrolled in or assigned to a school that has been designated performance grade category "F" for 2 school years in a 4-year period may choose as an alternative to enroll the student in and transport the student to a higher-performing public school that has available space in an adjacent school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(c) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law.

(d) If for any reason a qualified private school is not available for the student or if the parent or guardian chooses to request that the student be enrolled in the higher performing public school, rather than choosing to request the state opportunity scholarship, transportation costs to the higher performing public school shall be the responsibility of the school district. The district may utilize state categorical transportation funds or state-appropriated public school choice incentive funds for this purpose.

(4) PRIVATE SCHOOL ELIGIBILITY.—To be eligible to participate in the opportunity scholarship program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Be in existence at least 1 year and provide the State Board of Education with evidence of fiscal soundness consistent with generally accepted accounting practices. In lieu of providing evidence of fiscal soundness, a surety bond or letter of credit for an amount equal to the opportunity scholarship funds received in any quarter may be filed with the State Board of Education. However, the 1-year requirement does not apply to those schools providing services to students with disabilities under the pilot programs that offer opportunity scholarships.

(b) Except for the first year of implementation, notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the grade levels, the number of available student spaces, the random selection process, and other services that the private school has available for the opportunity scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d and the Florida Constitution.

(d) Meet state and local health and safety laws and codes.

(e) Determine, on an entirely random and religious-neutral basis and without regard to the student's past academic history, which scholarship students to accept; however, the private school may give preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis. A private school dedicated to a particular subject area or specialized curricular focus may take into account a student's experience in that subject area or related curriculum.

(f) Be subject to the accreditation standards of a nonpublic school accrediting body recognized by the Florida Association of Academic Nonpublic Schools. If the private school fails to meet the accreditation standards of the accrediting body and does not correct identified deficiencies within the required time period, not to exceed 3 years, the school will forfeit eligibility to participate in the opportunity scholarship program. The status of accreditation, as well as the highest educational degree attained by each faculty member, shall be included in the school's annual report to the Department of Education. Upon the parent's or guardian's request, the school shall furnish the parent or guardian with a school profile that includes student performance information and the percentage of teachers who hold regular Florida teaching certificates.

(g) Employ or contract with teachers who hold a baccalaureate or higher degree, have at least 3 years teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(h) Comply with all state statutes relating to private schools.

(i) Accept as full tuition and fees the amount provided by the state for each student, and agree not to require or compel any opportunity scholarship student, or his or her parent or guardian, to purchase materials, clothing, or equipment that would not normally be required of a student attending a public school, such as, but not limited to, instructional materials, uniforms, or materials and equipment related to extracurricular activities.

(j) Agree not to compel any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(k) Not compel or require any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(l) Generate an annual report to include a detailed accounting of all state funds, a review of educational programs and operational policies, and an assessment of gains in student achievement for each student served via an opportunity scholarship. This report shall be submitted to the Department of Education and made available to the general public; however, the provisions of s. 228.093 shall apply to this requirement.

(m) Agree to accept opportunity scholarship students for a minimum of 3 school years, or until the student completes the highest grade available at the school, with the exception that the student may be dismissed for violation of school rules pertaining to the health, safety, or welfare of students and staff. The private school shall adhere to the tenets of its published due-process procedures prior to the expulsion of any opportunity scholarship student. The private school must also agree to be responsible for attendance during that time period.

(n) Use at least grade-appropriate textbooks and other learning materials.

(5) OBLIGATION OF PROGRAM PARTICIPATION.—

(a) Any student participating in the opportunity scholarship program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct. However, a student may be removed from a school for good cause, and a student may choose to leave a school to attend another school or be home-schooled.

(b) The parent or guardian of each student participating in the opportunity scholarship program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(c) The parent or guardian shall ensure that the student participating in the opportunity scholarship program takes all statewide assessments required pursuant to s. 229.57. The private school and the school district shall cooperate to ensure that the scholarship student takes all statewide assessments required in s. 229.57. Students participating in the opportunity scholarship program may take such tests at a location and at a time provided by the school district or the private school in accordance with state and district assessment procedures, at the discretion of the school district. If the school district chooses not to allow opportunity scholarship students to participate with public school students, the school district shall open state assessment training workshops to private school test administrators and provide supervision of the test administration.

(d) A participant who fails to comply with this subsection shall forfeit the opportunity scholarship.

(6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the base student allocation multiplied by the weighted cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, the calculated amount shall include the per student share of instructional materials funding, technology funding, and other categorical funds as provided for this purpose in the General Appropriations Act. The amount of the opportunity scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. Fees eligible shall include textbook fees, lab fees, and other fees related to instruction, including transportation. The district shall report all students who are attending a private school under this program. The students attending private schools on opportunity scholarships shall be reported separately from those students reported for purposes of the Florida Education Finance Program. The public or private school that provides services to students with disabilities shall receive the weighted funding for such services at the appropriate funding level consistent with the provisions of s. 236.025.

2. For purposes of calculating the opportunity scholarship, a student will be eligible for the amount of the appropriate basic cost factor if:

a. The student currently participates in a Group I program funded at the basic cost factor and is not subsequently identified as having a disability; or

b. The student currently participates in a Group II program and the parent has chosen a private school that does not provide the additional services funded by the Group II program.

3. Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the calculated amount from the Florida Education Finance Program and authorized categorical accounts to a separate account for the Opportunity Scholarship Program for quarterly disbursement to the parents or guardians of participating students.

(b) Upon proper documentation reviewed and approved by the Department of Education, the Comptroller shall make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the opportunity scholarship is in force. The initial payment shall be made after Department of Education verification of admission acceptance and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made jointly payable to the student's parent or guardian and eligible private school chosen by the parent or guardian, and the parent or guardian shall restrictively endorse the warrant to the private school.

(7) **LIABILITY.**—No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

(8) **PILOT PROGRAM.**—There is established a pilot program, which is separate and distinct from the Opportunity Scholarship Program, in the Broward, Clay, and Sarasota school districts to provide scholarships to a public or private school of choice for students with disabilities whose academic progress in at least two areas has not met expected levels for the previous year, as determined by the student's individual education plan. Student participation in the pilot program is limited to 5 percent of the students with disabilities in the participating school districts during the first year, 10 percent of students with disabilities during the second year, and 20 percent of students with disabilities during the third and subsequent years. The following applies to the pilot program:

(a) To be eligible to participate in the pilot program, a private school must meet all requirements of subsection (4). For purposes of the pilot program, notification under paragraph (4)(a) must be separate from the notification under the Opportunity Scholarship Program.

(b) Each school district that participates in the pilot program must comply with the requirements in subparagraph (3)(a)2. and paragraph (3)(c).

(c) The amount of the scholarship in the pilot program shall not exceed the amount the student would have received under the Florida Education Finance Program in the public school to which he or she is assigned.

(d) To be eligible for a scholarship under the pilot program, a student or parent must:

1. Comply with the eligibility criteria in paragraphs (2)(b) and (c) and all provisions of subsection (5) which apply to students with disabilities;

2. For the school year immediately prior to the year in which the scholarship will be in effect, have documented the student's failure to meet specific performance levels identified in the individual education plan, or, absent specific performance levels identified in the individual education plan, the student must have performed below grade level on state or local assessments and the parent believes that the student is not progressing adequately toward the goals in the individual education plan; and

3. Have requested the scholarship prior to the time at which the number of valid requests exceeds the district's cap for the year in which the scholarship will be awarded.

Subsections (6) and (9) shall apply to the pilot program authorized in this subsection. This pilot program is not intended to affect the eligibility of the state or school district to receive federal funds for students with disabilities.

(9) **RULES.**—The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. Rules shall include penalties for noncompliance with subsections (3) and (5). However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section and by federal law.

Section 3. Subsection (14) of section 229.512, Florida Statutes, is amended, present subsections (15) and (16) are renumbered as subsections (18) and (19), respectively, and new subsections (15), (16), and (17) are added to that section, to read:

229.512 Commissioner of Education; general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(14) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability.;

(15) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities.;

(16) To prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education, including the Opportunity Scholarship Program.;

(17) To have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for their distribution of the same.

Section 4. Section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(a) The commissioner shall be responsible for all planning functions for the department, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting which shall be designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college district boards of trustees concerning the planning for vocational and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the *Sunshine State minimum performance Standards* developed by the Department of Education and adopted by the *State Board of Education*. The district planning and budgeting system must include consideration of student achievement data obtained pursuant to s. 229.57. The system shall be structured to meet the specific management needs of the district and to align the system of planning and budgeting shall ensure that the budget adopted by the district school board with reflect the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and eventually to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The commissioner shall develop and implement an integrated information system for educational management. *The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so to the extent that all data required as input to the state system is shall be made available via electronic transfer and in the appropriate input format.*

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;

2. Providing operational definitions for the proposed system;

3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is shall be the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

4. Developing standardized terminology and procedures to be followed at all levels of the system;

5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;

6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in ~~the~~ this state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing ~~the~~ such plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members; or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and

scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 5. Subsection (1) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in *key academic subject areas and the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system*. The standards must apply, without limitation, to language arts, mathematics, science, social studies, the arts, health and physical education, foreign language, reading, writing, history, government, geography, economics, and computer literacy. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

Section 6. Section 229.57, Florida Statutes, 1998 Supplement, is amended to read:

229.57 Student assessment program.—

(1) PURPOSE.—The primary ~~purposes~~ purpose of the statewide assessment program ~~are is~~ to provide information needed to *improve for the improvement of the public schools by maximizing the learning gains of all students and to inform parents of the educational progress of their public school children*. The program must be designed to:

(a) *Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.*

(b) *Provide data for making decisions regarding school accountability and recognition.*

(c)(a) *Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.*

(d)(b) *Assess how well educational goals and performance standards are met at the school, district, and state levels.*

(e)(e) Provide information to aid in the evaluation and development of educational programs and policies.

(f) *Provide information on the performance of Florida students compared with others across the United States.*

(2) ANNUAL PUPIL PROGRESS ASSESSMENT.—*The Department of Education shall develop a statistical assessment tool for measuring pupil progress during a school year which shall be used for the purposes of this act. As used in this subsection, "pupil progress assessment" means a statistical system for educational outcome assessment which:*

(a) *Uses measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:*

1. *Shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.*

2. *Shall, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.*

(b) *The statistical system shall provide for an approach which provides for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate.*

1. *The department, in consultation with the Office of Program Policy Analysis and Government Accountability, and other sources as appropriate, shall use recognized approaches to statistical variance and estimating random effects.*

2. *The approach used by the department shall be approved by the State Board of Education before implementation for pupil progression assessment.*

(3)(2) NATIONAL EDUCATION COMPARISONS.—*It is Florida's intent to participate in the measurement of national educational goals set by the President and governors of the United States. The Commissioner of Education is directed to provide for school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or a similar program. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or a similar program shall be in addition to and separate from the administration of the statewide assessment program otherwise described in this section.*

(4)(3) STATEWIDE ASSESSMENT PROGRAM.—*The commissioner shall is directed to design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs. Pursuant to the statewide assessment program, the commissioner shall:*

(a) *Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the*

Sunshine State Standards. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the state board revisions to the list of student skills and competencies in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered ~~annually in grades 3 through 10 at designated times at the elementary, middle, and high school levels~~ to measure reading, writing, *science*, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. *Science proficiency must be measured statewide beginning in 2003.* Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

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

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

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

5. *Except as provided in subparagraph 6.,* all 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test. A student must earn a passing score or have been exempted from each part of the high school competency test in order to qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. *Students who enroll in grade 9 in the fall of 1999 and thereafter must earn a passing score on the grade 10 assessment test described in this paragraph instead of the high school competency test described in subparagraph 5. Such students must earn a passing score in reading, writing, and mathematics to qualify for a regular high school diploma. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students.*

7. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

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

9. *School districts must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.*

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

~~(d) Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment.~~

(d)(e) Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

~~(e)(f)~~ Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

~~(f)(g)~~ Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

(5)(4) DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. *All school districts must participate in the state assessment program designed to measure annual student learning and school performance. All school districts shall report assessment results as required by the management information system. In grades 4 and 8, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.*

~~(6)(5)~~ SCHOOL TESTING PROGRAMS.—Each public school, *unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate, shall participate in the state assessment program. Student performance data shall be analyzed and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs administering an achievement test, whether at the elementary, middle, or high school level, and each public school administering the high school competency test, shall prepare an analysis of the resultant data after each administration. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used*

in conjunction with the budgetary planning processes developed pursuant to s. 229.555 and the development of the programs of remediation described in s. 233.051.

(7)(6) ANNUAL REPORTS.—The commissioner shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year, provided, however, that the provisions of s. 228.093 pertaining to student records apply to this section ~~students at both low levels and exemplary levels, as well as the performance of students scoring in the middle 50 percent of the test population. Until such time as annual assessments prescribed in this section are fully implemented, annual reports shall include student performance data based on existing assessments.~~

(8) SCHOOL PERFORMANCE GRADE CATEGORIES.—Beginning with the 1998-1999 school year's student and school performance data, the annual report shall identify schools as being in one of the following grade categories defined according to rules of the state board:

- (a) "A," schools making excellent progress.
- (b) "B," schools making above average progress.
- (c) "C," schools making satisfactory progress.
- (d) "D," schools making less than satisfactory progress.
- (e) "F," schools failing to make adequate progress.

(9) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (8) shall be based on the following:

(a) Timeframes.—

1. School performance grade category designations shall be based on one school year of performance.

2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.

3. Beginning with the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.

4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, the availability of adequate and appropriate textbooks and instructional materials for each student, and student readiness for college.

For the purpose of implementing ss. 229.0535 and 229.0537, if any school of the 4 schools that were identified as critically low performing, based on both 1996-1997 and 1997-1998 school performance data and state board adopted criteria, receives a performance grade category designation of "F" based on 1998-1999 school performance data, that school shall be considered as having failed to make adequate progress for

2 years in a 4-year period. All other schools that receive a performance grade category designation of "F" based on 1998-1999 school performance data shall be considered as having failed to make adequate progress for 1 year.

(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:

1. The median scores of all eligible students enrolled in the school.
2. The median scores of all eligible students enrolled in the school who have scored at or in the lowest 25th percentile of the state in the previous school year.
3. In schools with a student mobility rate of 50 percent or more per year, only the median assessment scores of students who have been enrolled in the school for more than one year will be used in determining the school's performance grade category.

The state board shall adopt appropriate criteria for each school performance grade category so as to ensure that school performance grade category designations reflect each school's accountability for the learning of all students in the school. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students who have scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

(10) SCHOOL IMPROVEMENT RATINGS.—Beginning with the 1999-2000 school year's student and school performance data, the annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 231.2905.

(11) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district. Parents and guardians shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled. The address of the parent's or guardian's local school board and State Department of Education shall be included on the report card. The report shall include a statement established by the Commissioner of Education which serves to encourage the student's parent or guardian to make recommendations or provide comments to the Department of Education and their local school board regarding the report card and the plight of their child's school. The Department of Education and the school district shall review parent feedback and shall annually produce a report to the Legislature concerning the parent feedback.

(12) STATEWIDE ASSESSMENTS.—The Department of Education is authorized, subject to appropriation, to negotiate a multi-year contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

- (a) Assessments for each grade level shall be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.
- (b) Assessments shall be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.
- (c) Assessments shall include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.
- (d) Assessments shall include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally.

(e) *The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. Annual assessments that do not contain performance items shall be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration shall be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.*

(f) *Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year.*

(13) *LOCAL ASSESSMENTS.—Measurement of the learning gains of students in all subjects other than subjects required for the state assessment program is the responsibility of the school districts.*

(14)(7) *APPLICABILITY OF TESTING STANDARDS.—A student must meet the testing requirements for high school graduation which were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.*

(15)(8) *RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement the provisions of this section.*

(16) *PERFORMANCE-BASED FUNDING.—The Legislature may factor-in the performance of schools in calculating any performance-based-funding policy that is provided for in the annual General Appropriations Act.*

Section 7. Section 229.58, Florida Statutes, 1998 Supplement, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of the provisions of ss. 229.591, 229.592, and 230.23(16). A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of vocational-technical and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large.

The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. The ~~Commissioner of Florida Commission on Education Reform and Accountability shall serve as a review body to determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.~~

(b) The school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other citizens or a district advisory council which may be comprised of representatives of each school advisory council. Recognized schoolwide support groups which meet all criteria established by law or rule may function as school advisory councils.

(2) DUTIES.—Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16). By the 1999-2000 academic year, with technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 229.555(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

Section 8. Section 229.591, Florida Statutes, 1998 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, ~~by the year 2000,~~ Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines for achieving this purpose and for returning the responsibility for education to those closest to the students, ~~their that is~~ the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate *provision by law provisions* for a uniform, *efficient, safe, secure, and high-quality* system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

(2) REQUIREMENTS.—Florida's system for school improvement and education accountability shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.
- (e) Recognize successful schools.
- (f) *Provide for* ~~Ensure that unsuccessful~~ schools designated as performance grade category "D" or "F" to receive ~~are provided~~ assistance and intervention sufficient to attain adequate ~~such that~~ improvement occurs, and ~~provide further ensure that~~ action that should occur when schools do not improve.
- (g) *Provide that parents or guardians are not required to send their children to schools that have been designated in performance grade category "F," failing to make adequate progress, as defined in state board rule, for two school years in a 4-year period.*
- (3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:
- (a) Readiness to start school.—Communities and schools collaborate in a statewide comprehensive school readiness program to prepare children and families for children's success in school.
- (b) Graduation rate and readiness for postsecondary education and employment.—Students graduate and are prepared to enter the workforce and postsecondary education.
- (c) Student performance.—Students *make annual learning gains sufficient to acquire the knowledge, skills, and competencies needed to master state standards*, successfully compete at the highest levels nationally and internationally, and *be* prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.
- (d) Learning environment.—School boards provide a learning environment conducive to teaching and learning, *in which education programs are based on student performance data, and which strive to eliminate achievement gaps by improving the learning of all students.*
- (e) School safety and environment.—Communities *and schools* provide an environment that is drug-free and protects students' health, safety, and civil rights.
- (f) Teachers and staff.—The schools, district, all postsecondary institutions, and state *work collaboratively to provide ensure* professional teachers and staff *who possess the competencies and demonstrate the performance needed to maximize learning among all students.*
- (g) Adult literacy.—Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy, *prepare their children for success in school*, and exercise the rights and responsibilities of citizenship.
- (h) Parental, *family, and community* involvement.—Communities, school boards, and schools provide opportunities for involving parents, *families, and guardians, and other community stakeholders* as collaborative active partners in achieving school improvement and education accountability. ~~The State Board of Education shall adopt standards for indicating progress toward this state education goal by January 1, 1997.~~

Section 9. Section 229.592, Florida Statutes, 1998 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational ~~by the beginning of the 1993-1994 school year~~. Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board ~~by the 1994-1995 school year~~, and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), ~~for the 1995-1996 school year~~. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(16), respectively.

(2) ESTABLISHMENT.—Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, *which shall include policies and programs based on the recommendations of the Florida Commission on Education Reform and Accountability to*

~~(a) Based on the recommendations of The Florida Commission on Education Reform and Accountability, the commissioner shall develop and implement the following programs and procedures:~~

~~(a)1.~~ A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this ~~paragraph~~ ~~subparagraph~~ shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

~~(b)2.~~ A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

~~(c)3.~~ A method of delivering services to assist school districts and schools to improve.

~~(d)4.~~ A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

~~(4)(b)~~ The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this ~~section~~ ~~subsection~~. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

~~(5)(e)~~ The annual feedback report shall be developed by the commission and the Department of Education.

~~(6)(d)~~ The commissioner and the commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

~~(7)(e)~~ ~~As co chair of the Florida Commission on Education Reform and Accountability, The commissioner shall appear before the appropriate committees of the Legislature annually in October to report~~

to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.

~~(8)(4)~~ DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

~~(9)(5)~~ STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.

~~(10)(6)~~ EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority

Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to ~~this section~~ subsection (3), the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) The written request for waiver of statute or rule must indicate at least how ~~the general statutory purpose will be met~~, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted by the state board pursuant to subsection (5), and how student improvement will be evaluated and reported. ~~In considering any waiver~~, The commissioner shall ~~not grant any waiver that would impair the ensure~~ ensure protection of the health, safety, welfare, ~~or~~ and civil rights of the students ~~or the~~ and protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Legislature, the State Board of Education, and the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

(e)1. Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

2. Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

Section 10. Subsection (5) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(5) ~~Prior to each student's graduation from high school, the school shall Any assessment required for student receipt of a high school diploma shall include items designed to assess the student's student preparation to enter the workforce and provide the student and the student's parent or guardian with the results of such assessment. The Commissioner of Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.~~

Section 11. Paragraphs (c) and (g) of subsection (5), paragraph (b) of subsection (7), and subsections (16) and (17) of section 230.23, Florida Statutes, 1998 Supplement, are amended, present subsection (18) is amended and renumbered as subsection (20), and new subsections (18) and (19) are added to that section, to read:

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

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c) Compensation and salary schedules.—Adopt a salary schedule or salary schedules *designed to furnish incentives for improvement in training and for continued efficient service* to be used as a basis for paying all school employees, ~~such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service~~ and fix and authorize the compensation of school employees on the basis ~~thereof of such schedules~~. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29 and must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States. In developing the salary schedule, the school board shall seek input from parents, teachers, and representatives of the business community. *By June 30, 2002, the salary schedule adopted by the school board must base at least 5 percent of the salary of school administrators and instructional personnel on annual performance measured under s. 231.29. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow employees who demonstrate outstanding performance to earn 5 percent of their individual salary. The Commissioner of Education shall determine whether the board's adopted salary schedule complies with the requirement for performance-based pay. If the board fails to comply by June 30, 2002, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.*

(g) Awards and incentives.—Provide for recognition of district employees, students, school volunteers, ~~and~~ or advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. An award or incentive granted under this paragraph may not be considered in determining the salary schedules required by paragraph (c). Monetary awards shall be limited to persons who propose procedures or ideas ~~which are adopted by the board and~~ which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but ~~are need not be~~ limited to, certificates, plaques, medals, ribbons, and photographs. The school board ~~may is authorized to~~ expend funds for such recognition and awards. No award granted under ~~the provisions of~~ this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(b) Textbooks.—Provide for proper requisitioning, distribution, accounting, storage, care, and use of all *instructional materials* ~~textbooks and other books~~ furnished by the state and furnish such other *instructional materials* ~~textbooks and library books~~ as may be needed. The school board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as with the state and district performance standards provided for in ss. 229.565 and 232.2454.

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but *is not be* limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592. Beginning in 1999-2000, each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, *specific school safety and discipline strategies*, and other matters of resource allocation, as determined by school board policy, *and shall be based on an analysis of student achievement and other school performance data*.

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the *Department of Education Florida Commission on Education Reform and Accountability* shall be notified of the need for assistance.

(c) Assistance and intervention.—Develop a *2-year 3-year* plan of increasing individualized assistance and intervention for each school *in danger of that does not meeting state standards meet or making make* adequate progress, ~~based upon the recommendations of the commission~~, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan. *A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention.*

(d) After 2 3 years.—Notify the *Commissioner of Florida Commission on Education Reform and Accountability* and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 2 3 ~~consecutive~~ years of *failing to make adequate progress district assistance and intervention* and proceed according to guidelines developed pursuant to statute and State Board of Education rule. *School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.*

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. ~~s.~~ 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule. *Annual public disclosure reports shall be in an easy-to-read report card format, and shall include the school's student and school performance grade category designation and performance data as specified in state board rule. The address of the parent's or guardian's local school board and State Department of Education shall be included on the report card. The report shall include a statement established by the Commissioner of Education which serves to encourage the student's parent or guardian to make recommendations or provide comments to the Department of Education and their local school board regarding the report card and the plight of their child's school. The Department of Education and the school district*

shall review parent feedback and shall annually produce a report to the Legislature concerning the parent feedback.

1. The report cards shall also include, but are not limited to:
 - a. The percentage of limited English proficient students;
 - b. The per pupil expenditures and state aid ratio;
 - c. The percentage of budget allocated to salaries and benefits of administrative personnel;
 - d. The percentage of budget allocated for salaries and benefits of teachers;
 - e. The percentage of increase over the previous year for salaries and benefits of administrative and instructional personnel; and
 - f. The number of administrative personnel to instructional personnel.

2. The school report card shall include, for purposes of comparison and review, the statewide average for each element reported by school and a comparison of the district averages for each element reported by school and a comparison of the district averages for each element reported by district with the averages of school districts that have similar characteristics as defined by the commissioner.

(f) School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c). A school identified as performance grade category “F” for one school year, pursuant to s. 229.57, shall receive school district funds for the next school year at a level necessary to reduce each K through 3rd grade class to no more than 15 students for each full-time classroom teacher and at a level necessary to provide for an instructional year that is equivalent to a 210-day schedule for each student in grades 4 through 12.

(17) LOCAL-LEVEL DECISIONMAKING.—

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

(b) Adopt waiver process policies to enable all schools to exercise maximum flexibility and notify advisory councils of processes to waive school district and state policies.

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58.

(d) Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school’s budget, to schools designated as performance grade category “A,” making excellent progress, and schools rated as having improved at least two performance grade categories.

(18) OPPORTUNITY SCHOLARSHIPS.—Adopt policies allowing students attending schools that have been designated as performance grade category “F,” failing to make adequate progress, for two school years in a 4-year period to attend a higher performing school in the district or an adjoining district or be granted a state opportunity scholarship to a private school, in conformance with s. 229.0537 and state board rule.

(19) AUTHORITY TO DECLARE AN EMERGENCY.—The school board is authorized to declare an emergency in cases in which one or more schools in the district are failing or in danger of failing and negotiate special provisions of its contract with the appropriate bargaining units to free these schools from contract restrictions that limit the school’s ability to implement programs and strategies needed to improve student performance.

(20)(18) ADOPT RULES.—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

Section 12. Subsection (2) of section 231.2905, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

231.2905 Florida School Recognition Program.—

(2) The Florida School Recognition Program is created to provide greater autonomy and financial awards to faculty and staff of schools that sustain high performance or that demonstrate exemplary improvement due to innovation and effort. The Commissioner of Education shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure. All public schools, including charter schools, are eligible to participate in the program.

(a) Initial criteria for identification of schools must rely on the school’s data and statewide data and must include, but is not be limited to:

- (a)1. Improvement in the school’s student achievement data.
- (b)2. Statewide student achievement data.
- (c) Student learning gains when such data becomes available.
- (d)3. Readiness for postsecondary education data.
- (e)4. Dropout rates.
- (f)5. Attendance rates.
- (g) Graduation rates.
- (h) Cohort graduation rates.

(b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:

1. School climate, including rates of school violence and crime.
2. Indicators of innovation in teaching and learning.
3. Indicators of successful challenging school improvement plans.
4. Parent, community, and student involvement in learning.

(c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.

(3) The School Recognition Program shall utilize the school performance grade category designations in s. 229.57.

Section 13. Section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression; remedial instruction; reporting requirements.—

(1) It is the intent of the Legislature that each student’s progression from one grade to another be determined, in part, upon proficiency in reading, writing, science, and mathematics; that school district policies facilitate such proficiency; and that each student and his or her parent or legal guardian be informed of that student’s academic progress.

(2) Each district school board shall establish a comprehensive program for pupil progression which must include:

(a) Standards for evaluating each pupil’s performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565; and

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments at selected grade levels in elementary school,

~~middle school, and high school as defined by the Commissioner of Education, below which a student must receive remediation, or and may be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. School boards shall allocate remedial and supplemental instruction resources first to students who fail to meet achievement performance levels required for promotion. The state board shall adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by the district's pupil progression plan. Such rules shall specifically address the promotion of students with limited English proficiency and students with disabilities. A school district must consider an appropriate alternative placement for a student who has been retained 2 or more years.~~

(3) Each student must participate in the statewide assessment tests required by s. 229.57. Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, *science*, and mathematics for each grade level, or who does not meet specific levels of performance, determined by the Commissioner of Education, on statewide assessments at selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need. The school in which the student is enrolled must develop, in consultation with the student's parent or legal guardian, and *must* implement an academic improvement plan designed to assist the student in meeting state and district expectations for proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness. ~~through one or more of the following activities, as considered appropriate by the school administration:~~

- ~~(a) Summer school coursework;~~
- ~~(b) Extended day services;~~
- ~~(c) Parent tutorial programs;~~
- ~~(d) Contracted academic services;~~
- ~~(e) Exceptional education services; or~~
- ~~(f) Suspension of curriculum other than reading, writing, and mathematics. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.~~

Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, *science*, and mathematics must ~~retake the state assessment test in the subject area of deficiency and must continue remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.~~

(4) Any student who exhibits substantial deficiency in reading skills, based on locally determined assessments conducted before the end of grade 1 ~~or; grade 2, and grade 3,~~ or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency, as determined by the locally determined assessment *at grades 1 and 2, or by the statewide assessment at grade 3,* is not remedied by the end of grade 4 ~~and 2 or grade 3,~~ or if the student scores below the specific level of performance, ~~determined by the local school board,~~ on the statewide assessment test in reading ~~and writing given in elementary school,~~ the student must be retained. The local school board may exempt a student from mandatory retention for good cause.

~~(5) Beginning with the 1997-1998 school year, any student who exhibits substantial deficiency in reading skills, based on locally~~

~~determined assessments conducted at the beginning of grade 2, grade 3, and grade 4, or based on teacher recommendation, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by locally determined assessment or based on teacher recommendation at the beginning of the grade following the intensive reading instruction, and the student must continue to be given intensive reading instruction until the reading deficiency is remedied. If the student's reading deficiency is not remedied by the end of grade 5, the student may be retained.~~

~~(5)(6)~~ Each district must annually report to the parent or legal guardian of each student the progress of the student towards achieving state and district expectations for proficiency in reading, writing, *science*, and mathematics. The district must report to the parent or legal guardian the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent or legal guardian in writing in a format adopted by the district school board.

~~(6)(7)~~ The Commissioner of Education shall adopt rules *pursuant to ss. 120.536(1) and 120.54* necessary for the administration of this section.

~~(7)(8)~~ The Department of Education shall provide technical assistance as needed to aid school districts in administering this section.

Section 14. Section 233.061, Florida Statutes, 1998 Supplement, is amended to read:

233.061 Required instruction.—

(1) Each school district *and private school receiving opportunity scholarships* shall provide all courses required for high school graduation and appropriate instruction designed to ensure that students meet state board adopted standards in the following subject areas: reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts.

(2) Members of the instructional staff of the public schools *and private schools receiving opportunity scholarships*, subject to the rules and regulations of the commissioner, the state board, and the school board, shall teach efficiently and faithfully, using the books and materials required, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government.

(b) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

(c) The essentials of the United States Constitution and how it provides the structure of our government.

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government shall include the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(g) The history of African Americans, including the history of African peoples before the political conflicts that led to the development

of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to society.

- (h) The elementary principles of agriculture.
- (i) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.
- (j) Kindness to animals.
- (k) The history of the state.
- (l) The conservation of natural resources.
- (m) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; and substance use and abuse.

(n) Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the commissioner and the school board in fulfilling the requirements of law.

- (o) The study of Hispanic contributions to the United States.
- (p) The study of women's contributions to the United States.

(3) Any child whose parent presents to the school principal a signed statement that the teaching of disease, its symptoms, development, and treatment, and the viewing of pictures or motion pictures that teach about disease, conflict with the religious teachings of the child's religious affiliation, is exempt from such instruction; and a child so exempted may not be penalized by reason of that exemption.

Section 15. Subsection (12) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592(6), the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40; and 316.75. With the exception of subsection (16) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16) shall mean the president of the university or the president's designee.

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; 232.36; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement a school improvement plan required by s. 230.23(16), and if such request is made using forms established pursuant to s. 229.592(6). The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and shall report annually to the department and the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to s. 229.592(3), the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

(c) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), and how student improvement will be evaluated and reported. In considering any waiver, the committee shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

(d) ~~The procedure established in s. 229.592(6)(f) shall be followed for any request for a waiver which is not denied, or for which a request for additional information is not issued.~~ Notwithstanding the request provisions of s. 229.592(6), developmental research schools shall request all waivers through the Joint Developmental Research School Planning, Articulation, and Evaluation Committee, as established in s. 228.054. The committee shall approve or disapprove said requests pursuant to this subsection and s. 229.592(6); however, the Commissioner of Education shall have standing to challenge any decision of the committee should it adversely affect the health, safety, welfare, or civil rights of the students or public interest. The department shall immediately notify the committee and developmental research school of the decision and provide a rationale therefor.

Section 16. Paragraph (e) of subsection (2) of section 228.054, Florida Statutes, is amended to read:

228.054 Joint Developmental Research School Planning, Articulation, and Evaluation Committee.—

(2) The committee shall have the duty and responsibility to:

(e) Provide assistance to schools in the waiver process established under s. 228.053(12), review and approve or disapprove waivers requested pursuant to ss. 228.053(12) and 229.592(6), and annually review, identify, and report to the Legislature additional barriers and statutes that hinder the implementation of s. 228.053.

Section 17. Subsection (3) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(3) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5, and 6. If extenuating circumstances warrant, the Commissioner of Education may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512(18)(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512(18)(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 18. Subsection (6) of section 236.685, Florida Statutes, is amended to read:

236.685 Educational funding accountability.—

(6) The annual school public accountability report required by ss. 229.592(5) and 230.23(16)(18) must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how revenues were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

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

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

1. Teachers, excluding substitute teachers, and teacher aides who provide direct classroom instruction to students enrolled in programs classified by s. 236.081 as:

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

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

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

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

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

- a. Textbooks;
 - b. Computer hardware and software;
 - c. Other instructional materials;
 - d. Other materials and supplies; and
 - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

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

As used in this subsection, the term "school" means a "school center" as defined by s. 228.041.

Section 19. Effective July 1, 1999, section 236.08104, Florida Statutes, is created to read:

236.08104 Supplemental academic instruction; categorical fund.—

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

(2) Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the

General Appropriations Act. These funds shall be in addition to the funds appropriated on the basis of full-time equivalent student (FTE) membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used only to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction may include methods such as lowering class size, providing after-school tutoring, holding Saturday morning sessions, and other methods for improving student achievement and may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

(3) Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled pursuant to s. 236.013(2)(c)2.a. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

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

Section 20. Effective July 1, 1999, paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

~~(II) A student in the basic half day kindergarten program of not less than 450 net hours shall earn one half of a full-time equivalent membership.~~

~~(III) A half day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he or she is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.~~

~~(IV) A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(V) A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per fiscal year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(II)(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.~~

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, *unless otherwise provided in the General Appropriations Act*, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. ~~Support level III, IV, and V Special programs for exceptional students with disabilities;~~

b. ~~Special vocational technical programs;~~

c. ~~Special adult general education programs;~~

~~b.d. Residential Dropout prevention programs as defined in s. 230.2316 for students in residential programs operated by the Department of Children and Family Services; programs operated by the Department of Juvenile Justice as defined in s. 230.23161 in which students receive educational services; or teenage parent programs as defined in s. 230.23166 for students who are in need of such additional instruction;~~

~~c.e. Dropout prevention programs as defined in s. 230.2316 in which students are placed for academic or disciplinary purposes or Programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

~~f. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and~~

~~g. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.~~

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 21. Subsection (7) of section 239.101, Florida Statutes, is amended to read:

239.101 Legislative intent.—

(7) The Legislature finds that career education is a crucial component of the educational programs conducted within school districts and community colleges. Accordingly, career education must be represented in accountability processes undertaken for educational institutions. It is the intent of the Legislature that the vocational

standards articulated in s. 239.229(2) be considered in the development of accountability measures for public schools pursuant to ss. 229.591, 229.592, ~~229.593, 229.594,~~ and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 22. Subsection (1) of section 239.229, Florida Statutes, 1998 Supplement, is amended to read:

239.229 Vocational standards.—

(1) The purpose of career education is to enable students who complete vocational programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 229.591, 229.592, ~~229.593, 229.594,~~ and 230.23(16) and for community colleges pursuant to s. 240.324.

Section 23. Paragraphs (b), (c), and (d) of subsection (5) of section 24.121, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

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

(5)

(b) Except as provided in paragraphs (c), (d), and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(16). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. A principal may not override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16) or do not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). *Effective July 1, 2002, the Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 230.23(5).*

Section 24. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 120.81, Florida Statutes, is reenacted to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed

or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

Section 25. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsections (3) and (8) of section 228.053, Florida Statutes, are reenacted and amended to read:

228.053 Developmental research schools.—

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall embody the goals and standards of "Blueprint 2000" established pursuant to ss. 229.591 and 229.592 and shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 230.23(16).

(b) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the college of education with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the Education Standards Commission. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a developmental research school may consist of pilot projects to be generated by the affiliated college, the Education Standards Commission, or the Legislature.

(e) The exceptional education programs offered at a developmental research school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs. The fact that a developmental research school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(8) ADVISORY BOARDS.—~~"Blueprint 2000" provisions and intent specify that~~ Each public school in the state shall establish a school advisory council that is reflective of the population served by the school, pursuant to s. 229.58, and is responsible for the development and implementation of the school improvement plan pursuant to s. 230.23(16). Developmental research schools shall comply with the provisions of s. 229.58 in one of two ways:

(a) Two advisory bodies.—Each developmental research school may:

1. Establish an advisory body pursuant to the provisions and requirements of s. 229.58 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16).

2. Establish an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one layperson who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term

of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chair or vice chair. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties. The board shall:

a. Meet at least quarterly.

b. Monitor the operations of the school and the distribution of moneys allocated for such operations.

c. Establish necessary policy, program, and administration modifications.

d. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.

e. Annually review evaluations of the school's operation and research findings.

(b) One advisory body.—Each developmental research school may establish an advisory body responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 229.58, but may also include membership by the dean of the college of education and additional members appointed by the president of the university that represent faculty members from the college of education, the university, or other bodies deemed appropriate for the mission of the school.

Section 26. Paragraphs (b), (c), and (d) of subsection (6) of section 228.0565, Florida Statutes, 1998 Supplement, are amended to read:

228.0565 Deregulated public schools.—

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the school, including revenues and expenditures.

4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by s. 229.591.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the ~~statewide norm-referenced~~ assessment tests, versus comparable public school students in the district as determined by ~~FCAT and district norm-referenced~~ assessment tests ~~currently administered in the school district~~, and, as appropriate, the Florida

Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 27. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, in references thereto, subsection (1) of section 228.301, Florida Statutes, is reenacted to read:

228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 28. For the purpose of incorporating the amendments made by this act to sections 229.555, 229.565, and 229.57, Florida Statutes, in references thereto, subsections (1) and (3) of section 229.551, Florida Statutes, 1998 Supplement, are reenacted to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

- (a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;
- (b) Coordination of management information system development for all levels of education and for all divisions of the department, to include the development and utilization of cooperative education computing networks for the state system of public education;
- (c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;
- (d) Coordination of all planning functions for all levels and divisions within the department;
- (e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;
- (f) Development and coordination of a common course designation and numbering system for postsecondary education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all postsecondary

delivery systems, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic postsecondary institutions, shall:

- 1. Identify the highest demand degree programs within the State University System.
- 2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.
- 3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program;

(g) Expansion and ongoing maintenance of the common course designation and numbering system to include the numbering and designation of postsecondary vocational courses and facilitate the transfer of credits between public schools, community colleges, and state universities. The Articulation Coordinating Committee shall:

- 1. Adopt guidelines for the participation of public school districts and community colleges in offering courses that may be transferred to a certificate, diploma, or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions,

program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Identify postsecondary vocational programs offered by community colleges and public school districts. The list shall also identify vocational courses designated as college credit courses applicable toward a vocational diploma or degree. Such courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program, diploma, and degree; and

(h) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

(3) As a part of the system of educational accountability, the department shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 229.565 and 229.57.

(b) Administer the statewide assessment testing program created by s. 229.57.

(c) Develop and administer an educational evaluation program, including the provisions of the Plan for Educational Assessment developed pursuant to s. 9, chapter 70-399, Laws of Florida, and adopted by the State Board of Education.

(d) Review the school advisory councils of each district as required by s. 229.58.

(e) Conduct the program evaluations required by s. 229.565.

(f) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.

(g) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(h) Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(i) Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(j) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 29. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsection (4) of section 230.03, Florida Statutes, is reenacted to read:

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

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(16) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 30. For the purpose of incorporating the amendments made by this act to sections 229.591 and 229.592, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 231.24, Florida Statutes, 1998 Supplement, is reenacted to read:

231.24 Process for renewal of professional certificates.—

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

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 240.529(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

Section 31. For the purpose of incorporating the amendments made by this act to section 231.29, Florida Statutes, in references thereto, paragraphs (e) and (f) of subsection (3) of section 231.36, Florida Statutes, are reenacted to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, in writing, no later than

6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 32. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2454, Florida Statutes, is reenacted to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

(1) School districts are required to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report this progress to parents or legal guardians according to s. 232.245. Each school district shall implement the assessment program pursuant to the procedures it adopts.

Section 33. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto,

paragraphs (a) and (b) of subsection (5) of section 232.246, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

232.246 General requirements for high school graduation.—

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the high school competency test *or FCAT*, as defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

Section 34. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, section 232.248, Florida Statutes, is reenacted to read:

232.248 Confidentiality of assessment instruments.—All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 229.57, 232.245, 232.246, and 232.247 shall be confidential and exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the state board.

Section 35. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2481, Florida Statutes, is reenacted to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Department of Corrections, the Board of Regents, boards of trustees of community colleges, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247, and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a "district school board."

Section 36. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, subsection (4) of section 233.09, Florida Statutes, is reenacted to read:

233.09 Duties of each state instructional materials committee.—The duties of each state instructional materials committee shall be:

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the selection criteria developed by the Commissioner of Education and those curricular objectives included within applicable performance standards provided for in s. 229.565.

(a) When recommending instructional materials for use in the schools, each committee shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each committee shall include only materials which accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each committee shall require such materials as it deems

necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each committee shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recommended by any committee for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) All instructional materials recommended by each committee for use in the schools shall be, to the satisfaction of each committee, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials committees shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(f) When recommending instructional materials for use in the schools, each committee shall have the recommendations of all districts which submit evaluations on the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. Each committee shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. No instructional materials shall be evaluated or recommended for adoption unless each of the district committees shall have been loaned the specified number of samples.

(g) In addition to relying on statements of publishers or manufacturers of instructional material, any committee may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

Section 37. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 233.165, Florida Statutes, is reenacted to read:

233.165 Standards for selection.—

(1) In the selection of instructional materials, library books, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

(b) The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district performance standards provided for in ss. 229.565 and 232.2454 and which include the instructional objectives contained within the curriculum frameworks approved by the State Board of Education, to the extent that appropriate curriculum frameworks have been approved by the board.

Section 38. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is reenacted to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 229.565.

Section 39. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto,

subsection (3) of section 239.229, Florida Statutes, 1998 Supplement, is reenacted to read:

239.229 Vocational standards.—

(3) Each area technical center operated by a school board shall establish a center advisory council pursuant to s. 229.58. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 230.23(16) and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 229.555(1).

Section 40. For the purpose of incorporating the amendments made by this act to section 229.592, Florida Statutes, in references thereto, subsection (4) of section 240.118, Florida Statutes, is reenacted to read:

240.118 Postsecondary feedback of information to high schools.—

(4) As a part of the school improvement plan pursuant to s. 229.592, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

Section 41. Subsections (29), (40), and (42) of section 228.041, Florida Statutes, 1998 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(29) DROPOUT.—A dropout is a student ~~not subject to compulsory school attendance, as defined in s. 232.01~~, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

~~Students not exempt from attendance pursuant to s. 232.06 and who are subject to compulsory school attendance under s. 232.01 and who stop attending school are habitual truants as defined in subsection (28) and are not considered dropouts.~~ The State Board of Education may adopt rules to implement the provisions of this subsection.

(40) GRADUATION RATE.—The term "graduation rate" means the percentage of students who graduate from high school within 4 years after entering 9th grade for the first time, not counting students who transfer out of the student population to enroll in another school system; students who withdraw to enroll in a private school, a home education program, or an adult education program; or deceased students. Incoming transfer students, at the time of their enrollment, are included in the count of the class with which they are scheduled to graduate. For this rate calculation, students are counted as graduates upon receiving a standard high school diploma, as provided in s. 232.246, or a special diploma, as provided in s. 232.247. Also counted as graduates are calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a

~~special diploma, or a certificate of completion, as provided in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. In conjunction with calculating the graduation rate for this state, the Department of Education shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. The department shall report its findings to the Legislature by February 1, 2000. The Department of Education may calculate a 5-year graduation rate using the same methodology described in this section.~~

(42) **DROPOUT RATE.**—The term “high school dropout rate” means the annual percentage calculated by dividing the number of students in grades 9 through 12 who are classified as dropouts, pursuant to subsection (29), by the total number of students in grades 9-12 in attendance at any time during the school year ~~over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to subsection (29).~~ The Department of Education shall report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.

Section 42. Paragraph (f) of subsection (9) of section 228.056, Florida Statutes, 1998 Supplement, is amended to read:

228.056 Charter schools.—

(9) **CHARTER.**—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the ~~state norm-referenced assessment program tests~~, versus comparable public school students in the district as determined by the ~~state norm-referenced assessment program tests~~ currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 43. *Business and corporate entities are encouraged to enter into partnership with low-performing and failing schools in order to promote improved learning. Areas of partnership should include, but need not be limited to, student mentoring, student tutoring, supplemental funding, promotion of extracurricular activities, development of after-school programs, and maintenance of school grounds.*

Section 44. Subsection (2) of section 230.202, Florida Statutes, is amended to read:

230.202 District school board members; compensation.—

(2) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of district school board members for 1993 and each year thereafter shall be established at the same amounts as those members were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to district school board members which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of school board members must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

Section 45. Subsection (3) of section 230.303, Florida Statutes, is amended to read:

230.303 Superintendent of schools.—

(3) Notwithstanding provisions of chapter 145 or this chapter to the contrary, the annual salaries of elected superintendents of schools for 1993 and each year thereafter shall be established at the same amounts as those superintendents were paid for fiscal year 1991-1992, adjusted by each annual increase provided for in chapter 145. Any salary previously paid to elected superintendents which was consistent with chapter 145 and this section is hereby ratified and validated. *By June 30, 2002, at least 5 percent of the salary of elected superintendents must be based on the annual performance of students as measured by state assessments pursuant to State Board of Education rules.*

Section 46. *The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The Legislature recognizes that professional educators shape the future of this state and the nation by developing the knowledge and skills of our future workforce and laying the foundation for good citizenship and full participation in community and civic life. The Legislature also recognizes its critical role in meeting the state's educational goals and preparing all students to achieve at the high levels set by the Sunshine State Standards. The purpose of this act is to raise standards for certifying professional educators; establish Institutes for Excellence in Teaching to respond to professional development needs; increase accountability for postsecondary programs that prepare future educators; increase the ability of professional educators to use technology to enhance student learning; and increase accountability for administrators who evaluate teacher performance. To further this initiative, the Department of Education must review the provisions of chapter 231, Florida Statutes, and related administrative rules governing the certification of individuals who must hold state certification as a condition of employment in any district school system. The purpose of the review is to identify ways to make the certification process more efficient and responsive to the needs of district school systems and educators; to maintain rigorous standards for initial and continuing certification; and to provide more alternative certification options for individuals who have specific subject-area expertise but have not completed a standard teacher preparation program. The department must evaluate the rigor of the assessment instruments and passing scores required for certification and should consider components of more rigorous and efficient certification systems in other states, including those states in which educators govern their profession through autonomous or semi-autonomous governing boards. When reviewing the certification assessment instruments, the department must consider alternatives that assess applicants' general knowledge of science in addition to their abilities to read, write, and compute mathematically. The department may request assistance from the Education Standards Commission. By January 1, 2000, the department must submit its findings and recommendations for revision of statutes and administrative rules to the presiding officers of the Senate, the House of Representatives, and the State Board of Education.*

Section 47. Subsection (1) of section 231.02, Florida Statutes, 1998 Supplement, is amended to read:

231.02 Qualifications of personnel.—

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Health and Rehabilitative Services, except when employed pursuant to s. 231.15 or under the emergency provisions of s. 236.0711. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

Section 48. Subsection (2) of section 231.0861, Florida Statutes, is amended to read:

231.0861 Principals and assistant principals; selection.—

(2) ~~By July 1, 1986,~~ Each district school board shall adopt and implement an objective-based process for the screening, selection, and

appointment of assistant principals and principals in the public schools of this state which meets the criteria approved by the *State Board of Education Florida Council on Educational Management*. Each school district may contract with other local school districts, agencies, associations, *private entities*, or universities to conduct the assessments, evaluations, and training programs required under this section.

Section 49. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. *Each principal is responsible for the performance of all personnel employed by the school board and assigned to the school to which the principal is assigned. The principal shall faithfully and effectively apply the personnel-assessment system approved by the school board pursuant to s. 231.29.* Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership *in implementing the Sunshine State Standards and of the overall educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension.* Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16).

Section 50. Paragraph (a) of subsection (5) of section 231.087, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

231.087 Management Training Act; Florida Council on Educational Management; Florida Academy for School Leaders; Center for Interdisciplinary Advanced Graduate Study.—

(5) DISTRICT MANAGEMENT TRAINING PROGRAMS.—

(a) Pursuant to *rules guidelines* to be adopted by the *State Board of Education Florida Council on Educational Management*, each school board may submit to the commissioner a proposed program designed to train district administrators and school-based managers, including principals, assistant principals, school site administrators, and persons who are potential candidates for employment in such administrative positions, in the competencies which have been identified by the *Florida Council on Educational Management council* as being necessary for effective school management. The proposed program shall include a statement of the number of individuals to be included in the program and an itemized statement of the estimated total cost of the program, which shall be paid in part by the district and in part by the department.

(7) *REPEAL AND REVIEW OF MANAGEMENT ACT.—The Office of Program Policy Analysis and Governmental Accountability, in consultation with the Department of Education, shall conduct a comprehensive review of the Management Training Act to determine its effectiveness and by January 1, 2000, shall make recommendations to the presiding officers of the Legislature for the repeal, revision, or reauthorization of the act. This section is repealed effective June 30, 2000.*

Section 51. Section 231.09, Florida Statutes, is amended to read:

231.09 Duties of instructional personnel.—*The primary duty of instructional personnel is to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, and to master the skills required to graduate from high school prepared for postsecondary education and work. This duty applies to instructional personnel whether they teach or function in a support role.* Members of the instructional staff of the public schools shall perform duties prescribed by rules of the school board. Such rules shall include, but not be limited to, rules relating to *a teacher's duty to help students master challenging standards and meet all state and local requirements for achievement; teaching efficiently and faithfully, using prescribed materials and methods, including technology-based*

instruction; recordkeeping; and fulfilling the terms of any contract, unless released from the contract by the school board.

Section 52. Section 231.096, Florida Statutes, 1998 Supplement, is amended to read:

231.096 Teacher teaching out-of-field; assistance.—Each ~~school~~ district *school board shall adopt and implement have* a plan to assist any teacher teaching out-of-field, and priority consideration in professional development activities shall be given to teachers who are teaching out-of-field. *The school board shall require that such teachers participate in a certification or staff-development program designed to ensure that the teacher has the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to ensure that students receive high-quality instructional services.*

Section 53. Section 231.145, Florida Statutes, is amended to read:

231.145 Purpose of instructional personnel certification.—It is the intent of the Legislature that school personnel certified in this state possess the credentials, knowledge, and skills necessary to provide a *high-quality quality* education in the public schools. The purpose of school personnel certification is to protect the educational interests of students, parents, and the public at large by assuring that teachers in this state are professionally qualified. In fulfillment of its duty to the citizens of this state, the Legislature has established certification requirements to assure that educational personnel in public schools possess *appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning,* and relevant subject matter competence *so as to and can* demonstrate an acceptable level of professional performance. Further, the Legislature has established a certificate renewal process which promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.

Section 54. Section 231.15, Florida Statutes, 1998 Supplement, is amended to read:

231.15 Positions for which certificates required.—

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, *including the use of technology to enhance student learning,* and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. *The rules must allow the holder of a valid professional certificate to add an area of certification without completing the associated course requirements if the certificateholder attains a passing score on an examination of competency in the subject area to be added and provides evidence of at least 2 years of satisfactory performance evaluations that considered the performance of students taught by the certificateholder. The rules must allow individuals who have specific subject area expertise but who have not completed a standard teacher preparation program to participate in a state-approved alternative certification program for a professional certificate. As appropriate, this program must provide for demonstration competencies in lieu of completion of a specific number of college course credit hours in the areas of assessment; communication; critical thinking; human development and learning; classroom management; planning; technology; diversity; teacher responsibility; code of ethics; and continuous professional improvement. The State Board of Education shall consult with the State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Community Colleges before adopting any changes to training requirements relating to entry into the profession. This consultation must allow the educational board to provide advice regarding the impact of the proposed changes in terms of the length of time necessary to complete the training program and the fiscal impact of the changes. The educational board must be consulted only when an institution offering the training program falls under its jurisdiction.* Each person employed or occupying a position as school supervisor, principal, teacher, library media

specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the state board in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

(2) Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid part-time, temporary, or professional certificate. *The provisions of this subsection do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district of this state.*

(3) Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state. ~~The provisions of this subsection shall not apply to any athletic coach who renders service in a voluntary capacity and who is not employed by any public school of any district in this state.~~

(4)(2) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. 231.02, if he or she meets the following qualifications:

(a) Is retired from active military duty with at least 20 years of service and draws retirement pay or is retired, or transferred to retired reserve status, with at least 20 years of active service and draws retirement pay or retainer pay.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 55. Paragraph (c) of subsection (3) and subsections (4), (5), and (8) of section 231.17, Florida Statutes, 1998 Supplement, are amended to read:

231.17 Official statements of eligibility and certificates granted on application to those meeting prescribed requirements.—

(3) TEMPORARY CERTIFICATE.—

(c) To qualify for a temporary certificate, the applicant must:

1. File a written statement under oath that the applicant subscribes to and will uphold the principles incorporated in the Constitutions of the United States and of the State of Florida.

2. Be at least 18 years of age.

3. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, as defined by state board rule. Credits and degrees awarded by a newly created Florida state institution that is part of the State University System shall be considered as granted by an accredited institution of higher learning during the first 2 years of course offerings while accreditation is gained. Degrees from foreign institutions, or degrees from other institutions of higher learning that are in the accreditation process, may be validated by a process established in state board rule. Once accreditation is gained, the institution shall be considered as accredited beginning with the 2-year period prior to the date of accreditation. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegree areas. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official

transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems.

4. Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

5. Be of good moral character.

6. *Demonstrate mastery of general knowledge, including the ability to read, write, compute, and use technology for classroom instruction. Individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on other states' general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.*

Rules adopted pursuant to this section shall provide for the review and acceptance of credentials from foreign institutions of higher learning.

(4) PROFESSIONAL CERTIFICATE.—The department shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets the requirements for a temporary certificate and documents mastery of the minimum competencies required by subsection (5). Mastery of the minimum competencies must be documented on a comprehensive written examination or through other criteria as specified by rules of the state board. Mastery of minimum competencies required under subsection (5) must be demonstrated in the following areas:

(a) General knowledge, including the ability to read, write, and compute, and use technology for classroom instruction. *However, individuals who apply for certification on or after July 1, 2000, must demonstrate these minimum competencies in order to receive a temporary certificate. Acceptable means of demonstrating such mastery is an individual's achievement of passing scores on other states' general knowledge examinations or a valid standard teaching certificate issued by another state that requires mastery of general knowledge.*

(b) Professional skills and knowledge of the standards of professional practice.

(c) The subject matter in each area for which certification is sought.

(5) MINIMUM COMPETENCIES FOR PROFESSIONAL CERTIFICATE.—

(a) The state board must specify, by rule, the minimum essential competencies that educators must possess and demonstrate in order to qualify to teach students the standards of student performance adopted by the state board. The minimum competencies must include but are not limited to the ability to:

1. Write in a logical and understandable style with appropriate grammar and sentence structure.

2. Read, comprehend, and interpret professional and other written material.

3. Comprehend and work with ~~fundamental~~ mathematical concepts, including algebra.

4. *Recognize signs of students' difficulty with the reading process and apply appropriate measures to improve students' reading performance.*

5.4. Recognize signs of severe emotional distress in students and apply techniques of crisis intervention with an emphasis on suicide prevention and positive emotional development.

6.5. Recognize signs of alcohol and drug abuse in students and *know how to appropriately work with such students and seek assistance designed to prevent* ~~apply counseling techniques with emphasis on intervention and prevention of future abuse.~~

7.6. Recognize the physical and behavioral indicators of child abuse and neglect, know rights and responsibilities regarding reporting, know

how to care for a child's needs after a report is made, and know recognition, intervention, and prevention strategies pertaining to child abuse and neglect which can be related to children in a classroom setting in a nonthreatening, positive manner.

8.7. Comprehend patterns of physical, social, and academic development in students, including exceptional students in the regular classroom, and counsel these students concerning their needs in these areas.

9.8. Recognize and be aware of the instructional needs of exceptional students.

10.9. Comprehend patterns of normal development in students and employ appropriate intervention strategies for disorders of development.

11.10. Identify and comprehend the codes and standards of professional ethics, performance, and practices adopted pursuant to s. 231.546(2)(b), the grounds for disciplinary action provided by s. 231.28, and the procedures for resolving complaints filed pursuant to this chapter, including appeal processes.

12.11. Recognize and demonstrate awareness of the educational needs of students who have limited proficiency in English and employ appropriate teaching strategies.

13.12. Use *and integrate* appropriate technology in teaching and learning processes *and in managing, evaluating, and improving instruction*.

14.13. Use assessment *and other diagnostic* strategies to assist the continuous development of the learner.

15.14. Use teaching and learning strategies that include considering each student's culture, learning styles, special needs, and socioeconomic background.

16.15. Demonstrate knowledge and understanding of the subject matter that is aligned with the subject knowledge and skills specified in the *Sunshine State Standards* and student performance standards approved by the state board.

17. *Recognize the early signs of truancy in students and identify effective interventions to avoid or resolve nonattendance behavior.*

18. *Demonstrate knowledge and skill in managing student behavior inside and outside the classroom. Such knowledge and skill must include techniques for preventing and effectively responding to incidents of disruptive or violent behavior.*

19. *Demonstrate knowledge of and skill in developing and administering appropriate classroom assessment instruments designed to measure student learning gains.*

20. *Demonstrate the ability to maintain a positive collaborative relationship with students' families to increase student achievement.*

(b) The state board shall designate the certification areas for subject area tests. However, an applicant may satisfy the subject area and professional knowledge testing requirements by attaining scores on corresponding tests from the National Teachers Examination series, and successors to that series, that meet standards established by the state board. The College Level Academic Skills Test, a similar test approved by the state board, or *corresponding tests from—beginning January 1, 1996, the National Teachers Examination series* must be used by ~~degree personnel~~ to demonstrate mastery of general knowledge as required in *paragraphs (3)(c) and paragraph (4)(a). All required tests may be taken prior to graduation.* The College Level Academic Skills Test shall be waived for any applicant who passed the reading, writing, and mathematics subtest of the former Florida Teacher Certification Examination or the College Level Academic Skills Test and subsequently obtained a certificate pursuant to this chapter.

(8) EXAMINATIONS.—

(a) The commissioner, with the approval of the state board, may contract for developing, printing, administering, scoring, and appropriate analysis of the written tests required.

(b) The state board shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and ~~certain temporary certificate certificates. When the College Level Academic Skills Test is used to demonstrate general knowledge, Such rules must provide an alternative method by which an applicant may demonstrate mastery of general knowledge, including the ability to read, write, or compute; must define generic subject area competencies; and must establish uniform evaluation guidelines. Individuals who apply for their professional certificate before July 1, 2000, may demonstrate mastery of general knowledge pursuant to the alternative method specified by state board rule which~~ ~~The alternative method~~ must:

1. Apply only to an applicant who has successfully completed all prerequisites for issuance of the professional certificate, except passing one specific subtest of the College Level Academic Skills Test, and who has taken and failed to achieve a passing score on that subtest at least four times.

2. Require notification from the superintendent of the employing school district, the governing authority of the employing developmental research school, or the governing authority of the employing state-supported school or nonpublic school that the applicant has satisfactorily demonstrated mastery of the subject area covered by that specific subtest through successful experience in the professional application of generic subject area competencies and proficient academic performance in that subject area. The decision of the superintendent or governing authority shall be based on a review of the applicant's official academic transcript and notification from the applicant's principal, a peer teacher, and a district-level supervisor that the applicant has demonstrated successful professional experience in that subject area.

(c) If an applicant takes an examination developed by this state and does not achieve the score necessary for certification, the applicant may review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(d) The department and the board shall maintain confidentiality of the examination, developmental materials, and workpapers, and the examination, developmental materials, and workpapers are exempt from s. 119.07(1).

Section 56. Subsection (3) is added to section 231.1725, Florida Statutes, 1998 Supplement, to read:

231.1725 Employment of substitute teachers, teachers of adult education, and nondegree teachers of career education; students performing clinical field experience.—

(3) A student who is enrolled in a state-approved teacher preparation program in an institution of higher education which is approved by rules of the State Board of Education and who is jointly assigned by the institution of higher education and a school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same protection of law as that accorded to the certified educator except for the right to bargain collectively as employees of the school board.

Section 57. Section 231.174, Florida Statutes, is amended to read:

231.174 Alternative preparation programs for certified teachers to add additional coverage.—A district school board may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates ~~to teach exceptional education classes or in other areas of critical shortage.~~ Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 58. Subsection (3) of section 231.29, Florida Statutes, 1998 Supplement, is amended to read:

231.29 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel *and school administrators must be primarily based on the performance of students assigned to their classrooms or schools, as appropriate. The procedures must shall* comply with, but *need shall* not be limited to, the following requirements:

(a) An assessment *must shall* be conducted for each employee at least once a year. The assessment *must shall* be based upon sound educational principles and contemporary research in effective educational practices. *Beginning with the full implementation of an annual assessment of learning gains, the assessment must primarily use data and indicators of improvement in student performance assessed annually as specified in s. 229.57 and may consider results of peer reviews in evaluating the employee's performance. Student performance must be measured by state assessments required under s. 229.57 and by local assessments for subjects and grade levels not measured by the state assessment program.* The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. *Performance of students.*

2.1- Ability to maintain appropriate discipline.

3.2- Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4.3- Ability to plan and deliver instruction, *including the use of technology in the classroom.*

5.4- Ability to evaluate instructional needs.

6.5- Ability to *establish and maintain a positive collaborative relationship with students' families to increase student achievement communicate with parents.*

7.6- Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

(b) All personnel *must shall* be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the superintendent for the purpose of reviewing the employee's contract. *If the employee is assigned to a school designated in performance grade categories "D" or "F" and was rated unsatisfactory on any function related to the employee's instructional or administrative duties, the superintendent, in consultation with the employee's evaluator, shall review the employee's performance assessment. If the superintendent determines that the lack of general knowledge, subject area expertise, or other professional competencies contributed to the employee's unsatisfactory performance, the superintendent shall notify the district school board of that determination. The district school board shall require those employees, as part of their performance probation, to take and receive a passing score on a test of general knowledge, subject area expertise, or professional competencies, whichever is appropriate. The tests required by this paragraph shall be those required for certification under chapter 231 and rules of the State Board of Education.* The evaluator must submit the written report to the employee no later than 10 days after the assessment takes place. The evaluator must discuss the written report of assessment with the employee. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory

performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2.a. *If the employee holds a professional service contract as provided in s. 231.36, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following from the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.*

b.3- Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the superintendent. Within 14 days after receiving the evaluator's recommendation, the superintendent must notify the employee *who holds a professional service contract* in writing whether the performance deficiencies have been satisfactorily corrected and whether the superintendent will recommend that the school board continue or terminate his or her employment contract. If the employee wishes to contest the superintendent's recommendation, the employee must, within 15 days after receipt of the superintendent's recommendation, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

(I)a- A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

(II)b- A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 59. Subsections (1), (4), and (6) of section 231.36, Florida Statutes, are amended to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, *the following instances as defined by rule of the State Board of Education:* misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or principal shall be properly certified and shall receive a written contract as specified in chapter 230. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract. After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the school board.

(4)(a) An employee who has continuing contract status prior to July 1, 1984, shall be entitled to retain such contract and all rights arising therefrom in accordance with existing laws, rules of the State Board of Education, or any laws repealed by this act, unless the employee voluntarily relinquishes his or her continuing contract.

(b) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the superintendent, by the principal if his or her contract is not under consideration, or by a majority of the school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the school board, and such notice shall include a copy of the charges and the recommendation to the school board. The school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude, *as these terms are defined by rule of the State Board of Education*. Whenever such charges are made against any such employee of the school board, the school board may suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. If the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

1. A direct hearing conducted by the school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain

the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, *as these terms are defined by rule of the State Board of Education*. Whenever such charges are made against any such employee of the school board, the school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the school board or by the superintendent, the school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the school board.

Section 60. Paragraph (a) of subsection (1) of section 231.546, Florida Statutes, 1998 Supplement, is amended to read:

231.546 Education Standards Commission; powers and duties.—

(1) The Education Standards Commission shall have the duty to:

(a) Recommend to the state board *high desirable* standards relating to programs and policies for the development, certification and certification extension, improvement, and maintenance of competencies of educational personnel, including teacher interns. *Such standards must be consistent with the state's duty to provide a high-quality system of public education to all students.*

Section 61. Subsections (1) and (3) and paragraph (b) of subsection (4) of section 231.600, Florida Statutes, 1998 Supplement, are amended, and subsections (8) and (9) are added to that section, to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community to *meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 229.591.*

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational *standards, goals, and initiatives;*

(b) Assist the school community in *providing stimulating educational activities that encourage and motivate students to achieve at*

~~the highest levels and to become developing in school children the dispositions that will motivate them to be active learners; and~~

(c) Provide continuous support ~~as well as, rather than~~ temporary intervention for education professionals who need improvement in knowledge, skills, and performance, ~~for improving the performance of teachers and others who assist children in their learning.~~

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

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

1. Require that principals and schools use student achievement data, school discipline data, school environment surveys, assessments of parental satisfaction, and other performance indicators to identify school and student needs that can be met by improved professional performance, and assist principals and schools in making these identifications;

2. Provide training activities coupled with followup support that is appropriate to accomplish district-level and school-level improvement goals and standards; ~~and~~

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

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

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

(8) This section does not limit or discourage a district school board from contracting with independent entities for professional-development services and inservice education if the school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(9) For teachers and administrators who have been evaluated as less than satisfactory, a school board may require participation in specific professional-development programs as part of the improvement prescription.

Section 62. Subsection (2) of section 236.08106, Florida Statutes, 1998 Supplement, is amended, and subsections (3) and (4) are added to that section, to read:

236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall ~~allocate and~~ distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each ~~distribution school district's annual allocation~~ shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education ~~school district~~ to the NBPTS on behalf of each individual who is an employee of a ~~the~~ district school board or a public school within ~~the that~~ school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS

participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than \$1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of \$150 ~~paid by the Department of Education to for~~ each teacher employed by a ~~the~~ district school board or a public school within a ~~school the~~ district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be *distributed to the school district to be* paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within ~~the that~~ school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be *distributed to the school district to be* paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays of mentoring and related services to public school teachers within the district who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during the regular school day or during the 196 days of required service for the school year.

~~(e) The district shall receive an amount equal to 50 percent of the teacher bonuses provided under paragraphs (c) and (d), which shall be used by the district for professional development of teachers. The district must give priority to using all funds received pursuant to this paragraph for professional development of teachers employed at schools identified as performing at critically low levels.~~

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for a least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule, which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the

agreed-upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

(b) A person who is employed by the state or any of its political subdivisions may not be dismissed for having defaulted on the repayment of the certification fee subsidy to the state.

(4) The State Board of Education may adopt rules as necessary to implement the provisions for payment of the fee subsidies, incentives, and bonuses and for the repayment of defaulted certification fee subsidies under this section.

Section 63. Subsection (1), paragraph (b) of subsection (3), and subsections (4) and (5) of section 240.529, Florida Statutes, are amended to read:

240.529 Public accountability and state approval for teacher preparation programs.—

(1) INTENT.—The Legislature recognizes that skilled teachers make ~~an the most~~ important contribution to a ~~quality educational system that allows students to obtain a high-quality education and that competent teachers are produced by effective and accountable teacher preparation programs.~~ The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates teachers with the competencies and skills necessary to achieve for achieving the state education goals; help students meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain ~~sustaining~~ the state system of school improvement and education accountability established pursuant to ss. 229.591 and 229.592, ~~and 229.593.~~ To further this intent, the Commissioner of Education shall appoint a Teacher Preparation Program Committee for the purpose of establishing core curricula in each state-approved teacher preparation program. The committee shall consist of representatives from presidents of public and private colleges and universities, deans of colleges of education, presidents of community colleges, district school superintendents, and high-performing teachers. The curricula shall be focused on the knowledge, skills, and abilities essential to instruction in the Sunshine State Standards, with a clear emphasis on the importance of reading at all grade levels. The committee shall report its recommendations to the State Board of Education by January 1, 2000, and at that time may be dissolved. The State Board of Education shall adopt rules that establish uniform core curricula for each state-approved teacher preparation program and shall use this report in the development of such rules.

(3) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet one of the following as prerequisites ~~a prerequisite~~ for admission into the program:

1. ~~That a student receive a passing score at the 40th percentile or above, as established by state board rule, on a nationally standardized college entrance examination;~~

1.2. ~~That a student~~ Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies; or

3. ~~That a student~~ have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by state board rule; and

2. Beginning with the 2000-2001 academic year, demonstrate mastery of general knowledge, including the ability to read, write, and compute by passing the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

The State Board of Education ~~may shall~~ provide by rule for a waiver of these requirements. The rule shall require that 90 percent of those admitted to each teacher education program meet the requirements of this paragraph and that the program implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(4) CONTINUED PROGRAM APPROVAL.—Notwithstanding subsection (3), failure by a public or nonpublic teacher preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval which document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic institution of higher education within the state is contingent upon the passing of the written examination required by s. 231.17 by at least ~~90 80~~ percent of the graduates of the program who take the examination. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 231.17.

(b) Additional criteria for continued program approval for public institutions may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria must emphasize outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been overrepresented in school suspensions and other disciplinary actions, and must ~~may~~ include, but need not be limited to, program graduates' satisfaction with training and the unit's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other appropriate means shall be shared by the institutions of higher education, the Board of Regents, the State Board of Independent Colleges and Universities, and the Department of Education. By January 1 of each year, the Department of Education, in cooperation with the Board of Regents and the State Board of Independent Colleges and Universities, shall report this information for each postsecondary institution that has state-approved programs of teacher education to the Governor, the Commissioner of Education, the Chancellor of the State University System, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(c) ~~Beginning July 1, 1997,~~ Continued approval for a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the institution of higher education, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(d) ~~Beginning July 1, 1997,~~ Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in higher-level mathematics concepts and in the use of technology at the appropriate grade level.

(e) ~~Beginning July 1, 2000,~~ continued approval of teacher preparation programs is contingent upon compliance with the student

admission requirements of subsection (3) and upon the receipt of at least a satisfactory rating from public schools and nonpublic schools that employ graduates of the program. Employer satisfaction shall be determined by an annually administered survey instrument approved by the Department of Education.

(f) Beginning with the 2000-2001 academic year, each public and private institution that offers a teacher preparation program in this state must annually report information regarding these programs to the state and the general public. This information shall be reported in a uniform and comprehensible manner that conforms with definitions and methods proposed by the Education Standards Commission, that are consistent with definitions and methods approved by the Commissioner of the National Center for Educational Statistics, and that are approved by the State Board of Education. This information shall be reported through publications such as college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(5) PRESERVICE FIELD EXPERIENCE.—All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 231.17 and 231.24; or at least 3 years of successful teaching experience in prekindergarten through grade 12; ~~or a commitment to spend periods of time specified by State Board of Education rule teaching in the public schools.~~

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The Education Standards Commission shall recommend, and the state board shall approve, the training requirements.

(c) Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, and ways to link instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d)(e) Postsecondary teacher preparation programs in cooperation with district school boards and approved nonpublic school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers. A nonpublic school association, in order to be approved, must have a state-approved master inservice program plan in accordance with s. 236.0811.

Section 64. Section 231.6135, Florida Statutes, is created to read:

231.6135 Statewide system for in-service professional development.—The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted in-service training to teachers and administrators designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated

for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(1) *Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary institutions which may award college credits for courses taught at the academy.*

(2) *Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance-learning, and individualized computer-based delivery systems.*

(3) *Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, administrators, schools, and school districts relating to improving student achievement and meeting state and local education goals.*

(4) *Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.*

(5) *Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one superintendent and one school board chairman from the participating school districts, the president of the collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts.*

(6) *Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions.*

(7) *Own or lease a facility that can be used to deliver training on-site and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.*

(8) *Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.*

Section 65. *Section 231.601, Florida Statutes, is repealed.*

Section 66. Section 230.2316, Florida Statutes, 1998 Supplement, is amended to read:

230.2316 Dropout prevention.—

(1) SHORT TITLE.—This act may be cited as the "Dropout Prevention and Academic Intervention Act."

(2) INTENT.—The Legislature recognizes that a growing proportion of young people are not making successful transitions to productive adult lives. ~~The Legislature further recognizes that traditional education programs which do not meet certain students' educational needs and interests may cause these students to become unmotivated, fail, be truant, be disruptive, or drop out of school.~~ The Legislature finds that a child who does not complete his or her education is greatly limited in obtaining gainful employment, achieving his or her full potential, and becoming a productive member of society. Therefore, it is the intent of the Legislature to authorize and encourage district school boards throughout the state to develop and establish dropout prevention and academic intervention activities designed to meet the needs of students who do not perform well in traditional educational programs. ~~establish comprehensive dropout prevention programs. These programs shall be designed to meet the needs of students who are not effectively served by conventional education programs in the public school system.~~ It is

further the intent of the Legislature that cooperative agreements be developed among school districts, other governmental and private agencies, and community resources in order to implement innovative exemplary programs aimed at reducing the number of students who do not complete their education and increasing the number of students who have a positive experience in school and obtain a high school diploma.

(3) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—

(a) Dropout prevention *and academic intervention* programs may ~~shall~~ differ from traditional education programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, ~~and~~ ~~or~~ diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, *character development and law education as provided in s. 233.0612*, and related services which support the program goals and lead to *improved performance in the areas of academic achievement, attendance, and discipline completion of a high school diploma*. Student participation in such programs shall be voluntary. Districts may, however, assign students to a program for disruptive students. *Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family. The minimum period of time during which the student participates in the program shall be equivalent to two instructional periods per day unless the program utilizes a student support and assistance component rather than regularly scheduled courses.*

(b) Students in grades ~~1-12~~ 4-12 shall be eligible for dropout prevention *and academic intervention* programs. Eligible ~~dropout prevention~~ students shall be reported *in the appropriate basic cost factor for dropout prevention full-time equivalent student membership in the Florida Education Finance Program in standard dropout prevention classes or student support and assistance components which provide academic assistance and coordination of support services to students enrolled full-time in a regular classroom. The strategies and supports provided to eligible students shall be funded through the General Appropriations Act and may include, but are not limited to those services identified on the student's academic intervention plan. The student support and assistance component shall include auxiliary services provided to students or teachers, or both. Students participating in this model shall generate funding only for the time that they receive extra services or auxiliary help.*

(c) A student shall be identified as being *eligible to receive services funded through the dropout prevention and academic intervention program* a potential dropout based upon one of the following criteria:

1. *The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade-point-average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.*

2. *The student has a pattern of excessive absenteeism or has been identified as a habitual truant.*

1. ~~The student has shown a lack of motivation in school through grades which are not commensurate with documented ability levels or high absenteeism or habitual truancy as defined in s. 228.041(28).~~

2. ~~The student has not been successful in school as determined by retentions, failing grades, or low achievement test scores and has needs and interests that cannot be met through traditional programs.~~

3. ~~The student has been identified as a potential school dropout by student services personnel using district criteria. District criteria that are used as a basis for student referral to an educational alternatives program shall identify specific student performance indicators that the educational alternative program seeks to address.~~

4. ~~The student has documented drug-related or alcohol-related problems, or has immediate family members with documented drug-~~

~~related or alcohol-related problems that adversely affect the student's performance in school.~~

3. 5. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

6. ~~The student is assigned to a program provided pursuant to chapter 39, chapter 984, or chapter 985 which is sponsored by a state-based or community-based agency or is operated or contracted for by the Department of Children and Family Services or the Department of Juvenile Justice.~~

(d)1. "Second chance schools" means school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from chapters 230-235 and 239 and State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.

2. *School districts seeking to enter into a partnership with a private entity or public entity to operate a second chance school for disruptive students may apply to the Department of Education for start-up grants from the Department of Education. These grants must be available for 1 year and must be used to offset the start-up costs for implementing such programs off public school campuses. General operating funds must be generated through the appropriate programs of the Florida Education Finance Program. Grants approved under this program shall be for the full operation of the school by a private nonprofit or for-profit provider or the public entity. This program must operate under rules adopted by the Department of Education and must be implemented to the extent funded by the Legislature.*

3. 2. A student enrolled in a sixth, seventh, eighth, ninth, or tenth grade class may be assigned to a second chance school if the student meets the following criteria:

a. The student is a habitual truant as defined in s. 228.041(28).

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may have unique needs that a traditional school setting may not meet.

c. The student's high incidences of truancy have been directly linked to a lack of motivation.

d. The student has been identified as at risk of dropping out of school.

4. 3. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to s. 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 2. are met.

5. 4. A student may be assigned to a second chance school if the school district in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

6.5. Prior to assignment of students to second chance schools, school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

7.6. Students assigned to second chance schools must be evaluated by the school's local child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

8.7. Students who exhibit academic and social progress and who wish to return to a traditional school shall *complete a character development and law education program, as provided in s. 233.0612, and demonstrate preparedness to reenter the regular school setting* ~~be evaluated by school district personnel~~ prior to reentering a traditional school.

8. ~~Second chance schools shall be funded at the dropout prevention program weight pursuant to s. 236.081 and may receive school safety funds or other funds as appropriate.~~

(4) PROGRAM IMPLEMENTATION.—

(a) Each district may establish ~~one or more alternative programs for~~ dropout prevention *and academic intervention programs* at the elementary, middle, junior high school, or high school level. Programs designed to eliminate *patterns of excessive absenteeism, or* habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of vocational education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.

(b) Each school that establishes ~~or continues~~ a dropout prevention *and academic intervention* program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(16).

~~(c) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section.~~

(5) EVALUATION.—Each school district receiving state funding for dropout prevention *and academic intervention* programs through the *General Appropriations Act Florida Education Finance Program* shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention *and academic intervention* programs has been successful *in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate*. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(6) STAFF DEVELOPMENT.—Each school district shall establish procedures for ensuring that teachers assigned to dropout prevention

and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of *these at-risk* students. ~~Each school board shall also ensure that adequate staff development activities are available for dropout prevention staff and that dropout prevention staff participate in these activities.~~

(7) RECORDS.—Each district providing a ~~program for~~ dropout prevention *and academic intervention* program pursuant to the provisions of this section shall maintain for each participating student ~~for whom funding is generated through the Florida Education Finance Program~~ records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned *or the type of academic intervention services provided*, and an evaluation of the student's academic and behavioral performance while in the program. *The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by return-receipt mail to the student's parent, guardian, or legal custodian. The parent, guardian, or legal custodian of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgement to the principal within 3 days after receipt of the notice.* The parents or guardians of a student assigned to such a dropout prevention *and academic intervention* program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

(8) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention *and academic intervention* programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies and juvenile assessment centers in the school district. Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from the provisions of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention *and academic intervention* program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(9) RULES.—The Department of Education shall have the authority *pursuant to ss. 120.536(1) and 120.54* to adopt any rules necessary to implement the provisions of this section; such rules shall require the minimum amount of *necessary* paperwork and reporting ~~necessary~~ to comply with this act.

Section 67. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16). *Each principal must make the necessary provisions to ensure that all school reports are accurate and timely, and must provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.*

Section 68. Section 232.001, Florida Statutes, is created to read:

232.001 *Pilot project.—It is the purpose of this section to authorize the Manatee County District School Board to implement a pilot project that raises the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The pilot project applies to each child who*

has not attained the age of 16 years by September 30 of the school year in which a school board policy is adopted.

(1) Beginning July 1, 1999, the Manatee County District School Board may implement a pilot project consistent with policy adopted by the school board to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years.

(2) If the district school board chooses to participate in the pilot project, the district school board must, before the beginning of the school year, adopt a policy for raising the compulsory age of attendance for children from the age of 16 years to 18 years.

(a) Before the adoption of the policy, the district school board must provide a notice of intent to adopt a policy to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The notice must be provided to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district.

(b) Within 2 weeks after adoption of the school board policy, the district school board must provide notice of the policy to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district. The notice must also provide information related to the penalties for refusing or failing to comply with the compulsory attendance requirements and information on alternative education programs offered within the school district.

(3) All state laws and State Board of Education rules related to students subject to compulsory school attendance apply to the district school board if it chooses to participate in a pilot project. Notwithstanding the provisions of s. 232.01, the formal declaration of intent to terminate school enrollment does not apply to the district school board if it chooses to participate in a pilot project.

(4) If the district school board chooses to participate in the pilot project, the school board must evaluate the effect of its adopted policy raising the compulsory age of attendance on school attendance and on the school district's dropout rate, as well as on the costs associated with the pilot project. The school district shall report its findings to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house, the Governor, and the Commissioner of Education not later than August 1 following each year that the pilot project is in operation.

Section 69. Section 232.17, Florida Statutes, 1998 Supplement, is amended to read:

232.17 Enforcement of school attendance.—*The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that the superintendent of each school district be responsible for enforcing school attendance of all children and youth subject to the compulsory school age in the school district. The responsibility includes recommending to the school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence or absence for which the reason is unknown of students enrolled in the schools. School board policies must require each parent or guardian of a student to justify each absence of the student, and that justification will be evaluated based on adopted school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school or an absence from school for which the reason is unknown to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:*

(1) CONTACT, REFER, AND ENFORCE.—

(a) Upon each unexcused absence or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent or guardian to determine the reason for the absence. If

the absence is an excused absence, as defined by school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences or absences for which the reasons are unknown within a calendar month or ten unexcused absences or absences for which the reasons are unknown within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies.

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;
2. Changes in the learning environment;
3. Mentoring;
4. Student counseling;
5. Tutoring, including peer tutoring;
6. Placement into different classes;
7. Evaluation for alternative education programs;
8. Attendance contracts;
9. Referral to other agencies for family services; or
10. Other interventions.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent, guardian, or other person in charge of the child refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent, guardian, or other person in charge of the child may appeal to the school board. The school board may provide a hearing officer and the hearing officer shall make a recommendation for final action to the board. If the board's final determination is that the strategies of the child study team are appropriate, and the parent, guardian, or other person in charge of the child still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

(f) If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent, the guardian, or the superintendent or his or her designee shall refer the case to the case-staffing committee pursuant to s. 984.12, and the superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151. Pursuant to procedures established by the district school board, a designated school representative must complete activities designed to determine the cause and attempt the remediation of truant behavior, as provided in this section.

~~(1) INVESTIGATE NONENROLLMENT AND UNEXCUSED ABSENCES.—A designated school representative shall investigate cases of nonenrollment and unexcused absences from school of all children subject to compulsory school attendance.~~

~~(2) GIVE WRITTEN NOTICE.—~~

(a) Under the direction of the superintendent, a designated school representative shall give written notice, in person or by return-receipt mail, to the parent, guardian, or other person having control when no

valid reason is found for a child's nonenrollment in school *which requires or when the child has a minimum of 3 but fewer than 6 unexcused absences within 90 calendar days, requiring enrollment or attendance within 3 days after the date of notice.* If the notice and requirement are ignored, the designated school representative shall report the case to the superintendent, and may refer the case to the *case-staffing case-staffing* committee, established pursuant to s. 984.12, ~~if the conditions of s. 232.19(3) have been met.~~ The superintendent *shall* may take such steps as are necessary to bring criminal prosecution against the parent, guardian, or other person having control.

(b) *Subsequent to the activities required under subsection (1), the superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance. The superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.*

(3) RETURN CHILD TO PARENT.—A designated school representative shall visit the home or place of residence of a child and any other place in which he or she is likely to find any child who is required to attend school when such child is not enrolled or is absent from school during school hours without an excuse, and, when the child is found, shall return the child to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, *or to the juvenile assessment center or other location established by the school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.*

(4) REPORT TO THE DIVISION OF JOBS AND BENEFITS.—A designated school representative shall report to the Division of Jobs and Benefits of the Department of Labor and Employment Security or to any person acting in similar capacity who may be designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.—A designated school representative shall have the same right of access to, and inspection of, establishments where minors may be employed or detained as is given by law to the Division of Jobs and Benefits only for the purpose of ascertaining whether children of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory working conditions or violations of the Child Labor Law, report his or her findings to the Division of Jobs and Benefits or its agents.

~~(6) RESUMING SERIES. If a child repeats a pattern of nonattendance within one school year, the designated school representative shall resume the series of escalating activities at the point at which he or she had previously left off.~~

Section 70. Subsection (3) of section 232.19, Florida Statutes, 1998 Supplement, is amended to read:

232.19 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this chapter, relating to compulsory school attendance, shall be as follows:

(3) HABITUAL TRUANCY CASES.—*The superintendent is authorized to file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the superintendent chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to this subsection and chapter 984.* In accordance with procedures established by the district school board, the designated school representative shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the school district or other community agency or may seek to resolve the truant behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a

child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this *section and s. 232.17 subsection* to remedy the conditions leading to the truant behavior. ~~The following criteria must be met and documented in writing~~ Prior to the filing of a petition, *the school district must have complied with the requirements of s. 232.17, and those efforts must have been unsuccessful:*

~~(a) The child must have 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the child's parent or legal guardian, must be subject to compulsory school attendance, and must not be exempt under s. 232.06, s. 232.09, or any other exemption specified by law or the rules of the State Board of Education.~~

~~(b) In addition to the actions described in s. 232.17, the school administration must have completed the following activities to determine the cause, and to attempt the remediation, of the child's truant behavior:~~

~~1. After a minimum of 3 and prior to 6 unexcused absences within 90 calendar days, one or more meetings must have been held, either in person or by phone, between a designated school representative, the child's parent or guardian, and the child, if necessary, to report and to attempt to solve the truancy problem. However, if the designated school representative has documented the refusal of the parent or guardian to participate in the meetings, this requirement has been met.~~

~~2. Educational counseling must have been provided to determine whether curriculum changes would help solve the truancy problem, and, if any changes were indicated, such changes must have been instituted but proved unsuccessful in remedying the truant behavior. Such curriculum changes may include enrollment of the child in a dropout prevention program that meets the specific educational and behavioral needs of the child, including a second chance school, as provided for in s. 230.2316, designed to resolve truant behavior.~~

~~3. Educational evaluation, which may include psychological evaluation, must have been provided to assist in determining the specific condition, if any, that is contributing to the child's nonattendance. The evaluation must have been supplemented by specific efforts by the school to remedy any diagnosed condition.~~

~~If a child who is subject to compulsory school attendance is responsive to the interventions described in this paragraph and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall be passed.~~

Section 71. Subsection (3) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(3) A pupil may be disciplined or expelled for unlawful possession or use of any substance controlled under chapter 893 ~~upon the third violation of this provision.~~

Section 72. Subsection (3) of section 232.271, Florida Statutes, is amended to read:

232.271 Removal by teacher.—

(3) If a teacher removes a student from class under subsection (2), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention *and academic intervention* program as provided by s. 230.2316; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under s. 232.272 determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

Section 73. Effective July 1, 1999, paragraphs (a) and (c) of subsection (1) of section 236.081, Florida Statutes, 1998 Supplement, are amended to read:

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

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner. *Beginning with school year 1999-2000, each school district shall also document the daily attendance of each student in membership by school and by district. An average daily attendance factor shall be computed by dividing the total daily attendance of all students by the total number of students in membership and then by the number of days in the regular school year. Beginning with school year 2001-2002, the district's full-time equivalent membership shall be adjusted by multiplying by the average daily attendance factor.*

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of funding support for each exceptional student. The funding support level for each exceptional student shall fund the exceptional student's total education program.

1. Basic programs.—
 - a. Kindergarten and grades 1, 2, and 3.
 - b. Grades 4, 5, 6, 7, and 8.
 - c. Grades 9, 10, 11, and 12.
2. Programs for exceptional students.—
 - a. Support Level I.
 - b. Support Level II.
 - c. Support Level III.
 - d. Support Level IV.
 - e. Support Level V.
3. Secondary career education programs.—
4. Students-at-risk programs.—
 - a. ~~Department of Juvenile Justice clients Dropout prevention and teenage parents.~~
 - b. English for Speakers of Other Languages.

Section 74. Paragraph (a) of subsection (4) of section 239.505, Florida Statutes, is amended to read:

239.505 Florida Constructive Youth Programs.—

(4) FUNDING.—Each district school board or community college board of trustees wishing to implement a constructive youth program must submit a comprehensive plan to the Department of Education no later than October 1 of the preceding school year, which plan must include a list of all funding sources, including, but not limited to:

(a) Funds available for programs authorized under the Dropout Prevention and Academic Intervention Act, as provided in s. 230.2316; ~~and Dropout prevention programs funded pursuant to the provisions of s. 236.081(1)(c).~~

Section 75. Subsection (29) of section 984.03, Florida Statutes, 1998 Supplement, is amended, present subsection (57) of that section is redesignated as subsection (58), and a new subsection (57) is added to that section, to read:

984.03 Definitions.—When used in this chapter, the term:

(29) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06, s. 232.09, or any other exemptions specified by law or the rules of the State Board of Education.

(b) ~~Escalating~~ Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 232.17 and 232.19 have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 232.17 and 232.19 and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, *or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case-staffing committee, unless it is determined that another alternative action is preferable. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may elect to file a child-in-need-of-services petition.*

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that may be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 232.19(3) and (4) shall be handled as prescribed in s. 232.19.

(57) "Truancy petition" means a petition filed by the school superintendent alleging that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period. A truancy petition is filed and processed under s. 984.151.

Section 76. Section 984.151, Florida Statutes, is created to read:

984.151 Truancy petition; prosecution; disposition.—

(1) If the school determines that a student subject to compulsory school attendance has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent may file a truancy petition.

(2) The petition shall be filed in the circuit where the student is enrolled in school.

(3) Original jurisdiction to hear a truancy petition shall be in the circuit court; however, the circuit court may use a general or special master pursuant to Supreme Court rules.

(4) *The petition must contain the following: the name, age, and address of the student; the name and address of the student's parent or guardian; the school where the student is enrolled; the efforts the school has made to get the student to attend school; the number of out-of-school contacts between the school system and student's parent or guardian; and the number of days and dates of days the student has missed school. The petition shall be sworn to by the superintendent or his or her designee.*

(5) *Once the petition is filed, the court shall hear the petition within 30 days.*

(6) *The student and the student's parent or guardian shall attend the hearing.*

(7) *If the court determines that the student did miss any of the alleged days, the court shall order the student to attend school and the parent to ensure that the student attends school, and may order any of the following: the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months; the student and the student's parent or guardian to participate in homemaker or parent aide services; the student or the student's parent or guardian to participate in intensive crisis counseling; the student or the student's parent or guardian to participate in community mental health services if available and applicable; the student and the student's parent or guardian to participate in service provided by voluntary or community agencies as available; and the student or the student's parent or guardian to participate in vocational, job training, or employment services.*

(8) *If the student does not successfully complete the sanctions ordered in subsection (7), the case shall be referred to the case staffing committee under s. 984.12 with a recommendation to file a child-in-need-of-services petition under s. 984.15.*

Section 77. *Funding levels and methodologies necessary to implement the provisions of this act will be established in the General Appropriations Act.*

Section 78. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 79. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause

and insert: A bill to be entitled An act relating to education; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to

the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; requiring certain performance-based pay for specified school personnel; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; specifying content of school improvement plans; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 233.061, F.S.; requiring schools that receive opportunity scholarships to provide certain courses of study; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 24.121, F.S.; specifying conditions for withholding allocations from the Educational Enhancement Trust Fund; reenacting s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and

assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.248(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; encouraging businesses and corporations to enter into partnerships with low-performing and failing schools for stated purposes; amending s. 230.202, F.S.; providing that, after a specified date, part of the salary of school board members must be based on students' performance; amending s. 230.303, F.S.; providing that, after a specified date, part of the salary of elected superintendents of schools must be based on students' performance; amending s. 228.056, F.S., relating to charter schools; stating an intent to increase standards for the preparation, certification, and professional development of educators; directing the Department of Education to review statutes and rules governing certification to increase efficiency, rigor, and alternatives in the certification process; requiring a report; amending s. 231.02, F.S.; correcting a reference; amending s. 231.0861, F.S.; requiring the State Board of Education to approve criteria for selection of certain administrative personnel; authorizing school districts to contract with private entities for evaluation and training of such personnel; amending s. 231.085, F.S.; specifying principals' responsibilities for assessing performance of school personnel and implementing the Sunshine State Standards; amending s. 231.087, F.S.; requiring the State Board of Education to adopt rules governing the training of school district management personnel; providing for review and repeal of the Management Training Act; requiring recommendations; amending s. 231.09, F.S.; prescribing duties of instructional personnel; amending s. 231.096, F.S.; requiring a school board plan to ensure the competency of teachers with out-of-field teaching assignments; amending s. 231.145, F.S.; revising purpose to reflect increased requirements for certification; amending s. 231.15, F.S.; authorizing certification based on demonstrated competencies; requiring rules of the State Board of Education to specify certain competencies; requiring consultation with postsecondary education boards; amending s. 231.17, F.S.; revising prerequisites for certification; requiring demonstration of general knowledge before temporary certification; increasing the requirement that teachers know and use mathematics, technology, and intervention strategies with students; deleting alternative ways to demonstrate general knowledge competency; amending s. 231.1725, F.S.; providing legal protections for clinical field experience students; amending s. 231.174, F.S., relating to district programs for adding certification coverages; removing limitation to specific certification areas; amending s. 231.29, F.S.; requiring certain personnel-performance assessments to be primarily based on student performance; revising the assessment procedure for certain school district personnel; amending s. 231.36, F.S.; authorizing the State Board of Education to define certain terms by rule; requiring certain review and testing of employees of schools in performance grade categories "D" and "F"; amending s. 231.546, F.S.; specifying duties of the Education Standards Commission; amending s. 231.600, F.S.; prescribing the responsibilities of school district professional-development programs; amending s. 236.08106, F.S.; providing for the distribution of Excellent Teaching Program funds; deleting certain district incentives; amending s. 240.529, F.S.; requiring the commissioner to appoint a Teacher Preparation Program Committee to recommend core curricula for state-approved teacher-preparation programs; requiring a report; requiring the State Board of Education to adopt rules establishing uniform core curricula; revising criteria for initial and continuing approval of teacher-preparation programs; increasing the requirements for a student to enroll in and graduate from a teacher-education program; requiring annual reports of program performance; providing additional legislative intent related to teacher-preparation programs; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher-preparation programs who instruct or supervise preservice field experience courses or internships;

eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher-preparation students; creating s. 231.6135, F.S.; establishing a statewide system for inservice professional development; authorizing professional development academies to meet human resource development and education instruction training needs of educators, school, and school districts; providing for organization and operation by public and private partners; providing for funding; specifying duties of the Commissioner of Education; repealing s. 231.601, F.S., relating to purpose of inservice training for instructional personnel; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; providing procedures for notice to and response from a parent, guardian, or legal custodian prior to placement in a program or the provision of services to the student; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; creating s. 232.001, F.S.; allowing the Manatee County District School Board to raise the compulsory age of attendance for children; providing requirements for the school board if it chooses to participate in the pilot project; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.26, F.S.; removing a limitation on the principal's authority to discipline or expel pupils for unlawful possession or use of controlled substances under chapter 893, F.S.; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; revising students-at-risk programs; amending s. 239.505, F.S.; revising provisions relating to funding of constructive youth programs; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; requiring the appropriate jurisdictional agency to file a petition; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; providing for funding; providing for severability; providing effective dates.

WHEREAS, providing a system of high-quality public education for children is an important goal of this state, and

WHEREAS, Floridians reemphasized their aspiration to provide for a system of high-quality public education for children in this state by amending Section 1 of Article IX of the State Constitution in the November 1998 general election, and

WHEREAS, the Legislature recognizes that it has an important but not exclusive role in providing children with the opportunity to obtain a high-quality education in this state, and

WHEREAS, success in obtaining a high-quality education depends upon many influences, and

WHEREAS, among the most prominent influences on the educational success of children are the positive influences of parents on their children's lives and on their children's desire to learn and the active involvement of parents in the education of their children, and

WHEREAS, the presence of those influences is indispensable to successfully providing a system that allows students to obtain a high-quality education, and

WHEREAS, children will have the best opportunity to obtain a high-quality education in the public education system of this state and that system can best be enhanced when positive parental influences are present, when we allocate resources efficiently and concentrate resources to enhance a safe, secure, and disciplined classroom learning environment, when we support teachers, when we reinforce shared high academic expectations, and when we promptly reward success and promptly identify failure, as well as promptly appraise the public of both successes and failures, and

WHEREAS, the voters of the State of Florida, in the 1998 General Election, amended Article IX, section 1, of the Florida Constitution to state that, "Adequate provision shall be made by law for a ... safe, secure, and high quality system of free public schools ...," and

WHEREAS, House Bill 1309, a comprehensive school safety and discipline package, was enacted by the Legislature in the 1997 Session, addressing dropouts, habitual truancy, zero tolerance for crime, drugs, alcohol, and weapons, alternative placement of disruptive students, and cooperative agreements with local law enforcement for crime reporting, and

WHEREAS, the Legislature annually provides for safe-schools appropriations to be used for after school programs for middle school students, alternative programs for adjudicated youth, school resource officers, and conflict resolution strategies, and

WHEREAS, the enhancement of school safety should be measured as an element of school performance and accountability and improved crime and incident reporting, as well as a heightened emphasis on character education in the curriculum of the early grades, NOW, THEREFORE,

On motion by Rep. Lynn, the House refused to concur in Senate Amendment 1 to CS/HBs 751, 753 & 755 and requested the Senate to recede therefrom and, in the event the Senate refused to recede, requested a Conference Committee be appointed. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

Conference Committee Appointments

Thereupon, in anticipation of the Senate action, the Speaker appointed the following Members as managers on the part of the House on CS/HBs 751, 753 & 755 to serve with Rep. Lynn, Chair: Rep. Diaz de la Portilla, Rep. Melvin, Rep. Feeney, Rep. Roberts, and Rep. Logan (alternate).

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 1794, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senator Kirkpatrick and others—

SB 1794—A bill to be entitled An act relating to postsecondary remediation; amending s. 239.301, F.S., relating to adult general

education; revising a provision relating to funding for college-preparatory classes; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; authorizing the provision of performance incentive funds for the effective implementation of remedial reduction plans; providing that interinstitutional articulation agreements include a plan outlining the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers; amending s. 240.117, F.S., relating to common placement testing for public postsecondary education; revising a provision relating to funding for college-preparatory classes; amending s. 240.124, F.S.; providing exceptions to the requirement that students enrolled in the same course more than twice pay the full cost of instruction and not be included in calculations for state funding purposes; providing an effective date.

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

Reports of Councils and Standing Committees

General Calendar

The Honorable John Thrasher April 15, 1999
Speaker, House of Representatives

Dear Mr. Speaker:

In accordance with the vote of the House, the following report is the General Calendar for Wednesday, April 21, 1999. Consideration of the House bills on General Calendar shall include the Senate companion measures on the House Calendar.

- I. Consideration of the following bill(s):
 - HB 7—Children/Great-grandparents' Rights
 - CS/HB 33—Relief/Weathington/Tallahassee
 - SB 40—Relief/Weathington/Tallahassee
 - CS/HB 35—Orthotics/Prosthetics/Pedorthics
 - CS/HB 49—Criminal Use of Personal ID Info.
 - HB 71—Homicide/Vehicular & Vessel
 - CS/HB 75—Designation of State Properties
 - CS/CS/HB 77—State Financial Matters
 - HB 135—Controlled Substances/Child Care
 - HB 145—Child Support
 - HB 147—Pretrial Intervention Programs
 - HB 169—Treasurer/Deferred Compensation Plan
 - CS/HB 213—Guardianship
 - CS/HB 219—Public Record Exemption/Guardianship
 - CS/HB 253—County & Municipal Jails
 - HB 283—Relief/Patricia D. Baker/DOT
 - SB 20—Relief/Patricia D. Baker/DOT
 - HB 289—Local Govt. Infrastructure Surtax
 - CS/HB 303—Fla. World War II Vet. Memorial TF
 - CS/HB 305—Fla. World War II Veterans Memorial
 - CS/HB 309—Schools/Courses of Study
 - CS/HB 311 & CS/HB 243—DOT & Public Authorities/Law Suits
 - CS/HB 319—Pharmacy Practice
 - HB 325—Lake Belt Mitigation Trust Fund
 - CS/HB 327—Conflict of Interest/Indigents
 - HB 329—Miami-Dade Co. Lake Belt Area
 - CS/HB 363—Local Govts./Bldgs./Public Nuisance
 - CS/HB 377—Bone Marrow Transplants
 - CS/HB 383—Residential Property Associations
 - CS/HB 389—Pretrial Detention
 - HB 391—On-line Access to Criminal Records
 - HB 393—Workforce Development Education
 - CS/HB 401—Private Activity Bonds
 - HB 405—County Govt./Charter Commission
 - HB 411—Lawton Chiles Trail
 - HB 431—Medical Devices/Registration
 - HB 433—Telecommunications Frequencies
 - HB 443—Banks & Trusts/Powers & Duties
 - HB 467—Hunting & Fishing License Fees

CS/HB 475—Housing Facility/Older Persons
 HM 531—POW/MIA Information
 CS/HB 569—Conservation & Recreation Lands
 HB 573—Camp Blanding/Post Exchange Store
 HB 579—Tourism
 CS/HB 587—Platted Lands
 HB 589—Vessel Registration
 HB 601—Share the Road License Plate
 HB 613—Tampa Bay Estuary License Plate
 HB 635—Relief/Trey Anthony Alls/DOT
 CS/HB 645—Unlicensed Assisted Living Facility
 CS/HB 661—Consumer Finance
 HB 697—Watersports/Parasails
 HB 717—Bail Bonds
 CS/HB 721—Sewage Treatment Facility Discharges
 HB 723—McGriff-Mannix Act
 CS/HB 767—Freight Forwarder Business
 HB 791—Premium Security Deposits
 HB 805—College Reach-out Program
 HB 811—Medicaid/HMOs/Child Protection Svcs.
 CS/HB 839—Public Records/Film Commissioner
 HB 867—Public Construction/Bids
 HB 879—Health Information Privacy
 HB 897—Insurance Anti-Affiliation
 HB 911—Children's Services Funding/CFS Dept
 HB 931—Public Swimming & Bathing Facilities
 HB 953—Obstetrical/Gynecological Service
 HB 957—Health Care Practitioner/Relicensure
 CS/HB 1003—Insurance Agencies Definitions
 HB 1005—Money Judgments Enforcements
 HB 1007—Distance Learning Education
 HB 1025—Voter Registration
 HB 1031—Physician Assistants
 CS/HB 1063—Condominiums/Taxes
 HB 1081—Public Records/Health Care
 HB 1141—Law Enforcement Officers
 HB 1437—Metropolitan Planning Organizations
 HB 1439—Capital Felony Sentencing
 HB 1449—Designations/Official Flagship
 CS/HB 1465—Elections
 HM 1483—United States Postal Service
 HB 1531—Public Records/College Savings Prog.
 HB 1575—Public Meetings & Public Records
 HB 1643—Carrie P. Meek Road
 HB 1645—Public Records/Child Death Review
 HB 1655—Telephone Solicitation/Caller ID
 CS/HB 1699—SFWMD/Central & Southern Project
 HB 1747—Relief/Clarice Holland
 CS/HB 1749—Service Warranties
 HB 1843—Public Records
 HB 1847—Health Care Practitioners/Regulation
 HB 1853—School District Reviews/OPPAGA
 HB 1857—Brownfield Property TF/Tourism
 HB 1859—TFs & Fund Accounts/Termination/EOG
 HB 1861—Ecosystem Mgmt. & Restoration TF/DEP
 HB 1863—Trust Funds/Termination
 HB 1865—Tobacco Settlement Clearing TF
 HB 1867—DBPR Tobacco Settlement TF
 HB 1877—Judiciary
 HB 1889—AHCA Tobacco Settlement Trust Fund
 HB 1891—CFS Dept. Tobacco Settlement TF
 HB 1893—Elderly Affairs Tobacco TF
 HB 1895—Veterans' Affairs Tobacco Settlement
 HB 1897—Tobacco Settlement TF/Health Dept.
 HB 1899—Organ & Tissue Donor TF/AHCA
 HB 1909—Fla. Wildflower License Plate
 HB 1969—Ft. Lauderdale Facility Designations
 HB 1977—Professions & Occupations Regulation
 HB 2071—Health Insurance
 CS/HB 2075—Insurance Licensing Requirements/CPA
 HB 2143—Unlawful Securities Sales/Remedies

HB 2163—Judicial Selection
 HB 2171—Condominium Associations
 HB 2175—Relief/William D. & Susan G. Mock
 HB 2177—Relief/Menendez/Palm Beach County
 HB 2179—Relief/Ruck/Miami-Dade County
 HB 2185—Medical Negligence Actions
 HB 2197—Juvenile Welfare Trust Fund
 HB 2199—Juvenile Care & Maintenance TF
 HB 2203—Fla. Public Service Regulatory TF
 HB 2207—Child Support Enforcement
 HB 2209—USF Health Support Trust Fund/SUS
 HB 2213—Student Loan Guaranty Admin. Fund
 HB 2215—Trust Funds
 HB 2217—Lottery Capital Outlay/Debt Service
 HB 2227—Medicaid/Prescription Drugs
 SB 712—Executive Appointments

Respectfully submitted,
Joseph Arnall
 Chair
 Committee on Rules & Calendar

Special Orders

The Honorable John Thrasher April 20, 1999
Speaker, House of Representatives

Mr. Speaker:

In accordance with the vote of the House, the following AMENDED report is the Special Order for Wednesday, April 21, 1999. Consideration of the House Bills on Special Order shall include the Senate companion measures on the House Calendar.

- I. Consideration of the General Calendar for Wednesday, April 21, 1999.
- II. Consideration of the following bill(s):
 CS/HB 377—Bone Marrow Transplants
 CS/HB 1535—Wildfires
 CS/HB 403—Title Insurance
 CS/HB 519—Spring Training Franchise Facilities
 CS/HB 49—Criminal Use of Personal ID Info.
 CS/HB 75—Designation of State Properties
 CS/HBs 1927 & 961—Managed Health Care
 CS/HB 1033—Education
 HB 667—Postsecondary Remediation
 CS/HB 21—School Buses/Safety Belts
 CS/HB 121—Three-Strike Violent Felony Offender
- III. CEREMONIAL RESOLUTIONS CALENDAR BY PUBLICATION IN THE JOURNAL FOR Wednesday, April 21, 1999.
 HR 9069—New York Yankees
 HR 9071—Thomas Paine Day
 HR 9073—Bebber, Gene
 HR 9075—Glades Central High School Raiders
 HR 9077—Hart, Clyde
 HR 9089—Escambia River Electric Cooperative
 HR 9091—Fla. Missing Children's Day
 HR 9093—Pan American Games/Year 2007
 HR 9103—Ronald McDonald House Charities
 HR 9123—Florida Forest Products Industry

Respectfully submitted,
Joseph Arnall
 Chair
 Committee on Rules & Calendar

On motion by Rep. Arnall, the rules were suspended and the above General Calendar report was adopted and the Special Order Calendar report was adopted as amended.

Motions Relating to Committee References

On motion by Rep. Murman, agreed to by two-thirds vote, HB 205 was withdrawn from further consideration of the House.

On motion by Rep. Ogles, agreed to by two-thirds vote, HB 1539 was withdrawn from further consideration of the House.

On motion by Rep. Kyle, agreed to by two-thirds vote, HJR 1545 was withdrawn from further consideration of the House.

On motion by Rep. Kyle, agreed to by two-thirds vote, HB 1547 was withdrawn from further consideration of the House.

Admitted for Introduction

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, Rule 44(d) was suspended to permit the introduction of HB 2251.

Motions Relating to Committee References

On motion by Rep. Warner, agreed to by two-thirds vote, CS/HB 2041 was withdrawn from the Committee on Judiciary and remains referred to the Committees on Real Property & Probate and Transportation & Economic Development Appropriations.

On motion by Rep. Warner, agreed to by two-thirds vote, CS/HB 2041 was withdrawn from the Committee on Real Property & Probate and remains referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Crist, agreed to by two-thirds vote, HB 1123 was withdrawn from the Committee on Crime & Punishment and placed on the appropriate Calendar.

On motion by Rep. Sublette, agreed to by two-thirds vote, HB 2091 was withdrawn from the Committee on Community Affairs and remains referred to the Committees on Governmental Operations and Health & Human Services Appropriations.

On motion by Rep. Sublette, agreed to by two-thirds vote, HB 2091 was withdrawn from the Committee on Governmental Operations and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Sublette, agreed to by two-thirds vote, CS/HB 1527; CS/HB 1743; and HB 1753 were withdrawn from the Committee on Governmental Rules & Regulations. CS/HB 1527 remains referred to Health & Human Services Appropriations; CS/HB 1743 remains referred to General Government Appropriations; and HB 1753 was placed on the appropriate Calendar.

On motion by Rep. Peaden, agreed to by two-thirds vote, HB 783 was withdrawn from the Committee on Health Care Licensing & Regulation and remains referred to the Committees on Insurance and Health & Human Services Appropriations.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS for SB 60; SB 134; and CS/HB 1441 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 495 was withdrawn from the Committee on Education Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, SB 4 and HB 855 were withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HBs 47, 99, and 105; CS/HB 221; HB 313; and CS/HB 397 were withdrawn from the Committee on General Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HBs 1979 and 1987 were withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, HBs 269, 523, 537, 561, and 643; CS/HB 1083; and HB 1119 were withdrawn from the

Committee on General Government Appropriations and placed on the appropriate Calendar.

On motion by Rep. Pruitt, agreed to by two-thirds vote, SB 248; HB 783; SB 1396; CS/HB 1527; and HB 2131 were withdrawn from the Committee on Health & Human Services Appropriations. SBs 248 and 1396; CS/HB 1527; and HB 2131 were placed on the appropriate Calendar. HB 783 remains referred to the Committee on Insurance.

On motion by Rep. Pruitt, agreed to by two-thirds vote, CS/HB 545 and HB 1767 were withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar.

Moment of Silence

The House observed a moment of silence in memory of the victims of the massacre that occurred yesterday at Columbine High School in Littleton, Colorado.

Bills and Joint Resolutions on Third Reading

On motion by Rep. Rojas, **HB 1999** was temporarily postponed under Rule 141.

HB 981—A bill to be entitled An act relating to dentistry; amending s. 466.004, F.S.; revising qualifications for membership on the Board of Dentistry; providing applicability; amending s. 466.021, F.S.; revising requirements relating to dental work orders; amending s. 466.0282, F.S.; revising requirements relating to the recognition and advertising of dental specialties; requiring certain consumer notice; providing an effective date.

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

Yeas—114

The Chair	Detert	Jacobs	Ritter
Alexander	Diaz de la Portilla	Johnson	Roberts
Andrews	Dockery	Jones	Rojas
Argenziano	Edwards	Kelly	Russell
Arnall	Effman	Kilmer	Ryan
Bainter	Eggelletion	Kosmas	Sanderson
Ball	Farkas	Kyle	Sembler
Barreiro	Fasano	Lacasa	Smith, C.
Bense	Feeney	Lawson	Smith, K.
Betancourt	Fiorentino	Levine	Sobel
Bilirakis	Flanagan	Littlefield	Spratt
Bitner	Frankel	Logan	Stafford
Bloom	Fuller	Lynn	Stansel
Boyd	Futch	Maygarden	Starks
Bradley	Garcia	Merchant	Suarez
Bronson	Gay	Miller, J.	Sublette
Brown	Goode	Miller, L.	Trovillion
Brummer	Goodlette	Morrioni	Tullis
Bush	Gottlieb	Murman	Valdes
Byrd	Green, C.	Ogles	Villalobos
Cantens	Greene, A.	Patterson	Wallace
Casey	Greenstein	Peaden	Warner
Chestnut	Hafner	Posey	Wasserman Schultz
Constantine	Harrington	Prieguez	Waters
Cosgrove	Hart	Pruitt	Wiles
Crady	Healey	Putnam	Wilson
Crist	Henriquez	Rayson	Wise
Crow	Heyman	Reddick	
Dennis	Hill	Ritchie	

Nays—None

Votes after roll call:

Yeas—Minton

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

Special Orders

General Calendar

CS/HB 35 was taken up. On motion by Rep. Ball, the rules were suspended and SB 248 was substituted for CS/HB 35. Under Rule 50, the House bill was laid on the table and—

SB 248—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; allowing a person who met the experience requirement to practice orthotics, prosthetics, or pedorthics before a specified date to apply for licensure, based on the person's experience and educational preparation, without meeting the educational requirements set forth in statute; providing an effective date.

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

Yeas—115

The Chair	Diaz de la Portilla	Johnson	Roberts
Alexander	Dockery	Jones	Rojas
Andrews	Edwards	Kelly	Russell
Argenziano	Effman	Kilmer	Ryan
Arnall	Eggelletion	Kosmas	Sanderson
Bainter	Farkas	Kyle	Sembler
Ball	Fasano	Lacasa	Smith, C.
Barreiro	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bitner	Fuller	Lynn	Stafford
Bloom	Futch	Maygarden	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Morrone	Trovillion
Bush	Gottlieb	Murman	Tullis
Byrd	Green, C.	Ogles	Turnbull
Cantens	Greene, A.	Patterson	Valdes
Casey	Greenstein	Peaden	Villalobos
Chestnut	Hafner	Posey	Wallace
Constantine	Harrington	Prieguez	Warner
Cosgrove	Hart	Pruitt	Wasserman Schultz
Crady	Healey	Putnam	Waters
Crist	Henriquez	Rayson	Wiles
Crow	Heyman	Reddick	Wilson
Dennis	Hill	Ritchie	Wise
Detert	Jacobs	Ritter	

Nays—None

Votes after roll call:

Yeas—Brummer, Minton

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

HB 71 was taken up. On motion by Rep. Stafford, the rules were suspended and SB 72 was substituted for HB 71. Under Rule 50, the House bill was laid on the table and—

SB 72—A bill to be entitled An act relating to homicide; amending ss. 782.071, 782.072, F.S.; increasing the penalties imposed for committing the offense of vehicular homicide or vessel homicide; increasing the penalties imposed for committing vehicular homicide or vessel homicide and failing to give information and render aid when the offender knew, or should have known, that the accident occurred; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming references to changes made by the act; providing an effective date.

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

Yeas—116

The Chair	Detert	Jacobs	Ritter
Alexander	Diaz de la Portilla	Johnson	Roberts
Andrews	Dockery	Jones	Rojas
Argenziano	Edwards	Kelly	Russell
Arnall	Effman	Kilmer	Ryan
Bainter	Eggelletion	Kosmas	Sanderson
Ball	Farkas	Kyle	Sembler
Barreiro	Fasano	Lacasa	Smith, C.
Bense	Feeney	Lawson	Smith, K.
Betancourt	Fiorentino	Levine	Sobel
Bilirakis	Flanagan	Littlefield	Sorensen
Bitner	Frankel	Logan	Spratt
Bloom	Fuller	Lynn	Stafford
Boyd	Futch	Maygarden	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Miller, L.	Sublette
Brummer	Goodlette	Morrone	Trovillion
Bush	Gottlieb	Murman	Tullis
Byrd	Green, C.	Ogles	Turnbull
Cantens	Greene, A.	Patterson	Valdes
Casey	Greenstein	Peaden	Villalobos
Chestnut	Hafner	Posey	Wallace
Constantine	Harrington	Prieguez	Warner
Cosgrove	Hart	Pruitt	Wasserman Schultz
Crady	Healey	Putnam	Waters
Crist	Henriquez	Rayson	Wiles
Crow	Heyman	Reddick	Wilson
Dennis	Hill	Ritchie	Wise

Nays—None

Votes after roll call:

Yeas—Minton

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

CS/CS/HB 77 was taken up. On motion by Rep. Flanagan, the rules were suspended and CS for CS for SB 150 was substituted for CS/CS/HB 77. Under Rule 50, the House bill was laid on the table and—

CS for CS for SB 150—A bill to be entitled An act relating to state financial matters; amending s. 17.05, F.S.; specifying certain powers of the Comptroller and the Department of Banking and Finance; providing requirements; specifying procedures, rights, and requirements for enforcing compliance with certain subpoenas; providing for assessing certain costs under certain circumstances; amending s. 17.076, F.S.; providing for payment of retirement benefits by direct deposit; amending s. 20.04, F.S.; exempting the Department of Banking and Finance from certain organizational requirements; amending s. 20.12, F.S.; specifying purposes and duties of the Comptroller and providing that provisions of this section do not apply to the Office of Chief Fiscal Officer; deleting divisions of the department; creating the Office of Financial Investigations; repealing s. 20.12(3) and (4), F.S., relating to duties of the Comptroller and the Office of Financial Investigations; amending s. 110.1165, F.S.; deleting a reference for purposes of specifying a statute of limitations for certain purposes; specifying a time limit for filing actions to recover certain compensation; providing application; amending s. 112.061, F.S.; providing for designees of agency heads to perform specified functions; relating to per diem and travel expenses; amending s. 215.422, F.S.; deleting certain requirements relating to vendors and state purchasing agreements and warrants; amending s. 216.011, F.S.; revising a definition; amending s. 216.102, F.S.; revising duties of the Comptroller relating to preparing and publishing certain financial information; amending s. 273.02, F.S.; revising a definition; amending ss. 17.11, 215.3206, 215.3208, 216.183, 216.212, 216.237, 280.08, 288.778, 494.0011, 494.0017, 494.0041, 494.00421, 494.0061, 494.0062, 494.0072, 497.407, 497.435, 516.03, 520.998, 655.90, and 655.942, F.S., to conform; providing compatibility with s. 216.351, F.S.; providing an effective date.

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

Yeas—116

The Chair	Detert	Jacobs	Ritter
Alexander	Diaz de la Portilla	Johnson	Roberts
Andrews	Dockery	Jones	Rojas
Argenziano	Edwards	Kelly	Russell
Arnall	Effman	Kilmer	Ryan
Bainter	Eggelletion	Kosmas	Sanderson
Ball	Farkas	Kyle	Sembler
Barreiro	Fasano	Lacasa	Smith, C.
Bense	Feeney	Lawson	Smith, K.
Betancourt	Fiorentino	Levine	Sobel
Bilirakis	Flanagan	Littlefield	Sorensen
Bitner	Frankel	Logan	Spratt
Bloom	Fuller	Lynn	Stafford
Boyd	Futch	Maygarden	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Miller, L.	Sublette
Brummer	Goodlette	Morrone	Trovillion
Bush	Gottlieb	Murman	Tullis
Byrd	Green, C.	Ogles	Turnbull
Cantens	Greene, A.	Patterson	Valdes
Casey	Greenstein	Peaden	Villalobos
Chestnut	Hafner	Posey	Wallace
Constantine	Harrington	Prieguez	Warner
Cosgrove	Hart	Pruitt	Wasserman Schultz
Crady	Healey	Putnam	Waters
Crist	Henriquez	Rayson	Wiles
Crow	Heyman	Reddick	Wilson
Dennis	Hill	Ritchie	Wise

Nays—None

Votes after roll call:

Yeas—Minton

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

HB 135 was taken up. On motion by Rep. Levine, SB 134 was substituted for HB 135. Under Rule 50, the House bill was laid on the table and—

SB 134—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S.; correcting a misplaced statutory provision relating to the unlawful sale or possession of a controlled substance within a specified area surrounding a child care facility; providing that certain enhanced penalties do not apply unless the owner or operator of the facility posts a sign identifying the facility as a child care facility; providing an effective date.

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

Yeas—115

The Chair	Bloom	Cosgrove	Fasano
Alexander	Boyd	Crady	Feeney
Andrews	Bradley	Crist	Fiorentino
Argenziano	Bronson	Crow	Flanagan
Arnall	Brown	Dennis	Frankel
Bainter	Brummer	Detert	Fuller
Ball	Bush	Diaz de la Portilla	Futch
Barreiro	Byrd	Dockery	Garcia
Bense	Cantens	Edwards	Gay
Betancourt	Casey	Effman	Goode
Bilirakis	Chestnut	Eggelletion	Goodlette
Bitner	Constantine	Farkas	Gottlieb

Green, C.	Lacasa	Pruitt	Stansel
Greene, A.	Lawson	Putnam	Starks
Greenstein	Levine	Rayson	Suarez
Hafner	Littlefield	Reddick	Sublette
Harrington	Logan	Ritchie	Trovillion
Hart	Lynn	Ritter	Tullis
Healey	Maygarden	Roberts	Turnbull
Henriquez	Merchant	Rojas	Valdes
Heyman	Miller, J.	Russell	Villalobos
Hill	Miller, L.	Ryan	Wallace
Jacobs	Morrone	Sembler	Warner
Johnson	Murman	Smith, C.	Wasserman Schultz
Jones	Ogles	Smith, K.	Waters
Kelly	Patterson	Sobel	Wiles
Kilmer	Peaden	Sorensen	Wilson
Kosmas	Posey	Spratt	Wise
Kyle	Prieguez	Stafford	

Nays—None

Votes after roll call:

Yeas—Minton

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

HB 145—A bill to be entitled An act relating to child support; amending s. 61.30, F.S.; requiring a court under certain circumstances to base a determination of child support amounts on the proportionate amount of time the children are required to spend with each parent each year; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following:

Amendment 1—On page 2, line 5, remove from the bill: all of said line

and insert in lieu thereof: *order or mediation agreement to spend a substantial amount of time with the*

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

The Committee on Family Law & Children offered the following:

Amendment 2 (with title amendment)—On page 3, line 26, through page 4, line 2, remove from the bill: all of said lines,

and insert in lieu thereof: *(b) Whenever a particular shared parental arrangement provides that each child spend a substantial amount of time with each parent, the court shall adjust any award of child support, based upon:*

1. *The amount of time each child will spend with each parent under the shared parental arrangement.*

2. *The needs of each child.*

3. *The direct and indirect financial expenses for each child. For purposes of this subparagraph, "direct financial expenses" means any expenses which are incurred directly on behalf of a child or in which a child directly participates, including, but not limited to, expenses relating to what a child eats or wears or schooling and extracurricular activities, and "indirect financial expenses" means any household expenses from which a child indirectly benefits, including, but not limited to, expenses relating to a mortgage, rent, utilities, automobile, and automobile insurance.*

4. *The comparative income of each parent, considering all relevant factors, as provided in s. 61.30 (2)(a).*

5. *The station in life of each parent and each child.*

6. *The standard of living experienced by the entire family during the marriage.*

7. *The financial status and ability of each parent.*

And the title is amended as follows:

On page 1, lines 5 through 7,
remove from the title of the bill: all of said lines,

and insert in lieu thereof: support amounts under certain shared
parental arrangements upon specified criteria; providing an effective

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

On motion by Rep. Effman, the rules were suspended and HB 145, as
amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Detert	Johnson	Ritter
Alexander	Diaz de la Portilla	Jones	Roberts
Andrews	Dockery	Kelly	Rojas
Argenziano	Edwards	Kilmer	Russell
Arnall	Effman	Kosmas	Ryan
Bainter	Eggelletion	Kyle	Sanderson
Ball	Farkas	Lacasa	Sembler
Barreiro	Fasano	Lawson	Smith, C.
Bense	Feeney	Levine	Smith, K.
Betancourt	Fiorentino	Littlefield	Sobel
Bilirakis	Flanagan	Logan	Sorensen
Bitner	Frankel	Lynn	Spratt
Bloom	Fuller	Maygarden	Stafford
Boyd	Futch	Merchant	Stansel
Bradley	Garcia	Miller, J.	Starks
Bronson	Gay	Miller, L.	Suarez
Brown	Goode	Minton	Sublette
Brummer	Goodlette	Morrone	Trovillion
Bush	Gottlieb	Murman	Tullis
Byrd	Green, C.	Ogles	Turnbull
Cantens	Greene, A.	Patterson	Valdes
Casey	Greenstein	Peaden	Villalobos
Chestnut	Hafner	Posey	Wallace
Constantine	Hart	Prieguez	Warner
Cosgrove	Healey	Pruitt	Wasserman Schultz
Crady	Henriquez	Putnam	Waters
Crist	Heyman	Rayson	Wiles
Crow	Hill	Reddick	Wilson
Dennis	Jacobs	Ritchie	Wise

Nays—1

Harrington

Votes after roll call:

Nays to Yeas—Harrington

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

HB 147 was taken up. On motion by Rep. Alexander, the rules were
suspended and CS for SB 60 was substituted for HB 147. Under Rule 50,
the House bill was laid on the table and—

CS for SB 60—A bill to be entitled An act relating to pretrial
intervention programs; amending s. 948.08, F.S.; authorizing the court
to deny the admission of a defendant to a pretrial substance-abuse
education and treatment intervention program if the defendant has
rejected any prior offer of admission to such program; providing an
effective date.

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

Yeas—117

The Chair	Andrews	Arnall	Ball
Alexander	Argenziano	Bainter	Barreiro

Bense	Fasano	Kyle	Ryan
Betancourt	Feeney	Lacasa	Sanderson
Bilirakis	Fiorentino	Lawson	Sembler
Bitner	Flanagan	Levine	Smith, C.
Bloom	Frankel	Littlefield	Smith, K.
Boyd	Fuller	Logan	Sobel
Bradley	Futch	Lynn	Sorensen
Bronson	Garcia	Maygarden	Spratt
Brown	Gay	Merchant	Stafford
Brummer	Goode	Miller, J.	Stansel
Bush	Goodlette	Miller, L.	Starks
Byrd	Gottlieb	Minton	Suarez
Cantens	Green, C.	Morrone	Sublette
Casey	Greene, A.	Murman	Trovillion
Chestnut	Greenstein	Ogles	Tullis
Constantine	Hafner	Patterson	Turnbull
Cosgrove	Harrington	Peaden	Valdes
Crady	Hart	Posey	Villalobos
Crist	Healey	Prieguez	Wallace
Crow	Henriquez	Pruitt	Warner
Dennis	Heyman	Putnam	Wasserman Schultz
Detert	Hill	Rayson	Waters
Diaz de la Portilla	Jacobs	Reddick	Wiles
Dockery	Johnson	Ritchie	Wilson
Edwards	Jones	Ritter	Wise
Effman	Kelly	Roberts	
Eggelletion	Kilmer	Rojas	
Farkas	Kosmas	Russell	

Nays—None

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

HB 169 was taken up. On motion by Rep. Turnbull, the rules were
suspended and SB 326 was substituted for HB 169. Under Rule 50, the
House bill was laid on the table and—

SB 326—A bill to be entitled An act relating to the Treasurer;
amending ss. 18.125 and 112.215, F.S.; providing that fees contributed
by participants in the Government Employees' Deferred Compensation
Plan Act shall not be included in the unencumbered balance of a certain
trust fund maintained by the Treasurer; providing an effective date.

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

Yeas—116

The Chair	Constantine	Goodlette	Logan
Alexander	Cosgrove	Gottlieb	Lynn
Andrews	Crady	Green, C.	Maygarden
Argenziano	Crist	Greene, A.	Merchant
Arnall	Crow	Greenstein	Miller, J.
Bainter	Dennis	Hafner	Miller, L.
Ball	Detert	Harrington	Minton
Barreiro	Diaz de la Portilla	Hart	Morrone
Bense	Dockery	Healey	Murman
Betancourt	Edwards	Henriquez	Ogles
Bilirakis	Effman	Heyman	Patterson
Bitner	Eggelletion	Hill	Peaden
Bloom	Farkas	Jacobs	Posey
Boyd	Fasano	Johnson	Prieguez
Bradley	Feeney	Jones	Pruitt
Bronson	Fiorentino	Kelly	Putnam
Brown	Flanagan	Kilmer	Reddick
Brummer	Frankel	Kosmas	Ritchie
Bush	Fuller	Kyle	Ritter
Byrd	Futch	Lacasa	Roberts
Cantens	Garcia	Lawson	Rojas
Casey	Gay	Levine	Russell
Chestnut	Goode	Littlefield	Ryan

Sanderson	Spratt	Trovillion	Warner
Semler	Stafford	Tullis	Wasserman Schultz
Smith, C.	Stansel	Turnbull	Waters
Smith, K.	Starks	Valdes	Wiles
Sobel	Suarez	Villalobos	Wilson
Sorensen	Sublette	Wallace	Wise

Nays—None

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

CS/HB 213—A bill to be entitled An act relating to guardianship; amending s. 744.369, F.S.; extending the time to review certain reports; authorizing random field audits; amending s. 744.474, F.S.; providing certain relatives the ability to petition the court regarding removal of the guardian; amending s. 744.702, F.S.; providing legislative intent to establish the Statewide Public Guardianship Office; creating s. 744.7021, F.S.; providing for the Statewide Public Guardianship Office within the Department of Elderly Affairs; providing for an executive director and oversight responsibilities; providing for the Department of Elderly Affairs to provide certain services and support; requiring submission of a guardianship plan and yearly status reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court; requiring the office to develop a training program and curriculum committee; authorizing fees; authorizing demonstration projects; providing for rules; amending s. 744.703, F.S.; providing for the executive director to establish offices of public guardian and to appoint or contract with public guardians; providing for transfer of oversight responsibility from the chief judge of the circuit to the office; providing for the suspension of public guardians, as specified; amending s. 744.706, F.S.; providing for the preparation of the budget of the Statewide Public Guardianship Office; amending s. 744.707, F.S.; revising language with respect to procedures and rules to include reference to the Statewide Public Guardianship Office; amending s. 744.708, F.S.; revising language with respect to reports and standards; providing reference to audits by the Auditor General; amending s. 744.709, F.S.; revising language with respect to surety bonds; amending s. 744.1085, F.S.; revising language with respect to professional guardians to include reference to the Statewide Public Guardianship Office; amending s. 744.3135, F.S., relating to credit and criminal investigations of guardians; authorizing credit and criminal investigations of nonprofessional or public guardians; deleting exemption of the spouse or child of a ward from credit and criminal investigations when appointed a guardian of the ward; providing a procedure for obtaining fingerprint cards and for maintaining the results of certain investigations; amending s. 28.241, F.S.; providing for funds for public guardians; providing an appropriation; providing for the transfer of resources between agencies; providing effective dates.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

Amendment 1 (with title amendment)—On page 16, lines 24 through 27, remove from the bill: all of said lines

And the title is amended as follows:

On page 2, line 27, remove from the title of the bill: providing an appropriation;

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

The Committee on Governmental Rules & Regulations offered the following:

Amendment 2—On page 8, lines 15-17, remove from the bill: all of said lines

and insert in lieu thereof:

(4) *The office has authority to adopt rules pursuant to ss. 120.54 and 120.536(1) to carry out the provisions of this section.*

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

On motion by Rep. Crow, the rules were suspended and CS/HB 213, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Stafford
Arnall	Eggelletion	Kyle	Semler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morroni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

CS/HB 219—A bill to be entitled An act relating to public records exemptions; creating s. 744.7081, F.S.; providing an exemption from public records requirements for certain records requested by the Statewide Public Guardianship Office; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1—On page 1, lines 23 through 26, remove from the bill: all of said lines

and insert in lieu thereof: *office's request. Any confidential or exempt information provided to the Statewide Public Guardianship Office shall continue to be held confidential or exempt as otherwise provided by law. All records held by the Statewide*

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

On motion by Rep. Crow, the rules were suspended and CS/HB 219, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Bainter	Bitner	Brummer
Albright	Ball	Bloom	Bush
Alexander	Barreiro	Boyd	Byrd
Andrews	Bense	Bradley	Cantens
Argenziano	Betancourt	Bronson	Casey
Arnall	Bilirakis	Brown	Chestnut

Constantine	Goodlette	Maygarden	Sembler
Cosgrove	Gottlieb	Merchant	Smith, C.
Crady	Green, C.	Miller, J.	Smith, K.
Crist	Greene, A.	Miller, L.	Sorensen
Crow	Greenstein	Minton	Spratt
Dennis	Hafner	Morrone	Stafford
Detert	Harrington	Murman	Stansel
Diaz de la Portilla	Hart	Ogles	Starks
Dockery	Healey	Patterson	Suarez
Edwards	Henriquez	Peaden	Sublette
Effman	Heyman	Posey	Trovillion
Eggelletion	Hill	Prieguez	Tullis
Farkas	Johnson	Pruitt	Turnbull
Fasano	Jones	Putnam	Valdes
Feeney	Kelly	Rayson	Villalobos
Fiorentino	Kilmer	Reddick	Wallace
Flanagan	Kosmas	Ritchie	Warner
Frankel	Kyle	Ritter	Wasserman Schultz
Fuller	Lacasa	Roberts	Waters
Futch	Lawson	Rojas	Wiles
Garcia	Littlefield	Russell	Wilson
Gay	Logan	Ryan	Wise
Goode	Lynn	Sanderson	

Nays—None

Votes after roll call:

Yeas—Jacobs, Levine

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

HB 283 was taken up. On motion by Rep. Fiorentino, the rules were suspended and SB 20 was substituted for HB 283. Under Rule 50, the House bill was laid on the table and—

SB 20—A bill to be entitled An act relating to the Florida Department of Transportation; providing for the relief of Patricia D. Baker; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Florida Department of Transportation; providing an effective date.

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

Yeas—106

The Chair	Crow	Henriquez	Patterson
Alexander	Dennis	Heyman	Peaden
Andrews	Detert	Hill	Posey
Argenziano	Diaz de la Portilla	Jacobs	Prieguez
Arnall	Edwards	Johnson	Pruitt
Ball	Effman	Jones	Putnam
Barreiro	Eggelletion	Kelly	Rayson
Bense	Farkas	Kilmer	Reddick
Betancourt	Fasano	Kosmas	Ritchie
Bilirakis	Feeney	Kyle	Ritter
Bloom	Fiorentino	Lacasa	Roberts
Boyd	Flanagan	Lawson	Rojas
Bradley	Frankel	Levine	Russell
Bronson	Futch	Littlefield	Ryan
Brown	Garcia	Logan	Sanderson
Brummer	Gay	Lynn	Sembler
Bush	Goodlette	Maygarden	Smith, C.
Byrd	Gottlieb	Merchant	Smith, K.
Cantens	Green, C.	Miller, J.	Sorensen
Casey	Greene, A.	Miller, L.	Spratt
Chestnut	Hafner	Minton	Stafford
Cosgrove	Harrington	Morrone	Stansel
Crady	Hart	Murman	Starks
Crist	Healey	Ogles	Suarez

Sublette	Valdes	Wasserman Schultz	Wiles
Trovillion	Villalobos	Waters	Wilson
Turnbull	Warner		

Nays—7

Bainter	Fuller	Tullis	Wise
Bitner	Goode	Wallace	

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

HB 289—A bill to be entitled An act relating to the local government infrastructure surtax; amending s. 212.055, F.S.; revising provisions which authorize certain counties to use tax proceeds to retire or service indebtedness for bonds issued before July 1, 1987, for infrastructure purposes; including charter counties within such authorization; authorizing use of interest accrued on tax proceeds for such purpose; extending such authorization to bonds subsequently issued to refund such bonds; ratifying prior use of tax proceeds and interest for such refunding bonds; providing an effective date.

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

Yeas—115

The Chair	Dennis	Johnson	Roberts
Albright	Detert	Jones	Rojas
Alexander	Diaz de la Portilla	Kelly	Russell
Andrews	Dockery	Kilmer	Ryan
Argenziano	Edwards	Kosmas	Sanderson
Arnall	Effman	Kyle	Sembler
Bainter	Eggelletion	Lacasa	Smith, C.
Ball	Farkas	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goode	Morrone	Trovillion
Brown	Goodlette	Murman	Tullis
Brummer	Gottlieb	Ogles	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Hafner	Posey	Wallace
Casey	Harrington	Prieguez	Warner
Chestnut	Hart	Pruitt	Wasserman Schultz
Constantine	Healey	Putnam	Waters
Cosgrove	Henriquez	Rayson	Wiles
Crady	Heyman	Reddick	Wilson
Crist	Hill	Ritchie	Wise
Crow	Jacobs	Ritter	

Nays—None

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

CS/HB 303 was taken up. On motion by Rep. Turnbull, the rules were suspended and CS for SB 716 was substituted for CS/HB 303. Under Rule 50, the House bill was laid on the table and—

CS for SB 716—A bill to be entitled An act relating to trust funds; creating the Florida World War II Veterans Memorial Matching Trust Fund within the Department of Veterans' Affairs; providing for sources of moneys and purposes; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrone	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

CS/HB 305 was taken up. On motion by Rep. Turnbull, the rules were suspended and CS for SB 714 was substituted for CS/HB 305. Under Rule 50, the House bill was laid on the table and—

CS for SB 714—A bill to be entitled An act relating to the Florida World War II Veterans Memorial; providing for the construction of a memorial to the Florida residents who served during World War II; specifying source of moneys; directing the Commission on Veterans' Affairs to cooperate with the Capitol Center Planning Commission to report on the cost and appropriate location of the memorial; directing the Governor to arrange for an appropriate ceremony; providing a contingent effective date.

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

Yeas—118

The Chair	Bronson	Dockery	Gottlieb
Albright	Brown	Edwards	Green, C.
Alexander	Brummer	Effman	Greene, A.
Andrews	Bush	Eggelletion	Greenstein
Argenziano	Byrd	Farkas	Hafner
Arnall	Cantens	Fasano	Harrington
Bainter	Casey	Feeney	Hart
Ball	Chestnut	Fiorentino	Healey
Barreiro	Constantine	Flanagan	Henriquez
Bense	Cosgrove	Frankel	Heyman
Betancourt	Crady	Fuller	Hill
Bilirakis	Crist	Futch	Jacobs
Bitner	Crow	Garcia	Johnson
Bloom	Dennis	Gay	Jones
Boyd	Detert	Goode	Kelly
Bradley	Diaz de la Portilla	Goodlette	Kilmer

Kosmas	Murman	Russell	Trovillion
Kyle	Ogles	Ryan	Tullis
Lacasa	Patterson	Sanderson	Turnbull
Lawson	Peaden	Sembler	Valdes
Levine	Posey	Smith, C.	Villalobos
Littlefield	Prieguez	Smith, K.	Wallace
Logan	Pruitt	Sobel	Warner
Lynn	Putnam	Sorensen	Wasserman Schultz
Maygarden	Rayson	Spratt	Waters
Merchant	Reddick	Stafford	Wiles
Miller, J.	Ritchie	Stansel	Wilson
Miller, L.	Ritter	Starks	Wise
Minton	Roberts	Suarez	
Morrone	Rojas	Sublette	

Nays—None

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

CS/HB 309—A bill to be entitled An act relating to courses of study; amending s. 233.061, F.S.; authorizing certain exemptions from required reproductive health or HIV/AIDS instructional activities; conforming terminology; providing an effective date.

—was read the second time by title. On motion by Rep. Diaz de la Portilla, the rules were suspended and the bill was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

CS/HB 311 & CS/HB 243—A bill to be entitled An act relating to suits by and against the Department of Transportation and public authorities; amending s. 337.19, F.S.; revising language with respect to suits at law and in equity brought by or against the department with respect to breach of an express provision or an implied covenant of a written agreement or a written directive issued by the department pursuant to the written agreement; providing for rights and obligations; prohibiting liability under certain circumstances; providing exceptions

with respect to liability; amending s. 255.05, F.S.; specifying conditions under which suits may be brought by and against a public authority with respect to specified public works projects; providing for rights and obligations of the public authority and the contractor; excluding specified basis of liability; providing for construction of the act; providing effective dates.

—was read the second time by title.

The Committee on Transportation & Economic Development Appropriations offered the following:

Amendment 1 (with title amendment)—On page 1, line 24,

insert:

Section 1. Subsection (16) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

~~(16) The department is authorized to undertake and contract to provide an owner controlled insurance plan (OCIP) on any construction project or group of related construction projects if the head of the department determines that an OCIP will be both cost effective for the department and otherwise in its best interests. Such OCIP may provide insurance coverage for the department and for worker's compensation and employers liability and general liability and builders risk for contractors and subcontractors, for and in conjunction with any or all work performed on such projects. The department may directly purchase such coverage in the manner provided for the purchase of commodities pursuant to s. 287.057, or self insure, or use a combination thereof, any other statutory provisions or limitations on self insurance or purchase of insurance notwithstanding. The department's authority hereunder includes the purchase of risk management, risk and loss control, safety management, investigative and claims adjustment services, advancement of funds for payment of claims, and other services reasonably necessary to process and pay claims under and administer the OCIP. In addition to any prequalification required under s. 337.14, no contractor shall be prequalified to bid on an OCIP project unless the contractor's casualty and loss experience and safety record meets the minimum requirements for OCIP coverage issuance on the project, were the contractor to be awarded the project. Exercise of the department's authority under this subsection shall not be deemed a waiver of sovereign immunity.~~

Section 2. Subsections (1), (2), (3), (7), and (8) of section 337.185, Florida Statutes, are amended to read:

337.185 State Arbitration Board.—

(1) To facilitate the prompt settlement of claims for additional compensation arising out of construction contracts between the department and the various contractors with whom it transacts business, the Legislature does hereby establish the State Arbitration Board, referred to in this section as the "board." For the purpose of this section, "claim" shall mean the aggregate of all outstanding claims by a party arising out of a construction contract. Every contractual claim in an amount up to ~~\$250,000~~ ~~\$100,000~~ per contract or, at the claimant's option, up to ~~\$500,000~~ ~~\$250,000~~ per contract or, upon agreement of the parties, up to ~~\$1,000,000~~ per contract that cannot be resolved by negotiation between the department and the contractor shall be arbitrated by the board after acceptance of the project by the department. As an exception, either party to the dispute may request that the claim be submitted to binding private arbitration. A court of law may not consider the settlement of such a claim until the process established by this section has been exhausted.

(2) The board shall be composed of three members. One member shall be appointed by the head of the department, and one member shall be elected by those construction companies who are under contract with the department. The third member shall be chosen by agreement of the

other two members. Whenever the third member has a conflict of interest regarding affiliation with one of the parties, the other two members shall select an alternate member for that hearing. *The head of the department may select an alternative or substitute to serve as the department member for any hearing or term.* Each member shall serve a 2-year term. The board shall elect a chair, each term, who shall be the administrator of the board and custodian of its records.

(3) A hearing may be requested by the department or by a contractor who has a dispute with the department which, under the rules of the board, may be the subject of arbitration. The board shall conduct the hearing within 45 days of the request. The party requesting the board's consideration shall give notice of the hearing to each member. If the board finds that a third party is necessary to resolve the dispute, the board may vote to dismiss the claim, which may thereafter be pursued in accordance with the laws of the State of Florida ~~a court of law.~~

~~(7) The members member of the board elected by construction companies and the third member of the board may receive compensation for the performance of their duties hereunder, from administrative fees received by the board, except that no employee of the department may receive compensation from the board. The compensation amount shall be determined by the board, but shall not exceed \$125 per hour, up to a maximum of \$1,000 \$750 per day for each member authorized to receive compensation. Nothing in this section shall prevent the member elected by construction companies from being an employee of an association affiliated with the industry, even if the sole responsibility of that member is service on the board. Travel expenses for the industry member may be paid by an industry association, if necessary. The board may allocate funds annually for clerical and other administrative services.~~

(8) The party requesting arbitration shall pay a fee to the board in accordance with a schedule established by it, not to exceed \$500 per claim which is \$25,000 or less, not to exceed \$1,000 per claim which is in excess of \$25,000 but not exceeding \$50,000, not to exceed \$1,500 per claim which is in excess of \$50,000 but not exceeding \$100,000, not to exceed \$2,000 per claim which is in excess of \$100,000 but not exceeding \$200,000, and not to exceed ~~\$3,000~~ ~~\$2,500~~ per claim which is in excess of \$200,000 but not exceeding ~~\$300,000~~ ~~\$250,000~~, not to exceed ~~\$4,000~~ per claim which is in excess of ~~\$300,000~~ but not exceeding ~~\$400,000~~, and not to exceed ~~\$5,000~~ per claim which is in excess of ~~\$400,000~~, to cover the cost of administration and compensation of the board.

And the title is amended as follows:

On page 1, line 4, after "authorities,"

insert: amending s. 337.11, F.S.; repealing authority for owner controlled insurance plans in the Department of Transportation; amending s. 337.185, F.S.; increasing claim limits with respect to certain contractual claims governed by the State Arbitration Board; revising language with respect to hearings on certain disputes; increasing certain fees;

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

On motion by Rep. Fuller, the rules were suspended and CS/HB 311 & CS/HB 243, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Betancourt	Byrd	Diaz de la Portilla
Albright	Bilirakis	Cantens	Dockery
Alexander	Bitner	Casey	Edwards
Andrews	Bloom	Chestnut	Effman
Argenziano	Boyd	Constantine	Eggelletion
Arnall	Bradley	Crady	Farkas
Bainter	Bronson	Crist	Fasano
Ball	Brown	Crow	Feeny
Barreiro	Brummer	Dennis	Florentino
Bense	Bush	Detert	Flanagan

Frankel	Jones	Peaden	Stafford
Fuller	Kelly	Posey	Stansel
Futch	Kilmer	Prieguez	Starks
Garcia	Kosmas	Pruitt	Suarez
Gay	Kyle	Putnam	Sublette
Goode	Lacasa	Rayson	Trovillion
Goodlette	Lawson	Reddick	Tullis
Gottlieb	Levine	Ritchie	Turnbull
Green, C.	Littlefield	Ritter	Valdes
Greene, A.	Logan	Roberts	Villalobos
Greenstein	Lynn	Rojas	Wallace
Hafner	Maygarden	Russell	Warner
Harrington	Merchant	Ryan	Wasserman Schultz
Hart	Miller, J.	Sanderson	Waters
Healey	Miller, L.	Sembler	Wiles
Henriquez	Minton	Smith, C.	Wilson
Heyman	Morrone	Smith, K.	Wise
Hill	Murman	Sobel	
Jacobs	Ogles	Sorensen	
Johnson	Patterson	Spratt	

Nays—None

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

CS/HB 319—A bill to be entitled An act relating to pharmacy practice; amending s. 465.003, F.S.; revising the definition of the term “practice of the profession of pharmacy”; amending s. 465.016, F.S.; authorizing the redispensing of unused or returned unit-dose medication by correctional facilities under certain conditions; amending s. 499.012, F.S.; redefining the term “wholesale distribution,” relating to the distribution of prescription drugs, to provide for the exclusion of certain activities; providing effective dates.

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

Yeas—117

The Chair	Crow	Henriquez	Putnam
Albright	Dennis	Heyman	Rayson
Alexander	Detert	Hill	Reddick
Andrews	Diaz de la Portilla	Jacobs	Ritchie
Argenziano	Dockery	Johnson	Ritter
Arnall	Edwards	Jones	Roberts
Bainter	Effman	Kelly	Rojas
Ball	Eggelletion	Kilmer	Russell
Barreiro	Farkas	Kosmas	Ryan
Bense	Fasano	Kyle	Sanderson
Betancourt	Feeney	Lacasa	Sembler
Bilirakis	Fiorentino	Lawson	Smith, C.
Bitner	Flanagan	Littlefield	Smith, K.
Bloom	Frankel	Logan	Sobel
Boyd	Fuller	Lynn	Sorensen
Bradley	Futch	Maygarden	Spratt
Bronson	Garcia	Merchant	Stafford
Brown	Gay	Miller, J.	Stansel
Brummer	Goode	Miller, L.	Starks
Bush	Goodlette	Minton	Suarez
Byrd	Gottlieb	Morrone	Sublette
Cantens	Green, C.	Murman	Trovillion
Casey	Greene, A.	Ogles	Tullis
Chestnut	Greenstein	Patterson	Turnbull
Constantine	Hafner	Peaden	Valdes
Cosgrove	Harrington	Posey	Villalobos
Cradley	Hart	Prieguez	Wallace
Crist	Healey	Pruitt	Warner

Wasserman Schultz	Wiles	Wilson	Wise
Waters			

Nays—None

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

CS/HB 363—A bill to be entitled An act relating to local governments; amending s. 893.138, F.S.; authorizing local governments to take local administrative action to declare certain buildings and premises a public nuisance when the building or premises is used on more than two occasions in a certain time period to deal in stolen property; providing an effective date.

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

Yeas—115

The Chair	Detert	Jacobs	Roberts
Albright	Diaz de la Portilla	Johnson	Rojas
Alexander	Dockery	Jones	Russell
Andrews	Edwards	Kelly	Ryan
Arnall	Effman	Kilmer	Sanderson
Bainter	Eggelletion	Kosmas	Sembler
Ball	Farkas	Kyle	Smith, C.
Barreiro	Fasano	Lacasa	Smith, K.
Bense	Feeney	Lawson	Sobel
Betancourt	Fiorentino	Levine	Sorensen
Bilirakis	Flanagan	Littlefield	Spratt
Bitner	Frankel	Logan	Stafford
Bloom	Fuller	Lynn	Stansel
Boyd	Futch	Merchant	Starks
Bradley	Garcia	Miller, L.	Suarez
Bronson	Gay	Minton	Sublette
Brown	Goode	Morrone	Trovillion
Brummer	Goodlette	Murman	Tullis
Bush	Gottlieb	Ogles	Turnbull
Byrd	Green, C.	Patterson	Valdes
Cantens	Greene, A.	Peaden	Villalobos
Casey	Greenstein	Posey	Wallace
Chestnut	Hafner	Prieguez	Warner
Constantine	Harrington	Pruitt	Wasserman Schultz
Cosgrove	Hart	Putnam	Waters
Cradley	Healey	Rayson	Wiles
Crist	Henriquez	Reddick	Wilson
Crow	Heyman	Ritchie	Wise
Dennis	Hill	Ritter	

Nays—3

Argenziano	Maygarden	Miller, J.
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So the bill passed and was immediately certified to the Senate.

CS/HB 383—A bill to be entitled An act relating to homeowners’ associations, condominium associations, mobile homeowners’ associations, cooperative associations, and cooperative not-for-profit associations; amending ss. 607.0802 and 617.0802, F.S.; providing that certain persons may be deemed members of the association and eligible to serve as a director of a condominium association, cooperative association, homeowners’ association, or mobile homeowners’ association under certain circumstances; amending s. 617.0601, F.S.; providing that certain provisions in bylaws, rules, or other regulations are void; amending s. 617.301, F.S.; redefining the term “homeowners’ association” for the purposes of the Florida Not For Profit Corporation Act to include a mobile home subdivision; providing that provisions currently governed by the act relating to the purpose and scope of homeowners’ associations, powers and duties, right of owners to peaceably assemble, meetings, transition of homeowners’ associations’ control in a community, assessments and charges, agreements, recreational leaseholds, dispute resolutions, and covenants would apply to mobile home subdivisions; amending s. 719.103, F.S.; defining the

terms "special assessment," "voting certificate," and "voting interests" for the purposes of the Cooperative Act; amending s. 719.1035, F.S.; providing that all provisions of the cooperative documents are enforceable equitable servitudes, run with the land, and are effective until the cooperative is terminated; amending s. 719.104, F.S.; revising language with respect to commingling; providing for easements; amending s. 719.1055, F.S.; revising the amount of votes necessary to amend the cooperative documents; providing additional requirements with respect to amendments; amending s. 719.106, F.S.; providing requirements with respect to insurance and fidelity bonds; creating s. 719.115, F.S.; providing limitations on liability of unit owners; creating s. 723.0751, F.S.; providing for membership in mobile homeowners' association in certain circumstances; amending ss. 849.085 and 849.0931, F.S.; including cooperatives, residential subdivisions, cooperative associations, and homeowners' associations as defined in s. 617.301, F.S., within the provisions of law relating to penny-ante games and including cooperative associations and homeowners' associations as defined in s. 617.301, F.S., within the provisions of law relating to bingo; providing an effective date.

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

Yeas—114

The Chair	Dennis	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kilmer	Russell
Andrews	Edwards	Kosmas	Ryan
Argenziano	Effman	Kyle	Sanderson
Arnall	Eggelletion	Lacasa	Sembler
Bainter	Farkas	Lawson	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goode	Morrone	Trovillion
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crady	Heyman	Reddick	Wise
Crist	Hill	Ritchie	
Crow	Jacobs	Ritter	

Nays—None

Votes after roll call:

Yeas—Harrington, Kelly, Tullis

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

HB 391—A bill to be entitled An act relating to criminal justice information; amending s. 943.053, F.S.; providing each office of the Public Defender on-line access to criminal records which are not exempt from disclosure and not confidential under law; providing an effective date.

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

Yeas—115

The Chair	Dennis	Hill	Ritter
Albright	Detert	Jacobs	Roberts
Alexander	Diaz de la Portilla	Johnson	Rojas
Andrews	Dockery	Jones	Russell
Argenziano	Edwards	Kilmer	Ryan
Arnall	Effman	Kosmas	Sanderson
Bainter	Eggelletion	Kyle	Sembler
Ball	Farkas	Lacasa	Smith, C.
Barreiro	Fasano	Lawson	Smith, K.
Bense	Feeney	Levine	Sobel
Betancourt	Fiorentino	Littlefield	Sorensen
Bilirakis	Flanagan	Logan	Spratt
Bitner	Frankel	Lynn	Stafford
Bloom	Fuller	Maygarden	Stansel
Boyd	Futch	Merchant	Starks
Bradley	Garcia	Miller, J.	Suarez
Bronson	Gay	Minton	Sublette
Brown	Goode	Morrone	Trovillion
Brummer	Goodlette	Murman	Turnbull
Bush	Gottlieb	Ogles	Valdes
Byrd	Green, C.	Patterson	Villalobos
Cantens	Greene, A.	Peaden	Wallace
Casey	Greenstein	Posey	Warner
Chestnut	Hafner	Prieguez	Wasserman Schultz
Constantine	Harrington	Pruitt	Waters
Cosgrove	Hart	Putnam	Wiles
Crady	Healey	Rayson	Wilson
Crist	Henriquez	Reddick	Wise
Crow	Heyman	Ritchie	

Nays—None

Votes after roll call:

Yeas—Kelly, Tullis

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

CS/HB 401—A bill to be entitled An act relating to bond financing; amending s. 159.804, F.S.; establishing an additional region for purposes of the allocation of private activity bonds issued in the state; amending s. 159.8075, F.S.; providing for applicability of certain bond conversion restrictions; providing an effective date.

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

Yeas—116

The Chair	Casey	Futch	Kyle
Albright	Chestnut	Garcia	Lacasa
Alexander	Constantine	Gay	Lawson
Andrews	Cosgrove	Goode	Levine
Argenziano	Crady	Goodlette	Littlefield
Arnall	Crist	Gottlieb	Logan
Bainter	Crow	Greene, A.	Lynn
Ball	Dennis	Greenstein	Maygarden
Bense	Detert	Hafner	Merchant
Betancourt	Diaz de la Portilla	Harrington	Miller, J.
Bilirakis	Dockery	Hart	Miller, L.
Bitner	Edwards	Healey	Minton
Bloom	Effman	Henriquez	Morrone
Boyd	Eggelletion	Heyman	Murman
Bradley	Farkas	Hill	Ogles
Bronson	Fasano	Jacobs	Patterson
Brown	Feeney	Johnson	Peaden
Brummer	Fiorentino	Jones	Posey
Bush	Flanagan	Kelly	Prieguez
Byrd	Frankel	Kilmer	Pruitt
Cantens	Fuller	Kosmas	Putnam

Rayson	Sanderson	Stansel	Villalobos
Reddick	Semler	Starks	Wallace
Ritchie	Smith, C.	Suarez	Warner
Ritter	Smith, K.	Sublette	Wasserman Schultz
Roberts	Sobel	Trovillion	Waters
Rojas	Sorensen	Tullis	Wiles
Russell	Spratt	Turnbull	Wilson
Ryan	Stafford	Valdes	Wise

Nays—None

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

HB 411 was taken up. On motion by Rep. L. Miller, the rules were suspended and CS for SB 892 was substituted for HB 411. Under Rule 50, the House bill was laid on the table and—

CS for SB 892—A bill to be entitled An act relating to the designation of highways; designating various highways in the state as the “Lawton Chiles Trail”; directing the Department of Transportation to erect markers; providing an effective date.

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

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Semler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

Votes after roll call:

Yeas—Bitner

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

HB 431 was taken up. On motion by Rep. Lynn, the rules were suspended and SB 1396 was substituted for HB 431. Under Rule 50, the House bill was laid on the table and—

SB 1396—A bill to be entitled An act relating to the registration of drugs, devices, and cosmetics; amending s. 499.015, F.S.; exempting from ss. 499.015, 499.041(6), F.S., manufacturers of medical devices that meet specified requirements of the federal Food and Drug

Administration; requiring certain information to be submitted with such a manufacturer’s application for a permit to do business in this state; providing an effective date.

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

Yeas—118

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Semler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 433—A bill to be entitled An act relating to unauthorized transmissions on telecommunications frequencies; amending s. 843.165, F.S.; prohibiting an unauthorized person from transmitting over a radio frequency assigned to a governmental agency or an emergency medical services provider; providing penalties; providing exceptions; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1—On page 1, Line 22, after the word “agency”

insert: *or water management district*

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

The Committee on Community Affairs offered the following:

Amendment 2—On page 2, Line 6, after the word “agency,”

insert: *water management district*.

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

The Committee on Community Affairs offered the following:

Amendment 3—On page 2, Line 25, after the word “agency”

insert: *, water management district*

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

The Committee on Community Affairs offered the following:

Amendment 4—On page 1, line 26, remove from the bill: *by*

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

On motion by Rep. Ball, the rules were suspended and HB 433, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Detert	Jacobs	Ritchie
Albright	Diaz de la Portilla	Johnson	Ritter
Alexander	Dockery	Jones	Roberts
Andrews	Edwards	Kelly	Russell
Argenziano	Effman	Kilmer	Ryan
Arnall	Eggelletion	Kosmas	Sanderson
Ball	Farkas	Kyle	Sembler
Barreiro	Fasano	Lacasa	Smith, C.
Bense	Feeney	Lawson	Smith, K.
Betancourt	Fiorentino	Levine	Sobel
Bilirakis	Flanagan	Littlefield	Sorensen
Bitner	Frankel	Logan	Spratt
Bloom	Fuller	Lynn	Stafford
Boyd	Futch	Maygarden	Stansel
Bradley	Garcia	Merchant	Starks
Bronson	Gay	Miller, J.	Suarez
Brown	Goode	Miller, L.	Sublette
Brummer	Goodlette	Minton	Trovillion
Bush	Gottlieb	Morrone	Tullis
Byrd	Green, C.	Murman	Turnbull
Cantens	Greene, A.	Ogles	Valdes
Casey	Greenstein	Patterson	Villalobos
Chestnut	Hafner	Peaden	Wallace
Constantine	Harrington	Posey	Warner
Cosgrove	Hart	Prieguez	Wasserman Schultz
Crady	Healey	Pruitt	Waters
Crist	Henriquez	Putnam	Wiles
Crow	Heyman	Rayson	Wilson
Dennis	Hill	Reddick	Wise

Nays—None

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

HB 443 was taken up. On motion by Rep. Flanagan, the rules were suspended and CS for SB 990 was substituted for HB 443. Under Rule 50, the House bill was laid on the table and—

CS for SB 990—A bill to be entitled An act relating to trust powers; amending s. 660.41, F.S.; excluding certain banks or associations and trust companies from a prohibition against exercising certain powers and duties and acting within certain capacities in this state; providing an effective date.

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

Yeas—117

The Chair	Bense	Brummer	Crist
Albright	Betancourt	Bush	Crow
Alexander	Bilirakis	Byrd	Dennis
Andrews	Bitner	Cantens	Detert
Argenziano	Bloom	Casey	Diaz de la Portilla
Arnall	Boyd	Chestnut	Dockery
Bainter	Bradley	Constantine	Edwards
Ball	Bronson	Cosgrove	Effman
Barreiro	Brown	Crady	Eggelletion

Farkas	Hill	Ogles	Spratt
Fasano	Jacobs	Patterson	Stafford
Feeney	Johnson	Peaden	Stansel
Fiorentino	Jones	Posey	Starks
Flanagan	Kelly	Prieguez	Suarez
Frankel	Kilmer	Pruitt	Sublette
Fuller	Kosmas	Putnam	Trovillion
Futch	Kyle	Rayson	Tullis
Garcia	Lacasa	Reddick	Turnbull
Gay	Lawson	Ritchie	Valdes
Goode	Levine	Ritter	Villalobos
Goodlette	Littlefield	Roberts	Wallace
Gottlieb	Logan	Rojas	Warner
Green, C.	Lynn	Russell	Wasserman Schultz
Greene, A.	Maygarden	Ryan	Waters
Greenstein	Merchant	Sanderson	Wiles
Hafner	Miller, J.	Sembler	Wilson
Harrington	Miller, L.	Smith, C.	Wise
Hart	Minton	Smith, K.	
Healey	Morrone	Sobel	
Heyman	Murman	Sorensen	

Nays—None

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

HB 467—A bill to be entitled An act relating to hunting and fishing; amending s. 372.561, F.S.; deleting an exemption from hunting and fishing license fees; amending s. 372.57, F.S.; providing license fee exemptions for certain disabled persons; deleting a 3-day nonresident fishing license; creating s. 372.5711, F.S.; providing for review of hunting and fishing license and permit fees and exemptions; providing an effective date.

—was read the second time by title.

The Committee on Water & Resource Management offered the following:

Amendment 1 (with title amendment)—
Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (2) of Section 372.57, Florida Statutes, 1998 Supplement, is amended to read:

372.57 Licenses and permits; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license, permit, or authorization and paid the fees hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license, permit, or authorization shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license, permit, or authorization is not transferable. Each license or permit must bear on its face in indelible ink the name of the person to whom it is issued and other information requested by the commission. Such license, permit, or authorization issued by the commission or any agent must be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license, permit, or authorization to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. A positive form of identification is required when using an authorization, a lifetime license, a 5-year license, or when otherwise required by the license or permit. The lifetime licenses and 5-year licenses provided herein shall be embossed with the name, date of birth, the date of issuance, and other pertinent information as deemed necessary by the commission. A certified copy of the applicant's birth certificate shall accompany all applications for a lifetime license for residents 12 years of age and younger. Each applicant for a license, permit, or authorization shall provide the applicant's social security number on the application form. Disclosure of social security numbers obtained through this requirement shall be

limited to the purpose of administration of the Title IV-D child support enforcement program and use by the commission, and as otherwise provided by law.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, are as follows:

(a) A fishing license for a resident to take freshwater fish in this state is \$12.

(b) A fishing license for a nonresident to take freshwater fish in this state for 7 consecutive days is \$15.

~~2. A fishing license for a nonresident to take freshwater fish for 3 consecutive days is \$5.~~

(c) A fishing license for a nonresident to take freshwater fish in this state is \$30.

(d) A combination fishing and hunting license for a resident to take freshwater fish and game in this state is \$22.

(e) A hunting license for a resident to take game in this state is \$11.

(f) A hunting license for a nonresident to take game in this state is \$150.

(g) A hunting license for a nonresident to take game in this state for 10 consecutive days is \$25.

(h) A license for a resident and nonresident to take fur-bearing animals in this state is \$25.

(i) A sportsman's license for a resident is \$66. The sportsman's license authorizes the holder to take freshwater fish and game, subject to state and federal regulations and rules of the commission in effect at the time of taking, and authorizes the same activities authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, and an archery permit. A nonresident may not purchase a sportsman's license.

Section 2. Section 372.5711, Florida Statutes, is created to read:

372.5711 Review of fees for licenses and permits and review of exemptions.—The fees for licenses and permits established under this chapter, and the exemptions thereto, shall be reviewed by the Legislature during the regular session of the Legislature every 5 years beginning with the year 2000 Regular Session of the Legislature.

Section 3. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, lines 3-7 remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 372.57, F.S.; deleting a 3-day nonresident fishing

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

On motion by Rep. Sembler, the rules were suspended and HB 467, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Betancourt	Byrd	Diaz de la Portilla
Albright	Bilirakis	Cantens	Dockery
Alexander	Bitner	Casey	Edwards
Andrews	Bloom	Chestnut	Effman
Argenziano	Boyd	Constantine	Eggelton
Arnall	Bradley	Cosgrove	Farkas
Bainter	Bronson	Crady	Fasano
Ball	Brown	Crist	Feeny
Barreiro	Brummer	Crow	Fiorentino
Bense	Bush	Dennis	Flanagan

Frankel	Jones	Peaden	Stafford
Fuller	Kelly	Posey	Stansel
Futch	Kilmer	Pruitt	Starks
Garcia	Kosmas	Putnam	Suarez
Gay	Kyle	Rayson	Sublette
Goodlette	Lacasa	Reddick	Trovillion
Gottlieb	Lawson	Ritchie	Tullis
Green, C.	Levine	Ritter	Turnbull
Greene, A.	Littlefield	Roberts	Valdes
Greenstein	Logan	Rojas	Villalobos
Hafner	Lynn	Russell	Wallace
Harrington	Maygarden	Ryan	Wasserman Schultz
Hart	Merchant	Sanderson	Waters
Healey	Miller, L.	Sembler	Wiles
Henriquez	Minton	Smith, C.	Wilson
Heyman	Morrone	Smith, K.	Wise
Hill	Murman	Sobel	
Jacobs	Ogles	Sorensen	
Johnson	Patterson	Spratt	

Nays—4

Detert	Miller, J.	Prieguez	Warner
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So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HM 531—A memorial to the Congress of the United States, urging Congress to provide the State of Florida with information available to the United States Government regarding any Florida resident who is classified as a United States POW/MIA.

WHEREAS, the men and women of the United States Armed Forces are trained and dedicated to protect the security of our nation, and

WHEREAS, these men and women have devoted themselves to the task of protecting our lives and liberty as United States citizens, and

WHEREAS, all Americans derive inspiration from the sacrifices members of the Armed Services have endured during captivity as prisoners of war, and

WHEREAS, the courage of the families of those members of the Armed Services who still remain missing or unaccounted for is also a great source of inspiration and admiration for all Americans, and

WHEREAS, Americans recognize the special debt of gratitude owed to those who have sacrificed their freedom in the service of our country, and

WHEREAS, as a reaffirmation of our commitment to the courageous families of these military personnel, the State of Florida pledges to officially inquire as to the identity of any Florida resident whom the United States Government classifies as a POW/MIA, and

WHEREAS, the State of Florida, upon official notification that a Florida resident is classified as a United States POW/MIA, vows to officially act to ascertain information regarding the POW/MIA's well-being, and to do all that is within the power of the State of Florida to ensure his or her safe return, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Congress of the United States is requested to provide the State of Florida with any information available to the United States Government regarding any Florida resident who is classified as a United States POW/MIA in order that the State of Florida, upon official notification that a Florida resident is so classified, may commence official action to ascertain information regarding the POW/MIA's well-being and endeavor to bring about his or her safe return to the United States.

BE IT FURTHER RESOLVED that copies of this memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1 (with title amendment)—On page 2, lines 9-12, remove from the bill: all of said lines

and insert in lieu thereof: provide the Florida Department of Veterans' Affairs with any information available to the United States Government regarding any Florida resident who is classified as a United States POW/MIA in order that the Florida Department of Veterans' Affairs, upon official notification that a Florida

And the title is amended as follows:

On page 1, line 3-4, remove from the title of the bill: all of said lines

and insert in lieu thereof: States, urging Congress to provide the Florida Department of Veterans' Affairs with information available to the

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

The Committee on Community Affairs offered the following:

Amendment 2—On page 2, between lines 16 and 17, of the bill insert:

BE IT FURTHER RESOLVED that any information made available to the Florida Department of Veterans' Affairs, either by the United States Congress or ascertained by the Florida Department of Veterans' Affairs, under the provisions of this memorial, shall be accessible to members of the immediate family of the POW/MIA. Immediate family is defined as a parent, child, spouse, or any other relative by blood, marriage, or adoption.

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

On motion by Rep. Fiorentino, the memorial, as amended, was adopted and, under the rule, immediately certified to the Senate.

On motion by Rep. Fiorentino, the board was opened and the following Members were recorded as cosponsors of the measure along with Reps. Fiorentino, Fasano, Kyle, J. Miller, Littlefield, and Hart: Reps. Albright, Alexander, Argenziano, Arnall, Bainter, Ball, Barreiro, Bense, Betancourt, Bilirakis, Bitner, Bloom, Boyd, Bradley, Bronson, Brown, Brummer, Bush, Byrd, Cantens, Casey, Chestnut, Constantine, Cosgrove, Crady, Crist, Crow, Dennis, Detert, Diaz de la Portilla, Dockery, Edwards, Effman, Eggelletion, Farkas, Feeney, Flanagan, Frankel, Fuller, Futch, Garcia, Gay, Goode, Goodlette, Gottlieb, C. Green, A. Greene, Greenstein, Hafner, Harrington, Healey, Henriquez, Heyman, Hill, Jacobs, Johnson, Jones, Kelly, Kilmer, Kosmas, Lacasa, Lawson, Levine, Logan, Lynn, Maygarden, Merchant, L. Miller, Minton, Morroni, Murman, Ogles, Patterson, Peaden, Posey, Prieguez, Pruitt, Putnam, Rayson, Reddick, Ritchie, Ritter, Roberts, Rojas, Russell, Ryan, Sanderson, Sembler, C. Smith, K. Smith, Sobel, Sorensen, Spratt, Stafford, Stansel, Suarez, Sublette, Thrasher, Trovillion, Tullis, Turnbull, Valdes, Villalobos, Wallace, Warner, Wasserman Schultz, Waters, Wiles, Wilson, and Wise.

HB 573—A bill to be entitled An act relating to military affairs; amending s. 250.10, F.S.; requiring the Adjutant General of the state to establish a specified post exchange store; providing for location of the post exchange store; providing purpose; providing for deposit of specified moneys in the Camp Blanding Management Trust Fund; providing for use of funds; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1—On page 2 lines 14 and 15, remove from the bill: all of said lines

and insert in lieu thereof: *store must be in accordance with state and federal laws, rules, and regulations. Profits of the post exchange store, if any,*

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

On motion by Rep. K. Smith, the rules were suspended and HB 573, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Detert	Jacobs	Ritchie
Albright	Diaz de la Portilla	Johnson	Ritter
Alexander	Dockery	Jones	Roberts
Andrews	Edwards	Kelly	Rojas
Argenziano	Effman	Kilmer	Russell
Arnall	Eggelletion	Kosmas	Ryan
Bainter	Farkas	Kyle	Sanderson
Ball	Fasano	Lacasa	Sembler
Barreiro	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bitner	Fuller	Lynn	Stafford
Bloom	Futch	Maygarden	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Minton	Trovillion
Brummer	Gottlieb	Morroni	Tullis
Bush	Green, C.	Murman	Turnbull
Byrd	Greene, A.	Ogles	Valdes
Cantens	Greenstein	Patterson	Villalobos
Casey	Hafner	Peaden	Wallace
Chestnut	Harrington	Posey	Warner
Constantine	Hart	Prieguez	Wasserman Schultz
Cosgrove	Healey	Pruitt	Waters
Crady	Henriquez	Putnam	Wiles
Crist	Heyman	Rayson	Wilson
Crow	Hill	Reddick	Wise

Nays—None

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

HB 579—A bill to be entitled An act relating to tourism; amending s. 288.1221, F.S.; revising legislative intent; amending s. 288.1222, F.S.; clarifying a definition; amending s. 288.1223, F.S.; specifying application of a limitation on terms of certain members of the Florida Commission on Tourism; clarifying meeting and vice chair election provisions; amending s. 288.1224, F.S.; deleting obsolete provisions; specifying categories of matching private funds for certain purposes; specifying staff support for the Florida Commission on Tourism; providing for responsibilities of staff; prohibiting the commission from employing staff; deleting provisions relating to an advisory committee for the commission; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing Corporation to provide staff support to the Florida Commission on Tourism; specifying that the president and chief executive officer shall serve without compensation as executive director; renumbering and amending s. 335.166, F.S.; removing the Welcome Center Office from the Department of Transportation; transferring administrative and fiscal responsibility for welcome center staff from the Department of Transportation to the Florida Commission on Tourism for employment through the Florida Tourism Industry Marketing Corporation; requiring the corporation to provide direction for administration and operation of welcome centers; repealing s. 335.165, F.S., relating to welcome stations and the payment for improvements by the Department of Commerce; providing effective dates.

—was read the second time by title.

The Committee on Transportation & Economic Development Appropriations offered the following:

Amendment 1 (with title amendment)—On page 7, lines 10 through 15
remove from the bill: All of said lines

and insert in lieu thereof: *employ all welcome center staff. On or before June 30, 1999, all welcome center staff shall be offered employment through the direct-support organization at the same salary such staff received through the Department of Transportation, prior to July 1, 1999, but with the same benefits provided by the direct-support organization to the organization's employees. Welcome center employees shall have until January 1, 2000, to choose to be employed by the direct-support organization or to remain employed by the state. Those employees who choose to remain employed by the state may continue to be assigned by the Department of Transportation to the welcome centers until June 30, 2001. Upon vacating a career service position by a career service employee, the position shall be abolished. The agreement between the Department of Transportation and the Florida Commission on Tourism concerning the funding of positions in the welcome centers shall continue until all welcome center employees are employed by the direct-support organization, or until those employees choosing to remain employed by the state have found other state employment, or until June 30, 2001, whichever occurs first.*

And the title is amended as follows:

On page 1, line 31 Before the semicolon
insert: by a designated time

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

The Committee on Transportation offered the following:

Amendment 2 (with title amendment)—On page 7, lines 21 through 22,
remove from the bill: all of said lines

and insert: *direct support organization, shall administer and operate the welcome centers. Pursuant to a contract with the Department of Transportation, the Commission shall be responsible for routine repair, replacement or improvement and the day to day management of interior areas occupied by the welcome centers. All other repairs, replacements or improvements to the welcome centers shall be the responsibility of the Department of Transportation shall provide direction for the administration of the Welcome Centers Office and*

And the title is amended as follows:

On page 2, lines 1 through 2, remove all of said lines
and insert: administer and operate welcome centers; providing for maintenance and improvements to welcome centers; repealing s.

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

The Committee on Transportation offered the following:

Amendment 3 (with title amendment)—On page 7, line 31
insert:

Section 8. *The welcome center tangible personal property transferred to the Department of Transportation pursuant to section 4 of chapter 96-320, Laws of Florida, is hereby transferred to the Florida Commission on Tourism.*

(Renumber subsequent sections)

And the title is amended as follows:

On page 2, line 5, after the semicolon,

insert: providing for the transfer of welcome center tangible personal property to the Florida Commission on Tourism;

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

On motion by Rep. Starks, the rules were suspended and HB 579, as amended, was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 589—A bill to be entitled An act relating to vessel registration; designating chapter 328, F.S., as part I of chapter 328, F.S., entitled "Vessels; title certificates; liens"; creating part II of chapter 328, F.S., entitled "Vessel registration"; amending ss. 212.06, 282.1095, 320.04, 327.53, 327.60, 327.73, 370.06, 370.0603, 370.12, and 409.2598, F.S.; correcting cross references; amending s. 327.01, F.S.; changing the title of chapter 327, F.S., from the "Florida Vessel and Registration Safety Law" to the "Florida Vessel Safety Law"; amending s. 327.22, F.S., relating to the regulation of vessels by municipalities or counties; renumbering and amending ss. 327.03, 327.10, 327.11, 327.17, 327.21, 327.23, 327.24, 327.25, 327.26, 327.28, and 327.90, F.S.; conforming to the act; creating s. 328.44, F.S.; providing for rules; creating s. 328.66, F.S.; providing for optional vessel registration fees by counties and municipalities; amending s. 327.04, F.S.; conforming to the act; renumbering ss. 327.031, 327.12, 327.13, 327.14, 327.15, 327.16, 327.18, 327.19, and 327.29, F.S.; conforming to the act; providing an effective date.

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

Yeas—118

The Chair	Arnall	Betancourt	Bradley
Albright	Bainter	Bilirakis	Bronson
Alexander	Ball	Bitner	Brown
Andrews	Barreiro	Bloom	Brummer
Argenziano	Bense	Boyd	Bush

Byrd	Gay	Logan	Sembler	Kosmas	Murman	Russell	Tullis
Cantens	Goode	Lynn	Smith, C.	Kyle	Ogles	Ryan	Turnbull
Casey	Goodlette	Maygarden	Smith, K.	Lacasa	Patterson	Sanderson	Valdes
Chestnut	Gottlieb	Merchant	Sobel	Lawson	Peaden	Sembler	Villalobos
Constantine	Green, C.	Miller, J.	Sorensen	Levine	Posey	Smith, C.	Wallace
Cosgrove	Greene, A.	Miller, L.	Spratt	Littlefield	Prieguez	Smith, K.	Warner
Crady	Greenstein	Minton	Stafford	Logan	Pruitt	Sorensen	Wasserman Schultz
Crist	Hafner	Morrone	Stansel	Lynn	Putnam	Spratt	Waters
Crow	Harrington	Murman	Starks	Maygarden	Rayson	Stafford	Wiles
Dennis	Hart	Ogles	Suarez	Merchant	Reddick	Stansel	Wilson
Detert	Healey	Patterson	Sublette	Miller, J.	Ritchie	Starks	Wise
Diaz de la Portilla	Henriquez	Peaden	Trovillion	Miller, L.	Ritter	Suarez	
Dockery	Heyman	Posey	Tullis	Minton	Roberts	Sublette	
Edwards	Hill	Prieguez	Turnbull	Morrone	Rojas	Trovillion	
Effman	Jacobs	Pruitt	Valdes				
Eggelletion	Johnson	Putnam	Villalobos	Nays—4			
Farkas	Jones	Rayson	Wallace	Bitner	Dockery	Green, C.	Jones
Fasano	Kelly	Reddick	Warner				
Feeney	Kilmer	Ritchie	Wasserman Schultz				
Fiorentino	Kosmas	Ritter	Waters				
Flanagan	Kyle	Roberts	Wiles				
Frankel	Lacasa	Rojas	Wilson				
Fuller	Lawson	Russell	Wise				
Futch	Levine	Ryan					
Garcia	Littlefield	Sanderson					

Nays—None

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

HB 601—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Share the Road license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

The Committee on Transportation offered the following:

Amendment 1 (with title amendment)—On page 2, lines 7, through 10, remove from the bill: all of said lines

and insert in lieu thereof: Section 3. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, line 6, remove from the title of the bill: “a contingent”

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

On motion by Rep. Casey, the rules were suspended and HB 601, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Bronson	Diaz de la Portilla	Goodlette
Albright	Brown	Edwards	Gottlieb
Alexander	Brummer	Effman	Greene, A.
Andrews	Bush	Eggelletion	Greenstein
Argenziano	Byrd	Farkas	Hafner
Arnall	Cantens	Fasano	Harrington
Bainter	Casey	Feeney	Hart
Ball	Chestnut	Fiorentino	Healey
Barreiro	Constantine	Flanagan	Henriquez
Bense	Cosgrove	Frankel	Heyman
Betancourt	Crady	Fuller	Hill
Bilirakis	Crist	Futch	Jacobs
Bloom	Crow	Garcia	Johnson
Boyd	Dennis	Gay	Kelly
Bradley	Detert	Goode	Kilmer

Yeas—107

The Chair	Detert	Jones	Ritter
Alexander	Diaz de la Portilla	Kelly	Roberts
Andrews	Edwards	Kilmer	Rojas
Argenziano	Effman	Kosmas	Russell
Arnall	Eggelletion	Kyle	Ryan
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bloom	Futch	Maygarden	Stafford
Boyd	Garcia	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goodlette	Miller, L.	Suarez
Brown	Green, C.	Minton	Sublette
Bush	Greene, A.	Morrone	Trovillion
Byrd	Greenstein	Murman	Tullis
Cantens	Hafner	Ogles	Turnbull
Casey	Harrington	Patterson	Valdes
Chestnut	Hart	Peaden	Villalobos
Constantine	Healey	Prieguez	Warner
Cosgrove	Henriquez	Pruitt	Wasserman Schultz
Crady	Heyman	Putnam	Waters
Crist	Hill	Rayson	Wiles
Crow	Jacobs	Reddick	Wilson
Dennis	Johnson	Ritchie	

Nays—10

Albright	Dockery	Posey	Wallace
Bitner	Fuller	Sanderson	Wise
Brummer	Goode		

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

CS/HB 645—A bill to be entitled An act relating to assisted living facilities; amending s. 400.408, F.S.; revising penalties relating to unlicensed ownership, operation, or maintenance of such a facility; amending s. 400.419, F.S.; revising timeframes for application of penalties for operation of an unlicensed facility; amending ss. 400.621 and 633.022, F.S.; providing for uniform firesafety standards for adult family-care homes; directing the Agency for Health Care Administration and the Department of Elderly Affairs to establish a work group on the problem of unlicensed assisted living facilities; requiring reports; providing an effective date.

—was read the second time by title.

The Committee on Crime & Punishment offered the following:

Amendment 1—On page 4, lines 7 through 9, remove from the bill: all said lines

and insert in lieu thereof: *633.022, Minimum firesafety standards shall be established and enforced by the State Fire Marshall, in consultation cooperation with the department and the agency, shall adopt uniform*

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

On motion by Rep. Prieguez, the rules were suspended and CS/HB 645, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Dennis	Jacobs	Roberts
Albright	Detert	Johnson	Rojas
Alexander	Diaz de la Portilla	Jones	Russell
Andrews	Dockery	Kelly	Ryan
Argenziano	Edwards	Kosmas	Sembler
Arnall	Effman	Kyle	Smith, C.
Bainter	Eggelletion	Lawson	Smith, K.
Ball	Farkas	Levine	Sobel
Barreiro	Fasano	Littlefield	Sorensen
Bense	Feeney	Logan	Spratt
Betancourt	Fiorentino	Lynn	Stafford
Bilirakis	Flanagan	Maygarden	Stansel
Bitner	Frankel	Merchant	Starks
Bloom	Fuller	Miller, J.	Suarez
Boyd	Futch	Miller, L.	Sublette
Bradley	Garcia	Minton	Trovillion
Bronson	Gay	Morrone	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Wasserman Schultz
Chestnut	Harrington	Pruitt	Waters
Constantine	Hart	Putnam	Wiles
Cosgrove	Healey	Rayson	Wilson
Crady	Henriquez	Reddick	Wise
Crist	Heyman	Ritchie	
Crow	Hill	Ritter	

Nays—1

Goode

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

CS/HB 661 was taken up. On motion by Rep. Roberts, the rules were suspended and CS for SB 1264 was substituted for CS/HB 661. Under Rule 50, the House bill was laid on the table and—

CS for SB 1264—A bill to be entitled An act relating to consumer finance; amending s. 516.03, F.S.; increasing an application fee;

amending ss. 516.05, 520.997, F.S.; requiring licensees to notify the Department of Banking and Finance before relocating a business; requiring a licensee to report bankruptcy filings to the department; amending ss. 516.07, 520.995, F.S.; providing additional grounds for certain disciplinary actions; amending ss. 516.11, 520.996, F.S.; deleting a schedule of examination fees; providing criteria for paying travel expenses and per diem allowances to examiners; amending s. 615.12, F.S.; requiring that licensees make accounts and records available to the Department of Banking and Finance; amending ss. 520.02, 520.31, 520.61, F.S.; providing additional definitions; amending ss. 520.03, 520.32, 520.52, 520.63, F.S.; clarifying procedures for obtaining certain licenses and imposing certain license application and renewal fees; requiring department notification before relocating certain offices; amending s. 520.07, F.S.; providing for calculating the amount financed; requiring disclosure of additional information under certain installment contracts; requiring evidence of satisfaction of lien under certain installment contracts; amending s. 520.085, F.S.; authorizing certain additional charges under certain installment contracts; providing for a deferment of the due date of certain contracts; providing a fee; providing for the extension of insurance coverage; providing disclosure requirement; amending s. 520.34, F.S.; authorizing sellers under retail installment contracts to collect a processing fee under certain circumstances; amending s. 520.994, F.S.; authorizing rules to allow electronic submission of forms, documents, and fees; amending ss. 559.9232, 681.102, and 697.05, F.S.; conforming cross-references; providing effective dates.

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

Yeas—117

The Chair	Detert	Johnson	Rojas
Albright	Diaz de la Portilla	Jones	Russell
Alexander	Dockery	Kelly	Ryan
Andrews	Edwards	Kilmer	Sanderson
Argenziano	Effman	Kosmas	Sembler
Arnall	Eggelletion	Kyle	Smith, C.
Bainter	Farkas	Lacasa	Smith, K.
Ball	Fasano	Lawson	Sobel
Barreiro	Feeney	Levine	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Betancourt	Flanagan	Logan	Stafford
Bilirakis	Frankel	Lynn	Stansel
Bitner	Fuller	Maygarden	Starks
Bloom	Futch	Miller, J.	Suarez
Boyd	Garcia	Miller, L.	Sublette
Bradley	Gay	Minton	Trovillion
Bronson	Goode	Morrone	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Wasserman Schultz
Chestnut	Harrington	Pruitt	Waters
Constantine	Hart	Putnam	Wiles
Cosgrove	Healey	Rayson	Wilson
Crady	Henriquez	Reddick	Wise
Crist	Heyman	Ritchie	
Crow	Hill	Ritter	
Dennis	Jacobs	Roberts	

Nays—None

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

HB 697 was taken up. On motion by Rep. Edwards, the rules were suspended and CS for SB 728 was substituted for HB 697. Under Rule 50, the House bill was laid on the table and—

CS for SB 728—A bill to be entitled An act relating to watersports; amending s. 327.37, F.S.; providing safety rules for towing parasails

from vessels; prescribing safety regulations for persons engaged in waterskiing, parasailing, aquaplaning, or similar activities; prohibiting parasailing or operating a boat towing a parasail in specified waters; amending s. 327.73, F.S.; providing that certain violations with respect to parasailing constitute a noncriminal infraction; reenacting ss. 327.72, 327.731, F.S., relating to penalties and mandatory education for violators, to incorporate the amendment to s. 327.73, F.S., in references thereto; providing an effective date.

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

Yeas—111

The Chair	Detert	Jacobs	Roberts
Albright	Diaz de la Portilla	Johnson	Rojas
Alexander	Dockery	Jones	Russell
Andrews	Edwards	Kelly	Ryan
Argenziano	Effman	Kilmer	Sanderson
Arnall	Eggelton	Kosmas	Semler
Bainter	Farkas	Kyle	Smith, C.
Ball	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bloom	Fuller	Lynn	Stafford
Boyd	Futch	Miller, J.	Stansel
Bradley	Garcia	Miller, L.	Starks
Bronson	Gay	Minton	Suarez
Brown	Goode	Morrone	Sublette
Brummer	Goodlette	Murman	Trovillion
Bush	Gottlieb	Ogles	Tullis
Byrd	Green, C.	Patterson	Turnbull
Cantens	Greene, A.	Peaden	Valdes
Casey	Greenstein	Posey	Villalobos
Chestnut	Hafner	Prieguez	Wallace
Constantine	Harrington	Pruitt	Wasserman Schultz
Cosgrove	Hart	Putnam	Waters
Crady	Healey	Rayson	Wiles
Crist	Henriquez	Reddick	Wilson
Crow	Heyman	Ritchie	Wise
Dennis	Hill	Ritter	

Nays—5

Bitner	Lacasa	Maygarden	Warner
Fasano			

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

HB 717—A bill to be entitled An act relating to bail bonds; amending ss. 648.385 and 648.386, F.S.; revising certain continuing education requirements; amending s. 903.21, F.S.; providing a definition; amending s. 903.035, F.S.; specifying that information provided by any person relating to application for bail must be accurate, truthful, and complete; amending s. 903.26, F.S.; requiring discharge of a forfeiture with a time certain; providing an additional criterion for discharge of a forfeiture; requiring a clerk of court to set aside a forfeiture and discharge a bond under certain circumstances; amending s. 903.27, F.S.; providing for tolling certain forfeiture operations under certain circumstances; amending s. 903.28, F.S.; requiring remissions to be granted under certain circumstances; amending s. 903.31, F.S.; providing for expiration of certain bonds under certain circumstances; specifying nonapplication when a bond is declared forfeited; prohibiting reinstatement of original appearance bonds under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Insurance offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (c) of subsection (2) and paragraph (a) of subsection (4) of section 648.386, Florida Statutes, are amended to read:

648.386 Qualifications for prelicensing and continuing education schools and instructors.—

(2) SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION SCHOOLS.—In order to be considered for approval and certification as an approved limited surety agent and professional bail bond agent continuing education school, such entity must:

(c) Offer continuing education classes which are comprised of a minimum of 2 hours of approved coursework and are taught by an approved supervising instructor *or guest lecturer approved by the entity or the supervising instructor.*

(4) INSTRUCTOR'S DUTIES AND QUALIFICATIONS.—

(a) Each course must have a supervising instructor who is approved by the department. *The supervising instructor shall be present at all classes.* The supervising instructor is responsible for:

1. All course instructors.
2. All guest lecturers.
3. The course outlines and curriculum.
4. Certification of each attending limited surety agent or professional bail bond agent.
5. Completion of all required forms.
6. Assuring that the course is approved.

Either the entity or the supervising instructor may approve guest lecturers.

Section 2. Paragraph (l) of subsection (1) of section 648.44, Florida Statutes, is amended to read:

648.44 Prohibitions; penalty.—

(1) A bail bond agent, temporary bail bond agent, or runner may not:

(l) Execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent, which has remained unpaid for 35 60 days, unless the full amount of the judgment is deposited with the clerk in accordance with s. 903.27(5).

Section 3. Paragraph (a) of subsection (1) of section 903.035, Florida Statutes, is amended to read:

903.035 Applications for bail; information provided; hearing on application for modification; penalty for providing false or misleading information or omitting material information.—

(1)(a) All information provided by a defendant *or any other person*, in connection with any application for or attempt to secure bail, to any court, court personnel, or individual soliciting or recording such information for the purpose of evaluating eligibility for, or securing, bail for the defendant, under circumstances such that the defendant *or such other person* knew or should have known that the information was to be used in connection with an application for bail, shall be accurate, truthful, and complete without omissions to the best knowledge of the defendant *or such other person.* *Inaccuracies or omissions by county, correctional, or court employees shall not be grounds for discharging a forfeiture or setting aside a judgment.*

Section 4. Subsection (3) of section 903.21, Florida Statutes, is amended to read:

903.21 Method of surrender; exoneration of obligors.—

(3) The surety shall be exonerated of liability on the bond if it is determined prior to breach of the bond that the defendant is in any jail or prison and the surety agrees in writing to pay the transportation cost

of returning the defendant to the jurisdiction of the court. *For purposes of this subsection, "jurisdiction" means within the judicial circuit as prescribed by law.*

Section 5. Subsection (5) of section 903.26, Florida Statutes, is amended, and subsection (8) is added to said section, to read:

903.26 Forfeiture of the bond; when and how directed; discharge; how and when made; effect of payment.—

(5) The court *shall may* discharge a forfeiture within *60 35* days upon:

(a) A determination that it was impossible for the defendant to appear as required due to circumstances beyond the defendant's control. The potential adverse economic consequences of appearing as required shall not be considered as constituting a ground for such a determination;

(b) A determination that, at the time of the required appearance, the defendant was adjudicated insane and confined in an institution or hospital or was confined in a jail or prison; ~~or~~

(c) Surrender or arrest of the defendant if the delay has not thwarted the proper prosecution of the defendant. If the forfeiture has been before discharge, the court shall direct remission of the forfeiture. The court shall condition a discharge or remission on the payment of costs and the expenses incurred by an official in returning the defendant to the jurisdiction of the court.

(8) If the defendant is arrested and returned to the county of jurisdiction of the court prior to judgment, the clerk, upon affirmation by the sheriff or the chief correctional officer, shall, without further order of the court, discharge the forfeiture of the bond. However, if the surety agent fails to pay the costs and expenses incurred in returning the defendant to the county of jurisdiction, the clerk shall not discharge the forfeiture of the bond. If the surety agent and the county attorney fail to agree on the amount of said costs then the court, after notice to the county attorney, shall determine the amount of the costs.

Section 6. Subsections (1), (3), (4) and (5) of section 903.27, Florida Statutes, are amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within *60 35* days and the bond is secured other than by money and bonds authorized in s. 903.16, the clerk of the circuit court for the county where the order was made shall enter a judgment against the surety for the amount of the penalty and issue execution. Within 10 days, the clerk shall furnish the Department of Insurance with a certified copy of the judgment docket and shall furnish the surety company at its home office a copy of the judgment, which shall include the power of attorney number of the bond and the name of the executing agent. If the judgment is not paid within *35 60* days, the clerk shall furnish the Department of Insurance and the sheriff of the county in which the bond was executed, or the official responsible for operation of the county jail, if other than the sheriff, two copies of the judgment and a certificate stating that the judgment remains unsatisfied. When and if the judgment is properly paid or an order to vacate the judgment has been entered by a court of competent jurisdiction, the clerk shall immediately notify the sheriff, or the official responsible for the operation of the county jail, if other than the sheriff, and the Department of Insurance, if the department had been previously notified of nonpayment, of such payment or order to vacate the judgment. The clerk shall also immediately prepare and record in the public records a satisfaction of the judgment or record the order to vacate judgment. *If the defendant is returned to the county of jurisdiction of the court, whenever a motion to set aside the judgment is filed, the operation of this section is tolled until the court makes a disposition of the motion.*

(3) Surety bail bonds may not be executed by a bail bond agent against whom a judgment has been entered which has remained unpaid for *35 60* days and may not be executed for a company against whom a

judgment has been entered which has remained unpaid for *50 75* days. No sheriff or other official who is empowered to accept or approve surety bail bonds shall accept or approve such a bond executed by such a bail bond agent or executed for such a company until such judgment has been paid.

(4) After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent shall, within *35 60* days of the entry of judgment, submit to the clerk of the circuit court an amount equal to the judgment, unless the judgment has been set aside by the court within *35 60* days of the entry of judgment. If a motion to set aside the judgment has been filed pursuant to subsection (5), the amount submitted shall be held in escrow until such time as the court has disposed of the motion. The failure to comply with the provisions of this subsection constitutes a failure to pay the judgment.

(5) After notice of judgment against the surety given by the clerk of the circuit court, the surety or bail bond agent may within *35 60* days file a motion to set aside the judgment or to stay the judgment. It shall be a condition of any such motion and of any order to stay the judgment that the surety pay the amount of the judgment to the clerk, which amount shall be held in escrow until such time as the court has disposed of the motion to set aside the judgment. The filing of such a motion, when accompanied by the required escrow deposit, shall act as an automatic stay of further proceedings, including execution, until the motion has been heard and a decision rendered by the court.

Section 7. Section 903.28, Florida Statutes, is amended to read:

903.28 Remission of forfeiture; conditions.—

(1) On application within 2 years from forfeiture, the court shall order remission of the forfeiture if it determines that there was no breach of the bond.

(2) If the defendant surrenders or is apprehended within 90 days after forfeiture, the court, on motion at a hearing upon notice having been given to the county attorney and state attorney as required in subsection (8), *shall may* direct remission of up to, but not more than, 100 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission *shall may* be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(3) If the defendant surrenders or is apprehended within 180 days after forfeiture, the court, on motion at a hearing upon notice having been given to the county attorney and state attorney as required in subsection (8), *shall may* direct remission of up to, but not more than, 95 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission *shall may* be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(4) If the defendant surrenders or is apprehended within 270 days after forfeiture, the court, on motion at a hearing upon notice having been given to the county attorney and state attorney as required in subsection (8), *shall may* direct remission of up to, but not more than, 90 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has

substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall may be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(5) If the defendant surrenders or is apprehended within 1 year after forfeiture, the court, on motion at a hearing upon notice having been given to the county attorney and state attorney as required in subsection (8), shall may direct remission of up to, but not more than, 85 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall may be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(6) If the defendant surrenders or is apprehended within 2 years after forfeiture, the court, on motion at a hearing upon notice having been given to the county attorney and state attorney as required in subsection (8), shall may direct remission of up to, but not more than, 50 percent of a forfeiture if the surety apprehended and surrendered the defendant or if the apprehension or surrender of the defendant was substantially procured or caused by the surety, or the surety has substantially attempted to procure or cause the apprehension or surrender of the defendant, and the delay has not thwarted the proper prosecution of the defendant. In addition, remission shall may be granted when the surety did not substantially participate or attempt to participate in the apprehension or surrender of the defendant when the costs of returning the defendant to the jurisdiction of the court have been deducted from the remission and when the delay has not thwarted the proper prosecution of the defendant.

(7) The remission of a forfeiture may not be ordered for any reason other than as specified herein.

(8) An application for remission must be accompanied by affidavits setting forth the facts on which it is founded; however, the surety must establish by further documentation or other evidence any claimed attempt at procuring or causing the apprehension or surrender of the defendant before the court may order remission based upon an attempt to procure or cause such apprehension or surrender. The state attorney and the county attorney must be given 20 days' notice before a hearing on an application and be furnished copies of all papers, applications, and affidavits. Remission shall be granted on the condition of payment of costs, unless the ground for remission is that there was no breach of the bond.

Section 8. Section 903.31, Florida Statutes, is amended to read:

903.31 Canceling the bond.—

(1) Within 10 business days after the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court shall order the bond canceled and, if the surety has attached a certificate of cancellation to the original bond, shall furnish an executed certificate of cancellation to the surety without cost. An adjudication of guilt or innocence of the defendant shall satisfy the conditions of the bond. The original appearance bond shall expire 36 months after such bond has been posted for the release of the defendant from custody. This subsection does not apply to cases in which a bond has been declared forfeited.

(2) The original appearance bond shall not be construed to guarantee deferred sentences, appearance during or after a presentence investigation, appearance during or after appeals, conduct during or appearance after admission to a pretrial intervention program, payment

of fines, or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment. If the original appearance bond has been forfeited or revoked, the bond shall not be reinstated without approval from the surety on the original bond.

And the title is amended as follows:

On page 1, lines 2-4
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to bail bonds; amending s. 648.386, F.S.; revising certain continuing education requirements; amending s. 648.44, F.S.; revising requirement relating to bail bond agents; amending s.

Rep. Crow moved the adoption of the amendment.

The Committee on Corrections offered the following:

Amendment 1 to Amendment 1 (with title amendment)—On page 2, lines 25 through 31 and on page 3, lines 1 through 12 remove from the amendment: all of said lines (Renumber subsequent sections)

And the title is amended as follows:

On page 1, lines 5 through 9 of the amendment
remove:

and insert in lieu thereof: 903.21, F.S.; providing a definition; amending s.903.26, F.S.; requiring "amending s. 903.25, F.S.; requiring" amending s.903.26, F.S

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

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Crow, the rules were suspended and HB 717, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Detert	Johnson	Ritter
Albright	Dockery	Jones	Roberts
Alexander	Edwards	Kelly	Rojas
Andrews	Effman	Kilmer	Russell
Argenziano	Eggelletion	Kosmas	Ryan
Arnall	Farkas	Kyle	Sembler
Bainter	Fasano	Lacasa	Smith, C.
Ball	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bitner	Fuller	Lynn	Stafford
Bloom	Futch	Maygarden	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Minton	Trovillion
Brummer	Gottlieb	Morrone	Tullis
Bush	Green, C.	Murman	Turnbull
Byrd	Greene, A.	Ogles	Valdes
Cantens	Greenstein	Patterson	Villalobos
Casey	Hafner	Peaden	Wallace
Chestnut	Harrington	Posey	Warner
Constantine	Hart	Prieguez	Wasserman Schultz
Cosgrove	Healey	Pruitt	Waters
Craday	Henriquez	Putnam	Wiles
Crist	Heyman	Rayson	Wilson
Crow	Hill	Reddick	Wise
Dennis	Jacobs	Ritchie	

Nays—None

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

CS/HB 721 was taken up. On motion by Rep. Fiorentino, the rules were suspended and CS for SB 1424 was substituted for CS/HB 721. Under Rule 50, the House bill was laid on the table and—

CS for SB 1424—A bill to be entitled An act relating to sewage treatment facility discharges; prohibiting new discharges, or increased pollutant loadings from existing sewage treatment facilities into coastal waters within Pasco County or waters tributary thereto; requiring elimination of existing discharges into coastal waters within Pasco County or waters tributary thereto; authorizing the Department of Environmental Protection to grant exceptions under certain circumstances; providing an effective date.

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

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

HB 723—A bill to be entitled An act relating to the placement of rip current warning signs; providing a short title; creating s. 380.275, F.S.; providing for a cooperative effort among state agencies and local governments to plan for and assist in the placement of rip current warning signs; providing that the Department of Community Affairs shall direct and coordinate the program; requiring the development of a uniform rip current warning sign; authorizing the department to coordinate the distribution and erection of rip current warning signs; providing for rules; limiting the liability of participating governmental entities; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1—On page 2, Lines 30-31, through page 3, Lines 1-3, remove from the bill: all of said lines

and insert in lieu thereof:

(5) *The department is authorized to adopt rules to implement section 380.275.*

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

The Committee on Community Affairs offered the following:

Amendment 2—On page 2, Line 29, remove from the bill: *wherever*

and insert in lieu thereof: *whenever*

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

On motion by Rep. Futch, the rules were suspended and HB 723, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Detert	Jacobs	Roberts
Albright	Diaz de la Portilla	Johnson	Rojas
Alexander	Dockery	Jones	Russell
Andrews	Edwards	Kelly	Ryan
Argenziano	Effman	Kilmer	Sanderson
Arnall	Eggelletion	Kosmas	Sembler
Bainter	Farkas	Kyle	Smith, C.
Ball	Fasano	Lacasa	Smith, K.
Barreiro	Feeney	Lawson	Sobel
Bense	Fiorentino	Levine	Sorensen
Betancourt	Flanagan	Littlefield	Spratt
Bilirakis	Frankel	Logan	Stafford
Bitner	Fuller	Lynn	Stansel
Bloom	Futch	Maygarden	Starks
Boyd	Garcia	Merchant	Suarez
Bradley	Gay	Miller, J.	Sublette
Bronson	Goode	Miller, L.	Trovillion
Brown	Goodlette	Minton	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Patterson	Valdes
Byrd	Greene, A.	Peaden	Villalobos
Cantens	Greenstein	Posey	Wallace
Casey	Hafner	Prieguez	Warner
Chestnut	Harrington	Pruitt	Wasserman Schultz
Constantine	Hart	Putnam	Waters
Cosgrove	Healey	Rayson	Wiles
Crady	Henriquez	Reddick	Wilson
Crist	Heyman	Ritchie	Wise
Dennis	Hill	Ritter	

Nays—None

Votes after roll call:

Yeas—Crow, Morrone

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

HB 791—A bill to be entitled An act relating to premium security deposits; creating s. 627.4045, F.S.; authorizing insurers to accept and hold premium security deposits for certain purposes; providing a definition; authorizing an insurer to pay interest on such deposits; specifying conditions under which such deposits are considered premium; including such deposits within the definition of covered claim for certain purposes; providing an effective date.

—was read the second time by title.

The Committee on Business Regulation & Consumer Affairs offered the following:

Amendment 1—On page 1, line 29 of the bill

after the word "premium"

insert: received

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

The Committee on Business Regulation & Consumer Affairs offered the following:

Amendment 2 (with title amendment)—On page 2, between lines 3 and 4 of the bill

insert:

(5) This section does not apply to Parts XV and XVI of chapter 627, F.S.

And the title is amended as follows:

On page 1, line 11 after ";

insert: providing a limitation;

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

The Committee on Insurance offered the following:

Amendment 3—On page 1, line 23 of the bill

after "agreement" insert: to provide commercial property and casualty lines, including workers' compensation and employers' liability, coverage

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

On motion by Rep. Dockery, the rules were suspended and HB 791, as amended, was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrioni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 805—A bill to be entitled An act relating to the college reach-out program; reviving and readopting s. 240.61, F.S., relating to the college reach-out program; providing an effective date.

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

Yeas—117

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, K.
Ball	Fasano	Lawson	Sobel
Barreiro	Feeney	Levine	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Betancourt	Flanagan	Logan	Stafford
Bilirakis	Frankel	Lynn	Stansel
Bitner	Fuller	Maygarden	Starks
Bloom	Futch	Merchant	Suarez
Boyd	Garcia	Miller, J.	Sublette
Bradley	Gay	Miller, L.	Trovillion
Bronson	Goode	Minton	Tullis
Brown	Goodlette	Morrioni	Turnbull
Brummer	Gottlieb	Murman	Valdes
Bush	Green, C.	Ogles	Villalobos
Byrd	Greene, A.	Patterson	Wallace
Cantens	Greenstein	Peaden	Warner
Casey	Hafner	Posey	Wasserman Schultz
Chestnut	Harrington	Prieguez	Waters
Constantine	Hart	Pruitt	Wiles
Cosgrove	Healey	Putnam	Wilson
Crady	Henriquez	Rayson	Wise
Crist	Heyman	Reddick	
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 811—A bill to be entitled An act relating to child protective team services; amending s. 409.9122, F.S.; requiring access to and reimbursement for certain services relating to child abuse, abandonment, or neglect without preauthorization; amending s. 641.31, F.S.; proscribing preauthorization for certain services relating to child abuse, abandonment, or neglect; providing an effective date.

—was read the second time by title.

The Committee on Health Care Services offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (5) of section 39.202, Florida Statutes, 1998 Supplement, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(5) All records and reports of the child protection team of the Department of Health are confidential and exempt from the provisions of ss. 119.07(1) and 455.667, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child, or by order of the court, or to health plan payors, limited to that information used for insurance reimbursement purposes.

Section 2. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, lines 2-10,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to child protective team services; amending s. 39.202, F.S.; authorizing the sharing of otherwise confidential information with health plan payors for purposes of reimbursement for child protection team services; providing an effective date.

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

On motion by Rep. Brown, the rules were suspended and HB 811, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Dennis	Hill	Roberts
Albright	Detert	Jacobs	Rojas
Alexander	Diaz de la Portilla	Johnson	Russell
Andrews	Dockery	Jones	Ryan
Argenziano	Edwards	Kelly	Sanderson
Arnall	Effman	Kilmer	Sembler
Bainter	Eggelletion	Kosmas	Smith, C.
Ball	Farkas	Lacasa	Smith, K.
Barreiro	Fasano	Lawson	Sobel
Bense	Feeney	Littlefield	Sorensen
Betancourt	Fiorentino	Logan	Spratt
Bilirakis	Flanagan	Lynn	Stafford
Bitner	Frankel	Maygarden	Stansel
Bloom	Fuller	Merchant	Starks
Boyd	Futch	Miller, J.	Suarez
Bradley	Garcia	Minton	Sublette
Bronson	Gay	Morrone	Trovillion
Brown	Goode	Murman	Tullis
Brummer	Goodlette	Ogles	Turnbull
Bush	Gottlieb	Patterson	Valdes
Byrd	Green, C.	Peaden	Villalobos
Cantens	Greene, A.	Posey	Wallace
Casey	Greenstein	Prieguez	Warner
Chestnut	Hafner	Pruitt	Waters
Constantine	Harrington	Putnam	Wiles
Cosgrove	Hart	Rayson	Wilson
Crady	Healey	Reddick	Wise
Crist	Henriquez	Ritchie	
Crow	Heyman	Ritter	

Nays—None

Votes after roll call:

Yeas—Kyle, Levine

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

CS/HB 839—A bill to be entitled An act relating to public records; amending s. 288.1251, F.S.; providing an exemption from public records requirements for information held by the Office of Film Commissioner relating to specified information with respect to the business activities or applications for tax exemptions of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Yeas—117

The Chair	Detert	Jones	Rojas
Albright	Diaz de la Portilla	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrone	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crady	Heyman	Reddick	Wise
Crist	Hill	Ritchie	
Crow	Jacobs	Ritter	
Dennis	Johnson	Roberts	

Nays—1

Dockery

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

REPRESENTATIVE CRADY IN THE CHAIR

HB 867—A bill to be entitled An act relating to public construction; amending s. 255.20, F.S.; lowering the threshold amount required for competitive awards of local bids and contracts for public construction; revising language with respect to exceptions; providing that certain properly licensed contractors or vendors shall have standing to challenge the propriety of a local government's action under certain circumstances; providing for the award of reasonable attorney's fees under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 255.20, Florida Statutes, is amended to read:

255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—

(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have *total construction project* costs of more than \$200,000. *For electrical work, local government must competitively award to an appropriately licensed contractor each project that is estimated in accordance with generally accepted cost-accounting principles to have a cost of more than \$50,000.* As used in this section, the term "competitively award" means to award contracts based on the

submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, construction costs include the cost of all labor, except inmate labor, and include the cost of equipment and materials to be used in the construction of the project. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) The provisions of this subsection do not apply:

1. When the project is undertaken to replace, reconstruct, or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

- a. An immediate danger to the public health or safety;
- b. Other loss to public or private property which requires emergency government action; or
- c. An interruption of an essential governmental service.

2. When, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or responses.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system when such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. When the project is undertaken as repair or maintenance of an existing public facility.

6. When the project is undertaken exclusively as part of a public educational program.

7. When the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. When the local government has competitively awarded a project to a private sector contractor and the contractor has abandoned the project before completion or the local government has terminated the contract.

9. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. In deciding whether it is in the public's best interest for local government to perform a project using its own services, employees, and equipment, the governing board may consider the cost of the project, whether the project requires an increase in the number of government employees, an increase in capital expenditures for public facilities, equipment or other capital assets, the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other

benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest.

10. When the governing board of the local government determines upon consideration of specific substantive criteria and administrative procedures that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor according to procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted prior to July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid award of any project in an arbitrary or capricious manner. This exception shall apply when all of the following occur:

a. When the governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days prior to the date of the public meeting at which the governing board takes final action to apply this subparagraph. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures method permitted by the preexisting ordinance.

b. In the event the project is to be awarded by any method other than a competitive selection process, the governing board must find evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

c. In the event the project is to be awarded by any method other than a competitive selection process, the published notice must clearly specify the ordinance or resolution method by which the private sector contractor will be selected and the criteria to be considered.

d. In the event the project is to be awarded by a method other than a competitive selection process, the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection; and the consideration by, and the justification of, the government body are documented, in writing, in the project file and the findings and documentation required by s. 255.04(2) and (3) are presented to the governing board prior to the approval required in this paragraph.

(b)1. If the project is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents. The county, municipality, or special district may reserve the right to reject all bids and to rebid the project or elect not to proceed with the project. This subsection is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable county or municipal ordinance or any resolution of a special district.

2. If the project uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinances.

3. If the project is subject to competitive negotiations, the contract must be awarded in accordance with s. 287.055.

(c) If a construction project greater than \$200,000, or \$50,000 for electrical work, is started after July 1, 1996, and is to be performed by a local government using its own employees in a county or municipality

that issues registered contractor licenses and the project would require a licensed contractor under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 to supervise the work.

(d) If a construction project greater than \$200,000, or \$50,000 for electrical work, is started after July 1, 1996, and is to be performed by a local government using its own employees in a county that does not issue registered contractor licenses and the project would require a licensed contractor under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 or a person appropriately licensed under chapter 471 to supervise the work.

(e) Projects performed by a local government using its own services and employees must be inspected in the same manner as inspections required for work performed by private sector contractors.

(f) A construction project provided for in this subsection may not be divided into more than one project for the purpose of evading this subsection.

(g) This subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance.

(2) The threshold amount of \$200,000 for construction or \$50,000 for electrical work must be adjusted by the percentage change in the Consumer Price Index from January 1, 1994, to January 1 of the year in which the project is scheduled to begin.

(3) All county officials, boards of county commissioners, school boards, city councils, city commissioners, and all other public officers of state boards or commissions that are charged with the letting of contracts for public work, for the construction of public bridges, buildings, and other structures must always specify lumber, timber, and other forest products produced and manufactured in this state whenever such products are available and their price, fitness, and quality are equal. This subsection does not apply when plywood specified for monolithic concrete forms, when the structural or service requirements for timber for a particular job cannot be supplied by native species, or when the construction is financed in whole or in part from federal funds with the requirements that there be no restrictions as to species or place of manufacture.

(4) Any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall have standing to challenge the propriety of the local government's actions when the local government seeks to invoke the provisions of this section. The prevailing party in such action shall be entitled to recover its reasonable attorney's fees.

Section 2. This act shall take effect October 1, 1999.

And the title is amended as follows:

On page 1, lines 6-8
remove from the title of the bill: all of said lines

and insert in lieu thereof: electrical work; providing the certain qualified contractors or vendors shall have

Rep. Brummer moved the adoption of the amendment.

The Committee on Business Regulation & Consumer Affairs offered the following:

Amendment 1 to Amendment 1—On page 6, lines 28 and 29, and on page 7, line 6,
remove from the amendment: July 1, 1996

and insert in lieu thereof:
~~October 1, 1999~~ July 1, 1996

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

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Brummer, the rules were suspended and HB 867, as amended, was read the third time by title. On passage, the vote was:

Yeas—112

The Chair	Diaz de la Portilla	Johnson	Roberts
Albright	Dockery	Jones	Rojas
Alexander	Edwards	Kelly	Russell
Andrews	Effman	Kilmer	Ryan
Argenziano	Eggelletion	Kosmas	Sanderson
Arnall	Farkas	Kyle	Sembler
Bainter	Fasano	Lacasa	Smith, C.
Ball	Feeney	Lawson	Smith, K.
Barreiro	Fiorentino	Levine	Sobel
Bense	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bitner	Fuller	Maygarden	Stafford
Bloom	Futch	Merchant	Stansel
Boyd	Garcia	Miller, J.	Starks
Bradley	Gay	Minton	Suarez
Bronson	Goode	Morrioni	Sublette
Brown	Goodlette	Murman	Trovillion
Brummer	Gottlieb	Ogles	Tullis
Bush	Green, C.	Patterson	Turnbull
Byrd	Greene, A.	Peaden	Valdes
Cantens	Greenstein	Posey	Villalobos
Chestnut	Hafner	Prieguez	Wallace
Constantine	Harrington	Pruitt	Warner
Cosgrove	Hart	Putnam	Wasserman Schultz
Crist	Healey	Rayson	Waters
Crow	Henriquez	Reddick	Wiles
Dennis	Hill	Ritchie	Wilson
Detert	Jacobs	Ritter	Wise

Nays—4

Betancourt	Casey	Heyman	Miller, L.
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Votes after roll call:

Nays—Lynn
Yeas to Nays—Gottlieb

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

HB 879—A bill to be entitled An act relating to health information privacy; creating s. 627.433, F.S.; limiting carrier disclosure of health information under certain circumstances; requiring disclosure of health information pursuant to subpoena or court order under certain circumstances; providing definitions; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following:

Amendment 1—On page 1, line 25, after the period,

insert: *When the carrier is a non-party to the litigation in which the request for health information has been made, it shall be the responsibility of the individual, after notice from the carrier, to ensure that a judicial determination is made.*

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

The Committee on Insurance offered the following:

Amendment 2—On page 1, line 18 of the bill

after *individual* insert: *or legal guardian*

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

On motion by Rep. Boyd, the rules were suspended and HB 879, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelation	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrone	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

HB 897—A bill to be entitled An act relating to insurance anti-affiliation; amending ss. 626.321, 626.730, and 629.401, F.S., to conform; repealing s. 626.988, F.S., relating to prohibiting certain insurance affiliation with financial institutions; providing an effective date.

—was read the second time by title.

The Committee on Insurance offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (a) of subsection (1) of section 626.9541, Florida Statutes, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(a) Misrepresentations and false advertising of insurance policies.—Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

1. Misrepresents the benefits, advantages, conditions, or terms of any insurance policy.
2. Misrepresents the dividends or share of the surplus to be received on any insurance policy.
3. Makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy.

4. Is misleading, or is a misrepresentation, as to the financial condition of any person or as to the legal reserve system upon which any life insurer operates.

5. Uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof.

6. Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any insurance policy.

7. Is a misrepresentation for the purpose of effecting a pledge or assignment of, or effecting a loan against, any insurance policy.

8. Misrepresents any insurance policy as being shares of stock or misrepresents ownership interest in the company.

9. *Uses any advertisement that would mislead or otherwise cause a reasonable person to believe mistakenly that the state or the Federal Government is responsible for the insurance sales activities of any person or stands behind any person's credit or that any person, the state, or the Federal Government guarantees any returns on insurance products or is a source of payment of any insurance obligation of or sold by any person.*

Section 2. Section 626.9551, Florida Statutes, is amended to read:

626.9551 Favored agent or insurer; coercion of debtors.—

(1) No person may:

(a) Require, as a condition precedent or condition subsequent to the lending of money or extension of credit or any renewal thereof, that the person to whom such money or credit is extended, or whose obligation the creditor is to acquire or finance, negotiate any policy or contract of insurance through a particular insurer or group of insurers or agent or broker or group of agents or brokers.

(b) *Reject an insurance policy solely because the policy has been issued or underwritten by any person who is not associated with a financial institution, or with any subsidiary or affiliate thereof, when such insurance is required in connection with a loan or extension of credit; or unreasonably disapprove the insurance policy provided by a borrower for the protection of the property securing the credit or lien. For purposes of this paragraph, such disapproval shall be deemed unreasonable if it is not based solely on reasonable standards, uniformly applied, relating to the extent of coverage required by such lender or person extending credit and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for the disapproval of an insurance policy because such policy contains coverage in addition to that required.*

(c) Require, directly or indirectly, that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge in connection with the handling of any insurance policy *that is required in connection with a loan or other extension of credit or the provision of another traditional banking product, required as security for a loan on real estate* or pay a separate charge to substitute the insurance policy of one insurer for that of another, *unless such charge would be required if the person were providing the insurance.* This paragraph does not include the interest which may be charged on premium loans or premium advances in accordance with the security instrument.

(d) *Use or provide to others insurance information required to be disclosed by a customer to a financial institution, or a subsidiary or affiliate thereof, in connection with the extension of credit for the purpose of soliciting the sale of insurance, unless the customer has given express written consent or has been given the opportunity to object to such use of the information. Insurance information means information concerning premiums, terms, and conditions of insurance coverage, insurance claims, and insurance history provided by the customer. The opportunity to object to the use of insurance information must be in writing and must be clearly and conspicuously made. Use or disclose information resulting from a requirement that a borrower, mortgagor, or purchaser furnish insurance of any kind on real property being conveyed or used as collateral security to a loan, when such information is to the advantage*

~~of the mortgagee, vendor, or lender, or is to the detriment of the borrower, mortgagor, purchaser, or insurer, or the agent or broker, complying with such a requirement.~~

(2)(a) Any person offering the sale of insurance at the time of and in connection with an extension of credit or the sale or lease of goods or services shall disclose in writing that the choice of an insurance provider will not affect the decision regarding the extension of credit or sale or lease of goods or services, except that reasonable requirements may be imposed pursuant to subsection (1).

(b) Federally insured or state-insured depository institutions and credit unions shall make clear and conspicuous disclosure in writing prior to the sale of any insurance policy that such policy is not a deposit, is not insured by the Federal Deposit Insurance Corporation or any other entity, is not guaranteed by the insured depository institution or any person soliciting the purchase of or selling the policy; that the financial institution is not obligated to provide benefits under the insurance contract; and, where appropriate, that the policy involves investment risk, including potential loss of principal.

(c) All documents constituting policies of insurance shall be separate and shall not be combined with or be a part of other documents. A person may not include the expense of insurance premiums in a primary credit transaction without the express written consent of the customer.

(d) A loan officer of a financial institution who is involved in the application, solicitation, or closing of a loan transaction may not solicit or sell insurance in connection with the same loan, but such loan officer may refer the loan customer to another insurance agent who is not involved in the application, solicitation, or closing of the same loan transaction. This paragraph does not apply to an agent located on premises having only a single person with lending authority, or to a broker or dealer registered under the Federal Securities Exchange Act of 1934 in connection with a margin loan secured by securities.

(3) Paragraphs (2)(a), (b), (c), and (d) do not apply to sales of insurance regulated under ss. 627.676-627.6845, s. 655.946, parts XV-XVI of chapter 627, or 12 U.S.C. ss. 4901-4910.

(4) No person may make an extension of credit or the sale of any product or service that is the equivalent to an extension of credit or lease or sale of property of any kind, or furnish any services or fix or vary the consideration for any of the foregoing, on the condition or requirement that the customer obtain insurance from that person, or a subsidiary or affiliate of that person, or a particular insurer, agent, or broker; however, this subsection does not prohibit any person from engaging in any activity that if done by a financial institution would not violate section 106 of the Bank Holding Company Act Amendments of 1970, 12 U.S.C. 1972, as interpreted by the Board of Governors of the Federal Reserve System.

(5)(2) The department may investigate the affairs of any person to whom this section applies to determine whether such person has violated this section. If a violation of this section is found to have been committed knowingly, the person in violation shall be subject to the same procedures and penalties as provided in ss. 626.9571, 626.9581, 626.9591, and 626.9601.

Section 3. Subsection (9) is added to section 626.592, Florida Statutes, 1998 Supplement, to read:

626.592 Primary agents.—

(9) When an agent conducts insurance transactions at two or more locations, a separate primary agent need not be designated at each location, provided that no insurance transactions occur at any location when the agent is not present and no unlicensed employee at the location has engaged in insurance activities requiring licensure. In those instances, the agent shall be responsible for insurance transactions occurring at each location.

Section 4. Section 626.9885, Florida Statutes, is created to read:

626.9885 Financial institutions conducting insurance transactions.—A financial institution, as defined in paragraph (g),

paragraph (h), or paragraph (p) of subsection (1) of s. 655.005 may conduct insurance transactions only through Florida-licensed insurance agents representing Florida-authorized insurers or representing Florida-eligible surplus lines insurers.

Section 5. Paragraphs (e) and (g) of subsection (1) of section 626.321, Florida Statutes, 1998 Supplement, are amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified individual, or a qualified individual or entity under paragraphs (c), (d), and (e), a license as agent authorized to transact a limited class of business in any of the following categories:

(e) Credit life or disability insurance.—License covering only credit life or disability insurance. The license may be issued only to an individual employed by a life or health insurer as an officer or other salaried or commissioned representative, or to an individual employed by or associated with a lending or financing institution or creditor, and may authorize the sale of such insurance only with respect to borrowers or debtors of such lending or financing institution or creditor. However, only the individual or entity whose tax identification number is used in receiving or is credited with receiving the commission from the sale of such insurance shall be the licensed agent of the insurer. No individual while so licensed shall hold a license as an agent or solicitor as to any other or additional kind or class of life or health insurance coverage. An entity other than a lending or financial institution defined in s. 655.005(1)(g), (h), or (p) ~~626.988~~ holding a limited license under this paragraph shall also be authorized to sell credit property insurance.

(g) Credit property insurance.—A license covering only credit property insurance may be issued to any individual except an individual employed by or associated with a lending or financial institution defined in s. 655.005(1)(g), (h), or (p) ~~626.988~~ and authorized to sell such insurance only with respect to a borrower or debtor, not to exceed the amount of the loan.

Section 6. Subsection (4) of section 626.730, Florida Statutes, 1998 Supplement, is amended to read:

626.730 Purpose of license.—

(4) This section shall not be deemed to prohibit the licensing under a limited license as to motor vehicle physical damage and mechanical breakdown insurance or the licensing under a limited license for credit property insurance of any person employed by or associated with a motor vehicle sales or financing agency, a retail sales establishment, or a consumer loan office, other than a consumer loan office owned by or affiliated with a financial institution as defined in s. 655.005(1)(g), (h), or (p) ~~626.988~~, with respect to insurance of the interest of such agency in a motor vehicle sold or financed by it or in personal property when used as collateral for a loan. This section does not apply with respect to the interest of a real estate mortgagee in or as to insurance covering such interest or in the real estate subject to such mortgage.

Section 7. Paragraph (b) of subsection (6) of section 629.401, Florida Statutes, is amended to read:

629.401 Insurance exchange.—

(6)

(b) In addition to the insurance laws specified in paragraph (a), the department shall regulate the exchange pursuant to the following powers, rights, and duties:

1. General examination powers.—The department shall examine the affairs, transactions, accounts, records, and assets of any security fund, exchange, members, and associate brokers as often as it deems advisable. The examination may be conducted by the accredited examiners of the department at the offices of the entity or person being examined. The department shall examine in like manner each prospective member or associate broker applying for membership in an exchange.

2. Departmental approval and applications of underwriting members.—No underwriting member shall commence operation without the approval of the department. Before commencing operation, an underwriting member shall provide a written application containing:

- a. Name, type, and purpose of the underwriting member.
- b. Name, residence address, business background, and qualifications of each person associated or to be associated in the formation or financing of the underwriting member.
- c. Full disclosure of the terms of all understandings and agreements existing or proposed among persons so associated relative to the underwriting member, or the formation or financing thereof, accompanied by a copy of each such agreement or understanding.
- d. Full disclosure of the terms of all understandings and agreements existing or proposed for management or exclusive agency contracts.

3. Investigation of underwriting member applications.—In connection with any proposal to establish an underwriting member, the department shall make an investigation of:

- a. The character, reputation, financial standing, and motives of the organizers, incorporators, or subscribers organizing the proposed underwriting member.
- b. The character, financial responsibility, insurance experience, and business qualifications of its proposed officers.
- c. The character, financial responsibility, business experience, and standing of the proposed stockholders and directors, or owners.

4. Notice of management changes.—An underwriting member shall promptly give the department written notice of any change among the directors or principal officers of the underwriting member within 30 days after such change. The department shall investigate the new directors or principal officers of the underwriting member. The department's investigation shall include an investigation of the character, financial responsibility, insurance experience, and business qualifications of any new directors or principal officers. As a result of the investigation, the department may require the underwriting member to replace any new directors or principal officers.

5. Alternate financial statement.—In lieu of any financial examination, the department may accept an audited financial statement.

6. Correction and reconstruction of records.—If the department finds any accounts or records to be inadequate, or inadequately kept or posted, it may employ experts to reconstruct, rewrite, post, or balance them at the expense of the person or entity being examined if such person or entity has failed to maintain, complete, or correct such records or accounts after the department has given him or her or it notice and reasonable opportunity to do so.

7. Obstruction of examinations.—Any person or entity who or which willfully obstructs the department or its examiner in an examination is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

8. Filing of annual statement.—Each underwriting member shall file with the department a full and true statement of its financial condition, transactions, and affairs. The statement shall be filed on or before March 1 of each year, or within such extension of time as the department for good cause grants, and shall be for the preceding calendar year. The statement shall contain information generally included in insurer financial statements prepared in accordance with generally accepted insurance accounting principles and practices and in a form generally utilized by insurers for financial statements, sworn to by at least two executive officers of the underwriting member. The form of the financial statements shall be the approved form of the National Association of Insurance Commissioners or its successor organization. The department may by rule require each insurer to submit any part of the information contained in the financial statement in a computer-readable form compatible with the department's electronic data

processing system. In addition to information furnished in connection with its annual statement, an underwriting member must furnish to the department as soon as reasonably possible such information about its transactions or affairs as the department requests in writing. All information furnished pursuant to the department's request must be verified by the oath of two executive officers of the underwriting member.

9. Record maintenance.—Each underwriting member shall have and maintain its principal place of business in this state and shall keep therein complete records of its assets, transactions, and affairs in accordance with such methods and systems as are customary for or suitable to the kind or kinds of insurance transacted.

10. Examination of agents.—If the department has reason to believe that any agent, as defined in s. 626.041, s. 626.051, s. 626.062, or s. 626.914, has violated or is violating any provision of the insurance law, or upon receipt of a written complaint signed by any interested person indicating that any such violation may exist, the department shall conduct such examination as it deems necessary of the accounts, records, documents, and transactions pertaining to or affecting the insurance affairs of such agent.

11. Written reports of department.—The department or its examiner shall make a full and true written report of any examination. The report shall contain only information obtained from examination of the records, accounts, files, and documents of or relative to the person or entity examined or from testimony of individuals under oath, together with relevant conclusions and recommendations of the examiner based thereon. The department shall furnish a copy of the report to the person or entity examined not less than 30 days prior to filing the report in its office. If such person or entity so requests in writing within such 30-day period, the department shall grant a hearing with respect to the report and shall not file the report until after the hearing and after such modifications have been made therein as the department deems proper.

12. Admissibility of reports.—The report of an examination when filed shall be admissible in evidence in any action or proceeding brought by the department against the person or entity examined, or against his or her or its officers, employees, or agents. The department or its examiners may at any time testify and offer other proper evidence as to information secured or matters discovered during the course of an examination, whether or not a written report of the examination has been either made, furnished, or filed in the department.

13. Publication of reports.—After an examination report has been filed, the department may publish the results of any such examination in one or more newspapers published in this state whenever it deems it to be in the public interest.

14. Consideration of examination reports by entity examined.—After the examination report of an underwriting member has been filed, an affidavit shall be filed with the department, not more than 30 days after the report has been filed, on a form furnished by the department and signed by the person or a representative of any entity examined, stating that the report has been read and that the recommendations made in the report will be considered within a reasonable time.

15. Examination costs.—Each person or entity examined by the department shall pay to the department the expenses incurred in such examination.

16. Exchange costs.—An exchange shall reimburse the department for any expenses incurred by it relating to the regulation of the exchange and its members, except as specified in subparagraph 15.

17. Powers of examiners.—Any examiner appointed by the department, as to the subject of any examination, investigation, or hearing being conducted by him or her, may administer oaths, examine and cross-examine witnesses, and receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which the examiner deems relevant to the inquiry. If any person refuses to comply with any such subpoena or to testify as to any

matter concerning which he or she may be lawfully interrogated, the Circuit Court of Leon County or the circuit court of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, on the department's application may issue an order requiring such person to comply with the subpoena and to testify; and any failure to obey such an order of the court may be punished by the court as a contempt thereof. Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a circuit court.

18. False testimony.—Any person willfully testifying falsely under oath as to any matter material to any examination, investigation, or hearing shall upon conviction thereof be guilty of perjury and shall be punished accordingly.

19. Self-incrimination.—

a. If any person asks to be excused from attending or testifying or from producing any books, papers, records, contracts, documents, or other evidence in connection with any examination, hearing, or investigation being conducted by the department or its examiner, on the ground that the testimony or evidence required of the person may tend to incriminate him or her or subject him or her to a penalty or forfeiture, and the person notwithstanding is directed to give such testimony or produce such evidence, he or she shall, if so directed by the department and the Department of Legal Affairs, nonetheless comply with such direction; but the person shall not thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he or she may have so testified or produced evidence, and no testimony so given or evidence so produced shall be received against him or her upon any criminal action, investigation, or proceeding; except that no such person so testifying shall be exempt from prosecution or punishment for any perjury committed by him or her in such testimony, and the testimony or evidence so given or produced shall be admissible against him or her upon any criminal action, investigation, or proceeding concerning such perjury, nor shall he or she be exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred, or to be conferred, pursuant to the insurance law.

b. Any such individual may execute, acknowledge, and file in the office of the department a statement expressly waiving such immunity or privilege in respect to any transaction, matter, or thing specified in such statement, and thereupon the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, grand jury, or otherwise; and if such testimony or evidence is so received or produced, such individual shall not be entitled to any immunity or privileges on account of any testimony so given or evidence so produced.

20. Penalty for failure to testify.—Any person who refuses or fails, without lawful cause, to testify relative to the affairs of any member, associate broker, or other person when subpoenaed and requested by the department to so testify, as provided in subparagraph 17., shall, in addition to the penalty provided in subparagraph 17., be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

21. Name selection.—No underwriting member shall be formed or authorized to transact insurance in this state under a name which is the same as that of any authorized insurer or is so nearly similar thereto as to cause or tend to cause confusion or under a name which would tend to mislead as to the type of organization of the insurer. Before incorporating under or using any name, the underwriting syndicate or proposed underwriting syndicate shall submit its name or proposed name to the department for the approval of the department.

22. Capitalization.—An underwriting member approved on or after July 2, 1987, shall provide an initial paid-in capital and surplus of \$3 million and thereafter shall maintain a minimum policyholder surplus of \$2 million in order to be permitted to write insurance. Underwriting members approved prior to July 2, 1987, shall maintain a minimum policyholder surplus of \$1 million. After June 29, 1988, underwriting

members approved prior to July 2, 1987, must maintain a minimum policyholder surplus of \$1.5 million to write insurance. After June 29, 1989, underwriting members approved prior to July 2, 1987, must maintain a minimum policyholder surplus of \$1.75 million to write insurance. After December 30, 1989, all underwriting members, regardless of the date they were approved, must maintain a minimum policyholder surplus of \$2 million to write insurance. Except for that portion of the paid-in capital and surplus which shall be maintained in a security fund of an exchange, the paid-in capital and surplus shall be invested by an underwriting member in a manner consistent with ss. 625.301-625.340. The portion of the paid-in capital and surplus in any security fund of an exchange shall be invested in a manner limited to investments for life insurance companies under the Florida insurance laws.

23. Limitations on coverage written.—

a. Limit of risk.—No underwriting member shall expose itself to any loss on any one risk in an amount exceeding 10 percent of its surplus to policyholders. Any risk or portion of any risk which shall have been reinsured in an assuming reinsurer authorized or approved to do such business in this state shall be deducted in determining the limitation of risk prescribed in this section.

b. Restrictions on premiums written.—If the department has reason to believe that the underwriting member's ratio of actual or projected annual gross written premiums to policyholder surplus exceeds 8 to 1 or the underwriting member's ratio of actual or projected annual net premiums to policyholder surplus exceeds 4 to 1, the department may establish maximum gross or net annual premiums to be written by the underwriting member consistent with maintaining the ratios specified in this sub-subparagraph.

(I) Projected annual net or gross premiums shall be based on the actual writings to date for the underwriting member's current calendar year, its writings for the previous calendar year, or both. Ratios shall be computed on an annualized basis.

(II) For purposes of this sub-subparagraph, the term "gross written premiums" means direct premiums written and reinsurance assumed.

c. Surplus as to policyholders.—For the purpose of determining the limitation on coverage written, surplus as to policyholders shall be deemed to include any voluntary reserves, or any part thereof, which are not required by or pursuant to law and shall be determined from the last sworn statement of such underwriting member with the department, or by the last report or examination filed by the department, whichever is more recent at the time of assumption of such risk.

24. Unearned premium reserves.—All unearned premium reserves for business written on the exchange shall be calculated on a monthly or more frequent basis or on such other basis as determined by the department; except that all premiums on any marine or transportation insurance trip risk shall be deemed unearned until the trip is terminated.

25. Loss reserves.—All underwriting members of an exchange shall maintain loss reserves, including a reserve for incurred but not reported claims. The reserves shall be subject to review by the department, and, if loss experience shows that an underwriting member's loss reserves are inadequate, the department shall require the underwriting member to maintain loss reserves in such additional amount as is needed to make them adequate.

26. Distribution of profits.—An underwriting member shall not distribute any profits in the form of cash or other assets to owners except out of that part of its available and accumulated surplus funds which is derived from realized net operating profits on its business and realized capital gains. In any one year such payments to owners shall not exceed 30 percent of such surplus as of December 31 of the immediately preceding year, unless otherwise approved by the department. No distribution of profits shall be made that would render an underwriting member either impaired or insolvent.

27. Stock dividends.—A stock dividend may be paid by an underwriting member out of any available surplus funds in excess of the

aggregate amount of surplus advanced to the underwriting member under subparagraph 29.

28. Dividends from earned surplus.—A dividend otherwise lawful may be payable out of an underwriting member's earned surplus even though the total surplus of the underwriting member is then less than the aggregate of its past contributed surplus resulting from issuance of its capital stock at a price in excess of the par value thereof.

29. Borrowing of money by underwriting members.—

a. An underwriting member may borrow money to defray the expenses of its organization, provide it with surplus funds, or for any purpose of its business, upon a written agreement that such money is required to be repaid only out of the underwriting member's surplus in excess of that stipulated in such agreement. The agreement may provide for interest not exceeding 15 percent simple interest per annum. The interest shall or shall not constitute a liability of the underwriting member as to its funds other than such excess of surplus, as stipulated in the agreement. No commission or promotion expense shall be paid in connection with any such loan. The use of any surplus note and any repayments thereof shall be subject to the approval of the department.

b. Money so borrowed, together with any interest thereon if so stipulated in the agreement, shall not form a part of the underwriting member's legal liabilities except as to its surplus in excess of the amount thereof stipulated in the agreement, nor be the basis of any setoff; but until repayment, financial statements filed or published by an underwriting member shall show as a footnote thereto the amount thereof then unpaid, together with any interest thereon accrued but unpaid.

30. Liquidation, rehabilitation, and restrictions.—The department, upon a showing that a member or associate broker of an exchange has met one or more of the grounds contained in part I of chapter 631, may restrict sales by type of risk, policy or contract limits, premium levels, or policy or contract provisions; increase surplus or capital requirements of underwriting members; issue cease and desist orders; suspend or restrict a member's or associate broker's right to transact business; place an underwriting member under conservatorship or rehabilitation; or seek an order of liquidation as authorized by part I of chapter 631.

31. Prohibited conduct.—The following acts by a member, associate broker, or affiliated person shall constitute prohibited conduct:

a. Fraud.

b. Fraudulent or dishonest acts committed by a member or associate broker prior to admission to an exchange, if the facts and circumstances were not disclosed to the department upon application to become a member or associate broker.

c. Conduct detrimental to the welfare of an exchange.

d. Unethical or improper practices or conduct, inconsistent with just and equitable principles of trade as set forth in, but not limited to, ss. 626.951-626.9641 and 626.973, and ~~626.988~~.

e. Failure to use due diligence to ascertain the insurance needs of a client or a principal.

f. Misstatements made under oath or upon an application for membership on an exchange.

g. Failure to testify or produce documents when requested by the department.

h. Willful violation of any law of this state.

i. Failure of an officer or principal to testify under oath concerning a member, associate broker, or other person's affairs as they relate to the operation of an exchange.

j. Violation of the constitution and bylaws of the exchange.

32. Penalties for participating in prohibited conduct.—

a. The department may order the suspension of further transaction of business on the exchange of any member or associate broker found to have engaged in prohibited conduct. In addition, any member or associate broker found to have engaged in prohibited conduct may be subject to reprimand, censure, and/or a fine not exceeding \$25,000 imposed by the department.

b. Any member which has an affiliated person who is found to have engaged in prohibited conduct shall be subject to involuntary withdrawal or in addition thereto may be subject to suspension, reprimand, censure, and/or a fine not exceeding \$25,000.

33. Reduction of penalties.—Any suspension, reprimand, censure, or fine may be remitted or reduced by the department on such terms and conditions as are deemed fair and equitable.

34. Other offenses.—Any member or associate broker that is suspended shall be deprived, during the period of suspension, of all rights and privileges of a member or of an associate broker and may be proceeded against by the department for any offense committed either before or after the date of suspension.

35. Reinstatement.—Any member or associate broker that is suspended may be reinstated at any time on such terms and conditions as the department may specify.

36. Remittance of fines.—Fines imposed under this section shall be remitted to the department and shall be paid into the Insurance Commissioner's Regulatory Trust Fund.

37. Failure to pay fines.—When a member or associate broker has failed to pay a fine for 15 days after it becomes payable, such member or associate broker shall be suspended, unless the department has granted an extension of time to pay such fine.

38. Changes in ownership or assets.—In the event of a major change in the ownership or a major change in the assets of an underwriting member, the underwriting member shall report such change in writing to the department within 30 days of the effective date thereof. The report shall set forth the details of the change. Any change in ownership or assets of more than 5 percent shall be considered a major change.

39. Retaliation.—

a. When by or pursuant to the laws of any other state or foreign country any taxes, licenses, or other fees, in the aggregate, and any fines, penalties, deposit requirements, or other material obligations, prohibitions, or restrictions are or would be imposed upon an exchange or upon the agents or representatives of such exchange which are in excess of such taxes, licenses, and other fees, in the aggregate, or which are in excess of such fines, penalties, deposit requirements, or other obligations, prohibitions, or restrictions directly imposed upon similar exchanges or upon the agents or representatives of such exchanges 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 upon the exchanges, or upon the agents or representatives of such exchanges, of such other state or country doing business or seeking to do business in this state.

b. Any tax, license, or other obligation imposed by any city, county, or other political subdivision or agency of a state, jurisdiction, or foreign country on an exchange, or on the agents or representatives on an exchange, shall be deemed to be imposed by such state, jurisdiction, or foreign country within the meaning of sub-subparagraph a.

40. Agents.—

a. Agents as defined in ss. 626.041, 626.051, 626.062, and 626.914 who are broker members or associate broker members of an exchange shall be allowed only to place on an exchange the same kind or kinds of business that the agent is licensed to place pursuant to Florida law. Direct Florida business as defined in s. 626.916 or s. 626.917 shall be written through a broker member who is a surplus lines agent as

defined in s. 626.914. The activities of each broker member or associate broker with regard to an exchange shall be subject to all applicable provisions of the insurance laws of this state, and all such activities shall constitute transactions under his or her license as an insurance agent for purposes of the Florida insurance law.

b. Premium payments and other requirements.—If an underwriting member has assumed the risk as to a surplus lines coverage and if the premium therefor has been received by the surplus lines agent who placed such insurance, then in all questions thereafter arising under the coverage as between the underwriting member and the insured, the underwriting member shall be deemed to have received the premium due to it for such coverage; and the underwriting member shall be liable to the insured as to losses covered by such insurance, and for unearned premiums which may become payable to the insured upon cancellation of such insurance, whether or not in fact the surplus lines agent is indebted to the underwriting member with respect to such insurance or for any other cause.

41. Improperly issued contracts, riders, and endorsements.—

a. Any insurance policy, rider, or endorsement issued by an underwriting member and otherwise valid which contains any condition or provision not in compliance with the requirements of this section shall not be thereby rendered invalid, except as provided in s. 627.415, but shall be construed and applied in accordance with such conditions and provisions as would have applied had such policy, rider, or endorsement been in full compliance with this section. In the event an underwriting member issues or delivers any policy for an amount which exceeds any limitations otherwise provided in this section, the underwriting member shall be liable to the insured or his or her beneficiary for the full amount stated in the policy in addition to any other penalties that may be imposed.

b. Any insurance contract delivered or issued for delivery in this state governing a subject or subjects of insurance resident, located, or to be performed in this state which, pursuant to the provisions of this section, the underwriting member may not lawfully insure under such a contract shall be cancelable at any time by the underwriting member, any provision of the contract to the contrary notwithstanding; and the underwriting member shall promptly cancel the contract in accordance with the request of the department therefor. No such illegality or cancellation shall be deemed to relieve the underwriting syndicate of any liability incurred by it under the contract while in force or to prohibit the underwriting syndicate from retaining the pro rata earned premium thereon. This provision does not relieve the underwriting syndicate from any penalty otherwise incurred by the underwriting syndicate.

42. Satisfaction of judgments.—

a. Every judgment or decree for the recovery of money heretofore or hereafter entered in any court of competent jurisdiction against any underwriting member shall be fully satisfied within 60 days from and after the entry thereof or, in the case of an appeal from such judgment or decree, within 60 days from and after the affirmance of the judgment or decree by the appellate court.

b. If the judgment or decree is not satisfied as required under sub-paragraph a., and proof of such failure to satisfy is made by filing with the department a certified transcript of the docket of the judgment or the decree together with a certificate by the clerk of the court wherein the judgment or decree remains unsatisfied, in whole or in part, after the time provided in sub-paragraph a., the department shall forthwith prohibit the underwriting member from transacting business. The department shall not permit such underwriting member to write any new business until the judgment or decree is wholly paid and satisfied and proof thereof is filed with the department under the official certificate of the clerk of the court wherein the judgment was recovered, showing that the judgment or decree is satisfied of record, and until the expenses and fees incurred in the case are also paid by the underwriting syndicate.

43. Tender and exchange offers.—No person shall conclude a tender offer or an exchange offer or otherwise acquire 5 percent or more of the

outstanding voting securities of an underwriting member or controlling company or purchase 5 percent or more of the ownership of an underwriting member or controlling company unless such person has filed with, and obtained the approval of, the department and sent to such underwriting member a statement setting forth:

a. The identity of, and background information on, each person by whom, or on whose behalf, the acquisition is to be made; and, if the acquisition is to be made by or on behalf of a corporation, association, or trust, the identity of and background information on each director, officer, trustee, or other natural person performing duties similar to those of a director, officer, or trustee for the corporation, association, or trust.

b. The source and amount of the funds or other consideration used, or to be used, in making the acquisition.

c. Any plans or proposals which such person may have to liquidate such member, to sell its assets, or to merge or consolidate it.

d. The percentage of ownership which such person proposes to acquire and the terms of the offer or exchange, as the case may be.

e. Information as to any contracts, arrangements, or understandings with any party with respect to any securities of such member or controlling company, including, but not limited to, information relating to the transfer of any securities, option arrangements, or puts or calls or the giving or withholding of proxies, naming the party with whom such contract, arrangements, or understandings have been entered and giving the details thereof.

f. The department may disapprove any acquisition subject to the provisions of this subparagraph by any person or any affiliated person of such person who:

(I) Willfully violates this subparagraph;

(II) In violation of an order of the department issued pursuant to sub-subparagraph j., fails to divest himself or herself of any stock obtained in violation of this subparagraph, or fails to divest himself or herself of any direct or indirect control of such stock, within 25 days after such order; or

(III) In violation of an order issued by the department pursuant to sub-subparagraph j., acquires additional stock of the underwriting member or controlling company, or direct or indirect control of such stock, without complying with this subparagraph.

g. The person or persons filing the statement required by this subparagraph have the burden of proof. The department shall approve any such acquisition if it finds, on the basis of the record made during any proceeding or on the basis of the filed statement if no proceeding is conducted, that:

(I) Upon completion of the acquisition, the underwriting member will be able to satisfy the requirements for the approval to write the line or lines of insurance for which it is presently approved;

(II) The financial condition of the acquiring person or persons will not jeopardize the financial stability of the underwriting member or prejudice the interests of its policyholders or the public;

(III) Any plan or proposal which the acquiring person has, or acquiring persons have, made:

(A) To liquidate the insurer, sell its assets, or merge or consolidate it with any person, or to make any other major change in its business or corporate structure or management; or

(B) To liquidate any controlling company, sell its assets, or merge or consolidate it with any person, or to make any major change in its business or corporate structure or management which would have an effect upon the underwriting member

is fair and free of prejudice to the policyholders of the underwriting member or to the public;

(IV) The competence, experience, and integrity of those persons who will control directly or indirectly the operation of the underwriting member indicate that the acquisition is in the best interest of the policyholders of the underwriting member and in the public interest;

(V) The natural persons for whom background information is required to be furnished pursuant to this subparagraph have such backgrounds as to indicate that it is in the best interests of the policyholders of the underwriting member, and in the public interest, to permit such persons to exercise control over such underwriting member;

(VI) The officers and directors to be employed after the acquisition have sufficient insurance experience and ability to assure reasonable promise of successful operation;

(VII) The management of the underwriting member after the acquisition will be competent and trustworthy and will possess sufficient managerial experience so as to make the proposed operation of the underwriting member not hazardous to the insurance-buying public;

(VIII) The management of the underwriting member after the acquisition will not include any person who has directly or indirectly through ownership, control, reinsurance transactions, or other insurance or business relations unlawfully manipulated the assets, accounts, finances, or books of any insurer or underwriting member or otherwise acted in bad faith with respect thereto;

(IX) The acquisition is not likely to be hazardous or prejudicial to the underwriting member's policyholders or the public; and

(X) The effect of the acquisition of control would not substantially lessen competition in insurance in this state or would not tend to create a monopoly therein.

h. No vote by the stockholder of record, or by any other person, of any security acquired in contravention of the provisions of this subparagraph is valid. Any acquisition of any security contrary to the provisions of this subparagraph is void. Upon the petition of the underwriting member or controlling company, the circuit court for the county in which the principal office of such underwriting member is located may, without limiting the generality of its authority, order the issuance or entry of an injunction or other order to enforce the provisions of this subparagraph. There shall be a private right of action in favor of the underwriting member or controlling company to enforce the provisions of this subparagraph. No demand upon the department that it perform its functions shall be required as a prerequisite to any suit by the underwriting member or controlling company against any other person, and in no case shall the department be deemed a necessary party to any action by such underwriting member or controlling company to enforce the provisions of this subparagraph. Any person who makes or proposes an acquisition requiring the filing of a statement pursuant to this subparagraph, or who files such a statement, shall be deemed to have thereby designated the Insurance Commissioner, or his or her assistant or deputy or another person in charge of his or her office, as such person's agent for service of process under this subparagraph and shall thereby be deemed to have submitted himself or herself to the administrative jurisdiction of the department and to the jurisdiction of the circuit court.

i. Any approval by the department under this subparagraph does not constitute a recommendation by the department for an acquisition, tender offer, or exchange offer. It is unlawful for a person to represent that the department's approval constitutes a recommendation. A person who violates the provisions of this sub-subparagraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The statute-of-limitations period for the prosecution of an offense committed under this sub-subparagraph is 5 years.

j. Upon notification to the department by the underwriting member or a controlling company that any person or any affiliated person of such person has acquired 5 percent or more of the outstanding voting securities of the underwriting member or controlling company without complying with the provisions of this subparagraph, the department shall order that the person and any affiliated person of such person

cease acquisition of any further securities of the underwriting member or controlling company; however, the person or any affiliated person of such person may request a proceeding, which proceeding shall be convened within 7 days after the rendering of the order for the sole purpose of determining whether the person, individually or in connection with any affiliated person of such person, has acquired 5 percent or more of the outstanding voting securities of an underwriting member or controlling company. Upon the failure of the person or affiliated person to request a hearing within 7 days, or upon a determination at a hearing convened pursuant to this sub-subparagraph that the person or affiliated person has acquired voting securities of an underwriting member or controlling company in violation of this subparagraph, the department may order the person and affiliated person to divest themselves of any voting securities so acquired.

k.(I) The department shall, if necessary to protect the public interest, suspend or revoke the certificate of authority of any underwriting member or controlling company:

(A) The control of which is acquired in violation of this subparagraph;

(B) That is controlled, directly or indirectly, by any person or any affiliated person of such person who, in violation of this subparagraph, has obtained control of an underwriting member or controlling company; or

(C) That is controlled, directly or indirectly, by any person who, directly or indirectly, controls any other person who, in violation of this subparagraph, acquires control of an underwriting member or controlling company.

(II) If any underwriting member is subject to suspension or revocation pursuant to sub-sub-subparagraph (I), the underwriting member shall be deemed to be in such condition, or to be using or to have been subject to such methods or practices in the conduct of its business, as to render its further transaction of insurance presently or prospectively hazardous to its policyholders, creditors, or stockholders or to the public.

l.(I) For the purpose of this sub-sub-subparagraph, the term "affiliated person" of another person means:

(A) The spouse of such other person;

(B) The parents of such other person and their lineal descendants and the parents of such other person's spouse and their lineal descendants;

(C) Any person who directly or indirectly owns or controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of such other person;

(D) Any person 5 percent or more of the outstanding voting securities of which are directly or indirectly owned or controlled, or held with power to vote, by such other person;

(E) Any person or group of persons who directly or indirectly control, are controlled by, or are under common control with such other person; or any officer, director, partner, copartner, or employee of such other person;

(F) If such other person is an investment company, any investment adviser of such company or any member of an advisory board of such company;

(G) If such other person is an unincorporated investment company not having a board of directors, the depositor of such company; or

(H) Any person who has entered into an agreement, written or unwritten, to act in concert with such other person in acquiring or limiting the disposition of securities of an underwriting member or controlling company.

(II) For the purposes of this section, the term "controlling company" means any corporation, trust, or association owning, directly or

indirectly, 25 percent or more of the voting securities of one or more underwriting members.

m. The department is authorized to adopt, amend, or repeal rules that are necessary to implement the provisions of this subparagraph, pursuant to chapter 120.

44. Background information.—The information as to the background and identity of each person about whom information is required to be furnished pursuant to sub-subparagraph 43.a. shall include, but shall not be limited to:

a. Such person's occupations, positions of employment, and offices held during the past 10 years.

b. The principal business and address of any business, corporation, or other organization in which each such office was held or in which such occupation or position of employment was carried on.

c. Whether, at any time during such 10-year period, such person was convicted of any crime other than a traffic violation.

d. Whether, during such 10-year period, such person has been the subject of any proceeding for the revocation of any license and, if so, the nature of such proceeding and the disposition thereof.

e. Whether, during such 10-year period, such person has been the subject of any proceeding under the federal Bankruptcy Act or whether, during such 10-year period, any corporation, partnership, firm, trust, or association in which such person was a director, officer, trustee, partner, or other official has been subject to any such proceeding, either during the time in which such person was a director, officer, trustee, partner, or other official, or within 12 months thereafter.

f. Whether, during such 10-year period, such person has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the business of insurance, securities, or banking, or from carrying out any particular practice or practices in the course of the business of insurance, securities, or banking, together with details of any such event.

45. Security fund.—All underwriting members shall be members of the security fund of any exchange.

46. Underwriting member defined.—Whenever the term "underwriting member" is used in this subsection, it shall be construed to mean "underwriting syndicate."

47. Offsets.—Any action, requirement, or constraint imposed by the department shall reduce or offset similar actions, requirements, or constraints of any exchange.

48. Restriction on member ownership.—

a. Investments existing prior to July 2, 1987.—The investment in any member by brokers, agents, and intermediaries transacting business on the exchange, and the investment in any such broker, agent, or intermediary by any member, directly or indirectly, shall in each case be limited in the aggregate to less than 20 percent of the total investment in such member, broker, agent, or intermediary, as the case may be. After December 31, 1987, the aggregate percent of the total investment in such member by any broker, agent, or intermediary and the aggregate percent of the total investment in any such broker, agent, or intermediary by any member, directly or indirectly, shall not exceed 15 percent. After June 30, 1988, such aggregate percent shall not exceed 10 percent and after December 31, 1988, such aggregate percent shall not exceed 5 percent.

b. Investments arising on or after July 2, 1987.—The investment in any underwriting member by brokers, agents, or intermediaries transacting business on the exchange, and the investment in any such broker, agent, or intermediary by any underwriting member, directly or indirectly, shall in each case be limited in the aggregate to less than 5 percent of the total investment in such underwriting member, broker, agent, or intermediary.

49. "Underwriting manager" defined.—"Underwriting manager" as used in this subparagraph includes any person, partnership, corporation, or organization providing any of the following services to underwriting members of the exchange:

a. Office management and allied services, including correspondence and secretarial services.

b. Accounting services, including bookkeeping and financial report preparation.

c. Investment and banking consultations and services.

d. Underwriting functions and services including the acceptance, rejection, placement, and marketing of risk.

50. Prohibition of underwriting manager investment.—Any direct or indirect investment in any underwriting manager by a broker member or any affiliated person of a broker member or any direct or indirect investment in a broker member by an underwriting manager or any affiliated person of an underwriting manager is prohibited. "Affiliated person" for purposes of this subparagraph is defined in subparagraph 43. Any direct or indirect investment prohibited by this subparagraph which exists prior to July 2, 1987, shall be dissolved by June 30, 1988.

51. An underwriting member may not accept reinsurance on an assumed basis from an affiliate or a controlling company, nor may a broker member or management company place reinsurance from an affiliate or controlling company of theirs with an underwriting member. "Affiliate and controlling company" for purposes of this subparagraph is defined in subparagraph 43.

52. Premium defined.—"Premium" is the consideration for insurance, by whatever name called. Any "assessment" or any "membership," "policy," "survey," "inspection," "service" fee or charge or similar fee or charge in consideration for an insurance contract is deemed part of the premium.

53. Rules.—The department shall promulgate rules necessary for or as an aid to the effectuation of any provision of this section.

Section 8. *Section 626.988, Florida Statutes, is repealed.*

Section 9. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, lines 2-7
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to insurance; amending s. 626.9541, F.S.; prohibiting as an unfair insurance practice use of certain misleading advertisements; amending s. 626.9551, F.S.; prohibiting any person from engaging in certain acts related to insurance sold in connection with a loan or extension of credit; requiring disclosure of certain information for such transactions; requiring separate documents for policies of insurance for such transactions; prohibiting loan officers who are involved in the loan transaction from soliciting insurance in connection with the same loan, subject to certain exceptions; amending s. 626.592, F.S.; providing that a primary agent need not be designated at each location where an agent conducts certain insurance transactions; creating s. 626.9885, F.S.; requiring financial institutions, as defined, to conduct insurance transactions only through Florida-licensed insurance agents representing certain types of insurers; amending ss. 626.321, 626.730, 629.401, F.S., to conform cross-references; repealing s. 626.988, F.S.; relating to prohibition of insurance activities by persons employed or associated with financial institutions; providing an effective date.

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

On motion by Rep. Sublette, the rules were suspended and HB 897, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrioni	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

HB 911—A bill to be entitled An act relating to federally funded services for children; amending s. 409.26731, F.S.; authorizing the Department of Children and Family Services to annually certify local funds for state match for services to children under the supervision of or in the custody of the department; providing an effective date.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

409.26731 Certification of local funds as state match for federally funded services; ~~federal waivers. In order to implement Specific Appropriations 330 and 334 through 352 of the 1997-1998 General Appropriations Act,~~ The Department of Children and Family Services is authorized to certify local funds ~~not to exceed \$5 million~~ as state match for children's mental health services funded by Medicaid in excess of the amount of state general revenue matching funds appropriated for such services through the ~~1997-1998~~ General Appropriations Act. The department is also authorized to certify local funds ~~not to exceed \$5 million~~ as state match for eligible Title IV-E, ~~expenditures services for children under the supervision and custody of the state~~ in excess of the amount of state general revenue matching funds appropriated for such services by the ~~1997-1998~~ General Appropriations Act ~~in Specific Appropriations 334 through 352. Federal Medicaid or~~ Title IV-E funds provided to the state as federal financial participation consequent to certified local matching funds shall automatically be passed through to the local entity that provided the certified the local match. *Notwithstanding the provision of s. 215.425, all such federal Title IV-E funds earned for the current fiscal year as a result of utilizing certified local match, except for up to five percent of such earnings which the*

department is authorized to retain for administrative processes, shall be distributed as set forth in this section and this process shall not impact the department's allocation to any district. All of the provisions of this section are based upon federal approval of the provisions as specifically limited in this section and shall not become effective if any further modifications are required of the state, unless and until federal approval has been obtained. ~~The Agency for Health Care Administration is authorized to apply for federal waivers to modify the state Medicaid plan to include optional Medicaid in-home and therapeutic services for Medicaid-eligible children if the state match for such services is provided by local funds certified by the department as state match. Such services shall be available only in communities that provide the certified match. The department shall annually prepare a report to be submitted to the Legislature no later than January 1 documenting the specific activities undertaken during the previous fiscal year pursuant to this section.~~

And the title is amended as follows:

On page 1, line 2

insert:

A bill to be entitled

An act relating to federally funded certain services for children; amending s. 409.26731, F.S.; authorizing the Department of Children and Family Services to annually certify local funds for state match for services to children under the supervision of or in the the custody of the department; providing a report; providing an effective date.

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

On motion by Rep. Sanderson, the rules were suspended and HB 911, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Edwards	Kelly	Russell
Andrews	Effman	Kilmer	Ryan
Argenziano	Eggelletion	Kosmas	Sanderson
Arnall	Farkas	Kyle	Sembler
Bainter	Fasano	Lacasa	Smith, C.
Ball	Feeney	Lawson	Smith, K.
Barreiro	Fiorentino	Levine	Sobel
Bense	Flanagan	Littlefield	Sorensen
Betancourt	Frankel	Logan	Spratt
Bilirakis	Fuller	Lynn	Stafford
Bitner	Futch	Maygarden	Stansel
Bloom	Garcia	Merchant	Starks
Boyd	Gay	Miller, J.	Suarez
Bradley	Goode	Miller, L.	Sublette
Bronson	Goodlette	Minton	Trovillion
Brown	Gottlieb	Morrioni	Tullis
Brummer	Green, C.	Murman	Turnbull
Bush	Greene, A.	Ogles	Valdes
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Warner
Chestnut	Hart	Prieguez	Wasserman Schultz
Constantine	Healey	Pruitt	Waters
Cosgrove	Henriquez	Rayson	Wiles
Crist	Heyman	Reddick	Wilson
Crow	Hill	Ritchie	Wise
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

HB 931—A bill to be entitled An act relating to public swimming and bathing facilities; amending s. 514.011, F.S.; redefining the term “public swimming pool” or “public pool”; amending s. 514.0115, F.S.; exempting from supervision or regulation as a public pool any pool serving a residential child care facility if the pool is for the exclusive use of the facility’s residents and not open to the public; providing an effective date.

—was read the second time by title.

The Committee on Children & Families offered the following:

Amendment 1 (with title amendment)—
remove from the bill: everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsection (4) of section 514.0115, Florida Statutes, 1998 Supplement, is renumbered as subsection (5), and a new subsection (4) is added to said section to read:

(4) Any pool serving a residential child care agency registered and exempt from licensure pursuant to s. 409.176 shall be exempt from supervision or regulation under this chapter related to construction standards if the pool is used exclusively by the facility’s residents and if admission may not be gained by the public.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove the entire title of the bill:

and insert in lieu thereof:

A bill to be entitled

An act related to public swimming pool construction standards for certain residential child care facilities; amending s. 514.0115, F.S.; exempting from supervision or regulation related to construction standards any residential child care facility registered and exempt from licensure pursuant to s. 409.176, F.S.; providing an effective date.

Rep. J. Miller moved the adoption of the amendment, which was adopted.

On motion by Rep. J. Miller, the rules were suspended and HB 931, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Cosgrove	Greenstein	Minton
Albright	Crist	Hafner	Morrone
Alexander	Crow	Harrington	Murman
Andrews	Dennis	Hart	Ogles
Argenziano	Detert	Healey	Patterson
Arnall	Diaz de la Portilla	Henriquez	Peaden
Bainter	Dockery	Heyman	Posey
Ball	Edwards	Hill	Prieguez
Barreiro	Effman	Jacobs	Pruitt
Bense	Eggelletion	Johnson	Putnam
Betancourt	Farkas	Jones	Rayson
Bilirakis	Fasano	Kelly	Reddick
Bitner	Feeney	Kilmer	Ritchie
Bloom	Fiorentino	Kosmas	Ritter
Boyd	Flanagan	Kyle	Roberts
Bradley	Frankel	Lacasa	Rojas
Bronson	Fuller	Lawson	Russell
Brown	Futch	Levine	Ryan
Brummer	Garcia	Littlefield	Sanderson
Bush	Gay	Logan	Sembler
Byrd	Goode	Lynn	Smith, C.
Cantens	Goodlette	Maygarden	Smith, K.
Casey	Gottlieb	Merchant	Sobel
Chestnut	Green, C.	Miller, J.	Sorensen
Constantine	Greene, A.	Miller, L.	Spratt

Stafford	Trovillion	Wallace	Wilson
Stansel	Tullis	Warner	Wise
Starks	Turnbull	Wasserman Schultz	
Suarez	Valdes	Waters	
Sublette	Villalobos	Wiles	

Nays—None

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

HB 957—A bill to be entitled An act relating to health care practitioners; amending ss. 455.565, 458.319, 459.008, 460.407, 461.007, F.S., relating to relicensure requirements for physicians, osteopathic physicians, chiropractic physicians, and podiatrists; revising requirements for submitting fingerprints to the Department of Health for renewal of licensure; providing an effective date.

—was read the second time by title.

The Committee on Health Care Licensing & Regulation offered the following:

Amendment 1—On page 4, lines 9-14, page 5, lines 23-28, page 7, lines 7-11, page 8, lines 20-25 remove after the “.” all of said lines

and insert in lieu thereof: If an applicant *has received an initial license to practice in this state after January 1, 1992 and has submitted fingerprints to the department for a national criminal history check upon initial licensure* and is renewing his or her license ~~for the first time~~, then the applicant need only submit the information and fee required for a statewide criminal history check.

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

On motion by Rep. Farkas, the rules were suspended and HB 957, as amended, was read the third time by title. On passage, the vote was:

Yeas—115

The Chair	Detert	Jacobs	Ritter
Albright	Diaz de la Portilla	Johnson	Roberts
Alexander	Dockery	Jones	Rojas
Andrews	Edwards	Kelly	Russell
Argenziano	Effman	Kilmer	Ryan
Arnall	Eggelletion	Kosmas	Sanderson
Bainter	Farkas	Kyle	Sembler
Ball	Fasano	Lacasa	Smith, C.
Barreiro	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Spratt
Bilirakis	Frankel	Logan	Stafford
Bitner	Fuller	Lynn	Stansel
Bloom	Futch	Maygarden	Starks
Boyd	Garcia	Merchant	Suarez
Bradley	Gay	Miller, J.	Sublette
Bronson	Goode	Miller, L.	Trovillion
Brown	Goodlette	Minton	Tullis
Brummer	Gottlieb	Morrone	Turnbull
Bush	Green, C.	Murman	Valdes
Byrd	Greene, A.	Ogles	Villalobos
Cantens	Greenstein	Patterson	Wallace
Casey	Hafner	Peaden	Warner
Chestnut	Harrington	Posey	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crist	Henriquez	Rayson	Wilson
Crow	Heyman	Reddick	Wise
Dennis	Hill	Ritchie	

Nays—None

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

CS/HB 1003—A bill to be entitled An act relating to insurance agencies; amending s. 626.094, F.S.; excluding certain corporations from the definition of insurance agency under certain circumstances for purposes of sharing commissions; providing an effective date.

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

Yeas—114

The Chair	Detert	Jones	Rojas
Albright	Diaz de la Portilla	Kelly	Russell
Alexander	Dockery	Kilmer	Ryan
Andrews	Edwards	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lawson	Smith, C.
Bainter	Fasano	Levine	Smith, K.
Ball	Feeney	Littlefield	Sobel
Barreiro	Fiorentino	Logan	Sorensen
Bense	Flanagan	Lynn	Spratt
Betancourt	Frankel	Maygarden	Stafford
Bilirakis	Fuller	Merchant	Stansel
Bitner	Futch	Miller, J.	Starks
Bloom	Garcia	Miller, L.	Suarez
Boyd	Gay	Minton	Sublette
Bradley	Goodlette	Morrone	Trovillion
Bronson	Gottlieb	Murman	Tullis
Brown	Green, C.	Ogles	Turnbull
Brummer	Greene, A.	Patterson	Valdes
Bush	Greenstein	Peaden	Villalobos
Byrd	Hafner	Posey	Wallace
Cantens	Harrington	Prieguez	Warner
Casey	Hart	Pruitt	Wasserman Schultz
Chestnut	Healey	Putnam	Waters
Constantine	Henriquez	Rayson	Wiles
Cosgrove	Heyman	Reddick	Wilson
Crist	Hill	Ritche	Wise
Crow	Jacobs	Ritter	
Dennis	Johnson	Roberts	

Nays—1

Lacasa

Votes after roll call:

Yeas—Goode

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

HB 1025—A bill to be entitled An act relating to voter registration; amending s. 97.052, F.S.; eliminating information and notice requirements relating to homestead exemption from the uniform statewide voter registration application; repealing s. 98.015(11), F.S.; eliminating the requirement that a supervisor of elections must forward to the property appraiser the names and homestead addresses of persons registering to vote at an address other than that at which they claim a homestead exemption; amending s. 196.141, F.S.; eliminating the requirement that the property appraiser examine such forwarded information to determine whether to initiate procedures to terminate a person's homestead exemption and assess back taxes; providing an effective date.

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

Yeas—115

The Chair	Alexander	Argenziano	Bainter
Albright	Andrews	Arnall	Ball

Barreiro	Fasano	Kyle	Russell
Bense	Feeney	Lacasa	Ryan
Betancourt	Fiorentino	Lawson	Sanderson
Bilirakis	Flanagan	Levine	Sembler
Bitner	Frankel	Littlefield	Smith, C.
Bloom	Fuller	Logan	Smith, K.
Boyd	Futch	Lynn	Sobel
Bradley	Garcia	Maygarden	Sorensen
Bronson	Gay	Merchant	Spratt
Brown	Goode	Miller, J.	Stafford
Brummer	Goodlette	Miller, L.	Stansel
Bush	Gottlieb	Minton	Starks
Byrd	Green, C.	Morrone	Suarez
Cantens	Greene, A.	Murman	Sublette
Casey	Greenstein	Ogles	Trovillion
Chestnut	Hafner	Patterson	Tullis
Constantine	Harrington	Peaden	Turnbull
Cosgrove	Hart	Posey	Valdes
Crist	Henriquez	Prieguez	Villalobos
Crow	Heyman	Pruitt	Wallace
Dennis	Hill	Putnam	Warner
Detert	Jacobs	Rayson	Wasserman Schultz
Dockery	Johnson	Reddick	Waters
Edwards	Jones	Ritche	Wiles
Effman	Kelly	Ritter	Wilson
Eggelletion	Kilmer	Roberts	Wise
Farkas	Kosmas	Rojas	

Nays—2

Diaz de la Portilla Healey

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

HB 1031—A bill to be entitled An act relating to physician assistants; amending s. 39.304, F.S.; allowing a physician assistant to perform a medical examination, and to authorize a radiological examination to be performed, on a child who is suspected to be a victim of abuse, abandonment, or neglect; amending ss. 458.347, 459.022, F.S.; requiring a physician assistant who prescribes controlled substances to complete a course in substance abuse; providing for the appointment of a formulary committee to establish a formulary of medicinal drugs that physician assistants may prescribe; providing for terms and meetings of the formulary committee; providing standards for formulary drugs; providing for the Board of Medicine and the Board of Osteopathic Medicine to adopt the formularies; creating s. 893.045, F.S.; allowing a physician assistant to apply for a federal controlled substance registry number; providing an effective date.

—was read the second time by title.

The Committee on Health Care Licensing & Regulation offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsection (1) of section 39.304, Florida Statutes, 1998 Supplement, is amended to read:

39.304 Photographs, medical examinations, X rays, and medical treatment of abused, abandoned, or neglected child.—

(1) Any person required to investigate cases of suspected child abuse, abandonment, or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report. If the areas of trauma visible on a child indicate a need for a medical examination, or if the child verbally complains or otherwise exhibits distress as a result of injury through suspected child abuse, abandonment, or neglect, or is alleged to have been sexually abused, the person required to investigate may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, caregiver, or legal

custodian. Such an examination may be performed by an advanced registered nurse practitioner licensed ~~under pursuant to~~ chapter 464 or a physician assistant licensed under chapter 458 or chapter 459. Any licensed physician, physician assistant licensed under chapter 458 or chapter 459, or advanced registered nurse practitioner licensed ~~under pursuant to~~ chapter 464, who has reasonable cause to suspect that an injury was the result of child abuse, abandonment, or neglect may authorize a radiological examination to be performed on the child without the consent of the child's parent, caregiver, or legal custodian.

Section 2. Paragraph (f) of subsection (4) of section 458.347, Florida Statutes, 1998 Supplement, is amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(f)1. There is created a five-member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed ~~under pursuant to~~ this section or s. 459.022, two physicians licensed ~~under pursuant to~~ this chapter, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed ~~under pursuant to~~ chapter 459, and one pharmacist licensed ~~under pursuant to~~ chapter 465 who is not licensed ~~under pursuant to~~ this chapter or chapter 459. *All members of the formulary committee shall be appointed for initial terms commencing July 1, 1999. Committee members shall be appointed to terms of 4 years, except that, of the initial appointments, two members shall be appointed for terms of 2 years, two shall be appointed for terms of 3 years, and one shall be appointed for a term of 4 years.* The committee shall meet at least quarterly to establish a formulary of medicinal drugs that for which a fully licensed physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics, or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e). *The Board of Medicine shall adopt the formulary required by this paragraph and shall adopt each subsequent change at its next regular meeting following receipt of the formulary from the formulary committee.*

Section 3. Paragraph (f) of subsection (4) of section 459.022, Florida Statutes, 1998 Supplement, is amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(f)1. There is created a five-member committee appointed by the Secretary of Health. The committee must be composed of one fully licensed physician assistant licensed ~~under pursuant to~~ this section or s. 458.347, two physicians licensed ~~under pursuant to~~ chapter 458, one of whom supervises a fully licensed physician assistant, one osteopathic physician licensed ~~under pursuant to~~ this chapter, and one pharmacist licensed ~~under pursuant to~~ chapter 465 who is not licensed ~~under pursuant to~~ this chapter or chapter 458. *All members of the formulary committee shall be appointed for initial terms commencing July 1, 1999. Committee members shall be appointed to terms of 4 years, except that, of the initial appointments, two members shall be appointed for terms of 2 years, two shall be appointed for terms of 3 years, and one shall be*

appointed for a term of 4 years. The committee shall meet at least quarterly to establish a formulary of medicinal drugs that for which a fully licensed physician assistant may prescribe. The formulary may not include controlled substances as defined in chapter 893, antineoplastics, antipsychotics, radiopharmaceuticals, general anesthetics, or radiographic contrast materials, or any parenteral preparations except insulin and epinephrine.

2. Only the committee shall add to, delete from, or modify the formulary. Any person who requests an addition, deletion, or modification of a medicinal drug listed on such formulary has the burden of proof to show cause why such addition, deletion, or modification should be made.

3. The boards shall adopt the formulary required by this paragraph, and each addition, deletion, or modification to the formulary, by rule. Notwithstanding any provision of chapter 120 to the contrary, the formulary rule shall be effective 60 days after the date it is filed with the Secretary of State. Upon adoption of the formulary, the department shall mail a copy of such formulary to each fully licensed physician assistant and to each pharmacy licensed by the state. The boards shall establish, by rule, a fee not to exceed \$200 to fund the provisions of this paragraph and paragraph (e). *The Board of Osteopathic Medicine shall adopt the formulary required by this paragraph and shall adopt each subsequent change at its next regular meeting following receipt of the formulary from the formulary committee.*

Section 4. This act shall take effect July 1, 1999.

And the title is amended as follows:

remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to physician assistants; amending s. 39.304, F.S.; allowing a physician assistant to perform a medical examination, and to authorize a radiological examination to be performed, on a child who is suspected to be a victim of abuse, abandonment, or neglect; amending ss. 458.347 and 459.022, F.S.; providing for the appointment of a formulary committee to establish a formulary of medicinal drugs that physician assistants may prescribe; providing for terms and meetings of the formulary committee; providing standards for formulary drugs; providing for the Board of Medicine and the Board of Osteopathic Medicine to adopt the formularies; providing an effective date.

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

On motion by Rep. Goode, the rules were suspended and HB 1031, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Casey	Goode	Levine
Albright	Chestnut	Godlette	Littlefield
Alexander	Constantine	Gottlieb	Logan
Andrews	Cosgrove	Green, C.	Lynn
Argenziano	Crist	Greene, A.	Maygarden
Arnall	Crow	Greenstein	Merchant
Bainter	Dennis	Hafner	Miller, J.
Ball	Detert	Harrington	Miller, L.
Barreiro	Diaz de la Portilla	Hart	Minton
Bense	Dockery	Healey	Morrioni
Betancourt	Edwards	Henriquez	Murman
Bilirakis	Effman	Heyman	Ogles
Bitner	Eggelation	Hill	Patterson
Bloom	Farkas	Jacobs	Peaden
Boyd	Fasano	Johnson	Posey
Bradley	Fiorentino	Jones	Prieguez
Bronson	Flanagan	Kelly	Pruitt
Brown	Frankel	Kilmer	Putnam
Brummer	Fuller	Kosmas	Rayson
Bush	Futch	Kyle	Reddick
Byrd	Garcia	Lacasa	Ritchie
Cantens	Gay	Lawson	Ritter

Roberts	Smith, K.	Suarez	Wallace
Rojas	Sobel	Sublette	Warner
Russell	Sorensen	Trovillion	Wasserman Schultz
Ryan	Spratt	Tullis	Waters
Sanderson	Stafford	Turnbull	Wiles
Sembler	Stansel	Valdes	Wilson
Smith, C.	Starks	Villalobos	Wise

Nays—None

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

CS/HB 1063—A bill to be entitled An act relating to condominiums; amending s. 718.105, F.S.; requiring the filing of a certificate or receipted bill with the clerk of circuit court when a declaration of condominium is recorded showing payment of property taxes; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules related to continuing education providers; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs offered the following:

Amendment 1—In the title, on page 1, line 2, remove from the bill: all of said lines

and insert in lieu thereof: An act relating to condominiums and residential associations; amending s.

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

On motion by Rep. Bronson, the rules were suspended and CS/HB 1063, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Detert	Johnson	Ritter
Albright	Diaz de la Portilla	Jones	Roberts
Alexander	Dockery	Kelly	Rojas
Andrews	Effman	Kilmer	Russell
Argenziano	Eggelletion	Kosmas	Ryan
Arnall	Farkas	Kyle	Sanderson
Bainter	Fasano	Lacasa	Sembler
Ball	Feeney	Lawson	Smith, C.
Barreiro	Fiorentino	Levine	Smith, K.
Bense	Flanagan	Littlefield	Sobel
Betancourt	Frankel	Logan	Sorensen
Bilirakis	Fuller	Lynn	Spratt
Bitner	Futch	Maygarden	Stafford
Bloom	Garcia	Merchant	Stansel
Boyd	Gay	Miller, J.	Starks
Bradley	Goode	Miller, L.	Suarez
Bronson	Goodlette	Minton	Sublette
Brown	Gottlieb	Morrone	Trovillion
Brummer	Green, C.	Murman	Tullis
Bush	Greene, A.	Ogles	Turnbull
Byrd	Greenstein	Patterson	Valdes
Cantens	Hafner	Peaden	Villalobos
Casey	Harrington	Posey	Wallace
Chestnut	Hart	Prieguez	Warner
Constantine	Healey	Pruitt	Wasserman Schultz
Cosgrove	Henriquez	Putnam	Waters
Crist	Heyman	Rayson	Wiles
Crow	Hill	Reddick	Wilson
Dennis	Jacobs	Ritchie	Wise

Nays—None

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

HB 1081—A bill to be entitled An act relating to public records; creating s. 395.3037, F.S.; providing an exemption from public records requirements for specified identifying information relating to active or former employees of a health care facility or rural hospital and their spouses and children; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1—On page 2, lines 1 through page 3, line 5, remove from the bill: all of said lines

and insert in lieu thereof:

Section 2. *The Legislature finds that it is a public necessity that the personal information of employees of health care facilities specified in this act be exempt from public records requirements. Employees in these facilities provide treatment and care to a wide spectrum of individuals including, among others, prisoners, criminal suspects brought for treatment by local law enforcement officers prior to incarceration, patients under the influence of drugs or alcohol at the time of treatment, and patients who have been admitted for treatment of mental illnesses, including involuntary admissions under the Baker Act. It is not uncommon for employees of these facilities to be threatened by patients or family members of patients who may be angry or upset with the nature of the treatment or the circumstances under which it has been provided. If these individuals gain access to the personal information specified in this act, then they could use the information to threaten, intimidate, harass, or cause physical harm or other injury to the employees of these health care facilities or their families. This concern is not mere speculation. Incidents have occurred in which patients have inflicted injuries upon health care providers which have resulted in the death of the provider. The Legislature further finds that incidents have occurred in which the personal records of employees have been requested under circumstances which could have threatened the safety or welfare of the employees or their families, whether or not actual harm resulted. Because release of this personal information would not benefit the public or aid it in monitoring the effective and efficient operation of government, but could result in harm to the specified employees or their families, the Legislature finds that it is a public necessity that the personal information specified in this act be exempt from public records requirements. This exemption is consistent with the longstanding policy of the state as reflected in s. 119.07(3)(i), Florida Statutes.*

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

The Committee on Health Care Licensing & Regulation offered the following:

Amendment 2 (with title amendment)—On page 1, lines 14-21 remove from the bill: all of said lines

and insert in lieu thereof:

Section 1. Subsection (10) of section 395.3025, Florida Statutes, is created to read:

395.3025 Patient and personnel records; copies; examination.—

(10) The home addresses, telephone numbers, social security numbers, and photographs of active or current employees of any licensed facility; the home addresses,

And the title is amended as follows:

On page 1, lines 2-7 remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to public records; amending s. 395.3025, F.S.; providing an exemption from public records requirements for specified identifying information relating to active or current employees of a licensed facility and their spouses and children;

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

The Committee on Health Care Licensing & Regulation offered the following:

Amendment 3—On page 1, line 27 of the bill after “constitution.” insert:

Provided however, any state or federal agency which is authorized to have access to such information by any provision of law shall be granted such access in the furtherance of its statutory duties, notwithstanding the provisions of this subsection.

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

On motion by Rep. Goodlette, the rules were suspended and HB 1081, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrioni	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

THE SPEAKER IN THE CHAIR

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

HB 1141—A bill to be entitled An act relating to certification and employment of law enforcement officers; amending s. 943.13, F.S.; specifying misdemeanor violations which affect eligibility for employment or appointment as an officer; exempting auxiliary employees from certification examination; amending s. 943.1395, F.S.; requiring the Criminal Justice Standards and Training Commission, after notice and hearing, to issue an order revoking certification upon conviction for a felony or specified misdemeanor; providing for rescission of the order under certain circumstances; amending s. 943.22, F.S.; conforming a cross reference; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1—On page 2, line 4, remove from the bill: 944.35

and insert in lieu thereof: 944.35(4)(b)

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

The Committee on Governmental Operations offered the following:

Amendment 2 (with directory language and title amendments)—On page 2, lines 17 through 20, remove from the bill: all of said lines

And the directory language is amended as follows:

On page 1, lines 20 and 21, remove: all of said lines

and insert in lieu thereof:

Section 1. Subsection (4) of section 943.13, Florida Statutes, is amended to read:

And the title is amended as follows:

On page 1, lines 6 and 7, remove from the title of the bill: all of said lines

and insert in lieu thereof: appointment as an officer;

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

On motion by Rep. Futch, the rules were suspended and HB 1141, as amended, was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrioni	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 1437—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; providing an additional method of selecting voting membership in an M.P.O. under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following:

Amendment 1 (with title amendment)—On page 3, line 21

after the period insert: *Prior to submission to the Governor, the plan must be approved by a three-fourths vote of the MPO's existing membership.*

And the title is amended as follows:

On page 1, line 6,

after the semicolon insert: requiring a three-fourths vote of the MPO;

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

On motion by Rep. Sobel, the rules were suspended and HB 1437, as amended, was read the third time by title. On passage, the vote was:

Yeas—54

Albright	Effman	Kosmas	Smith, K.
Ball	Eggelletion	Lawson	Sobel
Betancourt	Flanagan	Levine	Stafford
Bloom	Frankel	Logan	Stansel
Boyd	Futch	Merchant	Suarez
Brown	Gottlieb	Miller, L.	Trovillion
Brummer	Greene, A.	Posey	Turnbull
Bush	Greenstein	Rayson	Wallace
Chestnut	Hafner	Reddick	Wasserman Schultz
Cosgrove	Healey	Ritchie	Wiles
Crady	Henriquez	Ritter	Wilson
Crist	Heyman	Ryan	Wise
Dennis	Hill	Sembler	
Edwards	Jacobs	Smith, C.	

Nays—62

The Chair	Crow	Johnson	Pruitt
Alexander	Detert	Jones	Putnam
Andrews	Diaz de la Portilla	Kilmer	Rojas
Argenziano	Dockery	Kyle	Russell
Arnall	Farkas	Lacasa	Sanderson
Bainter	Fasano	Littlefield	Sorensen
Barreiro	Feeney	Lynn	Spratt
Bense	Fiorentino	Maygarden	Starks
Bilirakis	Fuller	Miller, J.	Sublette
Bitner	Garcia	Minton	Tullis
Bradley	Gay	Morrone	Valdes
Bronson	Goode	Murman	Villalobos
Byrd	Goodlette	Ogles	Warner
Cantens	Green, C.	Patterson	Waters
Casey	Harrington	Peaden	
Constantine	Hart	Prieguez	

Votes after roll call:

Nays—Kelly

Yeas to Nays—Ball, Flanagan

So the bill failed to pass.

HB 1439—A bill to be entitled An act relating to capital felony sentencing; amending s. 921.141, F.S.; providing as an additional aggravating circumstance for purposes of sentencing that the capital felony was committed while the defendant was violating an injunction for protection against domestic violence or repeat violence, a foreign protection order, or any other court-imposed prohibition of conduct toward the victim; providing an effective date.

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

Yeas—115

The Chair	Dennis	Johnson	Ritter
Albright	Detert	Jones	Roberts
Alexander	Diaz de la Portilla	Kelly	Rojas
Andrews	Dockery	Kilmer	Russell
Argenziano	Edwards	Kosmas	Ryan
Arnall	Effman	Kyle	Sanderson
Bainter	Farkas	Lacasa	Sembler
Ball	Fasano	Lawson	Smith, C.
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Frankel	Logan	Spratt
Bilirakis	Fuller	Lynn	Stafford
Bitner	Futch	Maygarden	Stansel
Bloom	Garcia	Merchant	Starks
Boyd	Gay	Miller, J.	Suarez
Bradley	Goode	Miller, L.	Sublette
Bronson	Goodlette	Minton	Trovillion
Brown	Gottlieb	Morrone	Tullis
Brummer	Green, C.	Murman	Turnbull
Bush	Greene, A.	Ogles	Valdes
Byrd	Greenstein	Patterson	Villalobos
Cantens	Hafner	Peaden	Wallace
Casey	Harrington	Posey	Warner
Chestnut	Hart	Prieguez	Wasserman Schultz
Constantine	Healey	Pruitt	Waters
Cosgrove	Henriquez	Putnam	Wiles
Crady	Heyman	Rayson	Wilson
Crist	Hill	Reddick	Wise
Crow	Jacobs	Ritchie	

Nays—None

Votes after roll call:

Yeas—Flanagan

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

On motion by Rep. Sorensen, **HB 1449** was temporarily postponed under Rule 141.

HM 1483—A memorial to the Congress of the United States requesting Congress to enact legislation prohibiting the United States Postal Service from selling nonmonopoly goods and services.

WHEREAS, the United States Postal Service has recently embarked upon a number of programs pursuant to which the Postal Service engages in nonpostal businesses and sells many nonpostal goods and services at post offices, including clothing, mugs, novelty items, photocopying services, packaging materials, and other nonpostal goods and services, and

WHEREAS, various state and local governments have enacted sales and use taxes on the sale or consumption of goods or services within their states or their various political subdivisions, and

WHEREAS, the Postal Service does not collect and remit state or local sales and use taxes on its sale of nonpostal goods or services, and

WHEREAS, the Postal Service bases its noncollection of sales and use taxes on the "supremacy clause" of the United States Constitution and the doctrine of intergovernmental tax immunity, and

WHEREAS, the sale of nonpostal goods or services by the Postal Service is not in accordance with the performance of a governmental function, but rather is the type of activity engaged in by private enterprises that are subject to state and local sales and use taxes, and

WHEREAS, the practice by the Postal Service of selling nonpostal goods and services while at the same time not collecting and remitting

sales and use taxes on the sale of such nonpostal goods and services puts local taxpaying retailers selling similar items at an economic disadvantage and has a negative impact on state and local treasuries as a result of the loss of tax revenues that would otherwise be received, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the House of Representatives of the State of Florida hereby requests the United States Congress to enact legislation to prohibit the sale by the United States Postal Service of such nonmonopoly-related goods and services and prohibit further service offerings and advertisements by the United States Postal Service in areas where the general public is presently served by private industry.

BE IT FURTHER RESOLVED that copies of this memorial be sent to each member of the Florida delegation to the United States Congress, to the Vice President of the United States in his capacity as the President of the Senate, to the Speaker of the United States House of Representatives, to the Clerk of the United States House of Representatives, to the Secretary of the United States Senate, and to the Postmaster General of the United States.

—was read the second time by title. On motion by Rep. Sanderson, the memorial was adopted and, under the rule, immediately certified to the Senate.

HB 1575—A bill to be entitled An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; providing for future review and repeal; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 414.295, Florida Statutes, is created to read:

414.295 Temporary cash assistance programs; safeguarding information.—

(1) MEETINGS EXEMPT FROM PUBLIC MEETINGS LAW.—Those portions of a meeting held by the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, or a local WAGES coalition, or service providers under contract to any of these entities, pursuant to the implementation of s. 414.027, s. 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s. 414.70, at which information is discussed which identifies individuals who have applied for or are receiving temporary assistance shall be confidential and exempt from the requirements of s. 286.011 and s. 24(b), Art. I of the State Constitution. This exemption is made in accordance with the requirements of federal law under s. 402 of the Social Security Act, as amended (42 U.S.C. 602), and is not subject to repeal under s. 119.15.

(2) INFORMATION EXEMPT FROM PUBLIC RECORDS LAW.—Information which identifies individuals in records acquired by the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, or local WAGES coalitions, or service providers under contract to any of these entities, pursuant to the implementation of s. 414.027, s. 414.028, s. 414.030, s. 414.055, s. 414.065, s. 414.075, s. 414.085, s. 414.095, s. 414.105, s. 414.115, s. 414.125, s. 414.13, s. 414.15, s. 414.155, s. 414.16, s. 414.20, s. 414.21, s. 414.22, s. 414.225, s. 414.23, s. 414.24, s. 414.27, s. 414.32, s. 414.35, s. 414.38, s. 414.391, s. 414.392, s. 414.44, or s. 414.70, is confidential and exempt from the public records requirements of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is made in accordance with the requirements of federal law under s. 402 of the Social Security Act, as amended (42 U.S.C. 602), and is not subject to repeal under s. 119.15.

(3) RELEASE OF INFORMATION AUTHORIZED FOR SPECIFIED PURPOSES.—Identifying information made confidential and exempt pursuant to this section may be released for purposes directly connected with:

(a) The administration of the temporary assistance for needy families plan under Title IV-A of the Social Security Act, as amended, which may include disclosure of information within and among the Department of Children and Family Services, the Department of Labor and Employment Security, the Department of Health, the Department of Revenue, the WAGES Program State Board of Directors, local WAGES coalitions, and service providers under contract to any of these entities.

(b) The administration of the state's plan or program approved under Title IV-B, Title IV-D, or Title IV-E of the Social Security Act, as amended, or under Title I, Title X, Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the Social Security Act, as amended.

(c) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b). The department has authority to disclose the current address of a program applicant or recipient to a federal, state, or local law enforcement officer at his or her request. Such information shall be disclosed only to law enforcement officers who provide the name of the recipient and satisfactorily demonstrate that:

1. The recipient:

a. Is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such state;

b. Is violating a condition of probation or parole imposed under federal or state law; or

c. Has information that is necessary for the officer to conduct the official duties of the officer.

2. The location or apprehension of the individual is within the law officer's official duties; and

3. The request is made in the proper exercise of those duties. However, the information may only be used within the proper exercise of those duties.

(d) The administration of any other state, federal, or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(e) Any audit or similar activity, such as a review of expenditure reports or financial review, conducted in connection with the administration of any of the plans or programs specified in paragraph (a) or paragraph (b), by any governmental entity which is authorized by law to conduct such audit or activity.

(f) *The administration of the unemployment compensation program.*

(g) *The reporting to the appropriate agency or official of information about known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child receiving assistance, under circumstances which indicate that the child's health or welfare is threatened.*

Disclosure or publication of any information or lists that identify by name or address any program applicant or recipient, to any federal, state, or local committee or legislative body other than in connection with any activity under this subsection, is prohibited.

(4) PROCEDURES FOR RELEASE OF CERTAIN INFORMATION.—

(a) *Except under court order, the release or use of confidential information concerning individuals applying for or receiving temporary cash assistance may only be made under a protocol that maintains standards of confidentiality which are comparable to those that apply to the department. Local WAGES coalitions and their employees and contract providers shall meet the same standards of confidentiality as those that apply to the department. With regard to the information made confidential in this section, the state agencies charged by law to implement the WAGES Program may receive the information.*

(b) *In the event of the issuance of a subpoena for the case record of a program applicant or recipient or for any agency representative to testify concerning information about an applicant or recipient rendered confidential by this section, the public record or part thereof in question shall be submitted to the court for an inspection in camera. An inspection in camera shall be discretionary with the court, and the court may make such provisions as it finds necessary to maintain appropriate confidentiality.*

(c) *In the event that information is obtained from program applicants or recipients through an integrated eligibility process such that the requirements of more than one state or federal program apply to the information, the requirements of the program that is the provider of the information shall prevail. If the department cannot determine which program is the provider of the information, the requirements of each applicable state or federal program shall be met.*

Section 2. (1) *The Legislature finds that it is a public necessity that the records and meetings held pursuant to the implementation of ss. 414.027, 414.028, 414.030, 414.055, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.125, 414.13, 414.15, 414.155, 414.16, 414.20, 414.21, 414.22, 414.225, 414.23, 414.24, 414.27, 414.32, 414.35, 414.38, 414.391, 414.392, 414.44, and 414.70, Florida Statutes, be held confidential and exempt from the public records and public meetings laws for the following reasons:*

(a) *The state has compelling interests in ensuring that individuals eligible for cash assistance enter into and fully participate in WAGES programs to assist them in attaining self-sufficiency, including programs to deal with problems such as illiteracy, substance abuse, and mental health. The fear of public disclosure of personal information by participants in temporary cash assistance programs and by their children constitutes a significant disincentive for their full participation in programs to assist in the development of independence and makes more difficult the development of a sense of self-worth that is essential to the process of moving towards independence.*

(b) *The state has compelling interests in ensuring that meetings concerning cash assistance cases be able to consider information regarding eligibility for cash assistance, hardship exemption, extension of time limits, and other provisions of the program that may require information from many sources, much of which is subject to federal and state confidentiality laws.*

(c) *The state has a compelling interest in protecting the children of families receiving cash assistance and participating in related intervention programs from the trauma of public disclosure of personal information.*

(d) *The state has a compelling interest in the protection of victims of domestic violence. Among recipients of cash assistance are victims of domestic violence who may be traumatized or placed in danger by public disclosure of their identity, personal address, or other personal information.*

(2) *Therefore, for the reasons stated in this section, the Legislature finds that it is a public necessity that the access to records and meetings which discuss personal information of recipients of temporary cash assistance shall be limited as provided for in this act.*

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

And the title is amended as follows:

On page 1, lines 2 through 24,
remove from the title of the bill: all of said lines

and insert in lieu thereof: An act relating to public meetings and public records; creating s. 414.295, F.S.; providing an exemption from public meetings requirements for any staff meeting, or portion thereof, of the Department of Children and Family Services, Department of Labor and Employment Security, Department of Health, Department of Revenue, WAGES Program State Board of Directors, or a local WAGES coalition, or their contract service providers, at which certain identifying information regarding temporary cash assistance programs, which is restricted pursuant to requirements of federal law, is discussed; providing an exemption from public records requirements for certain identifying information in such entities' records of such programs; authorizing release of confidential information for specified purposes; providing a prohibition; providing procedures for release of information under specified circumstances; providing a finding of public necessity; providing an effective date.

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

On motion by Rep. Murman, the rules were suspended and HB 1575, as amended, was read the third time by title. On passage, the vote was:

Yeas—118

The Chair	Crow	Henriquez	Pruitt
Albright	Dennis	Heyman	Putnam
Alexander	Detert	Hill	Rayson
Andrews	Diaz de la Portilla	Jacobs	Reddick
Argenziano	Dockery	Johnson	Ritchie
Arnall	Edwards	Jones	Ritter
Bainter	Effman	Kelly	Roberts
Ball	Eggelletion	Kilmer	Rojas
Barreiro	Farkas	Kosmas	Russell
Bense	Fasano	Kyle	Ryan
Betancourt	Feeney	Lacasa	Sanderson
Bilirakis	Fiorentino	Lawson	Semler
Bitner	Flanagan	Levine	Smith, C.
Bloom	Frankel	Littlefield	Smith, K.
Boyd	Fuller	Logan	Sobel
Bradley	Futch	Lynn	Sorensen
Bronson	Garcia	Maygarden	Spratt
Brown	Gay	Merchant	Stafford
Brummer	Goode	Miller, J.	Stansel
Bush	Goodlette	Miller, L.	Starks
Byrd	Gottlieb	Minton	Suarez
Cantens	Green, C.	Morrone	Sublette
Casey	Greene, A.	Murman	Trovillion
Chestnut	Greenstein	Ogles	Tullis
Constantine	Hafner	Patterson	Turnbull
Cosgrove	Harrington	Peaden	Valdes
Crady	Hart	Posey	Villalobos
Crist	Healey	Prieguez	Wallace

Warner Waters
Wasserman Schultz Wiles

Wilson Wise

information regarding the identity of any commercial telephone seller or salesperson who places a call to that consumer.

Nays—None

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

On motion by Rep. Bush, **HB 1643** was temporarily postponed under Rule 141 and the second reading nullified.

On motion by Rep. Peaden, **HB 1645** was temporarily postponed under Rule 141.

HB 1655—A bill to be entitled An act relating to telephone solicitation; amending s. 501.059, F.S.; prohibiting unsolicited telephone sales calls without caller identification information; specifying actions which constitute violation of the act; providing that violation constitutes a deceptive and unfair trade practice; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Utilities & Communications offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Subsections (6) and (7) are added to Section 501.616, Florida Statutes, to read:

501.616 Unlawful acts and practices.—

(6) *It is the intent of the Legislature to protect consumers from unwanted telephone solicitations and afford consumers as much possible information regarding the identity of any commercial telephone seller or salesperson who places a call to that consumer.*

(7) *It shall be unlawful for any commercial telephone seller or salesperson making telephonic solicitations to:*

(a) *Take any intentional action to prevent transmission of the telephone solicitor's name or telephone number to the party called when the equipment or service used by the telephone solicitor is capable of creating and transmitting the telephone solicitor's name or telephone number; or*

(b) *Knowingly provide a false or fictitious telephone number to the called party.*

Section 2. This act shall take effect October 1, 1999.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to telephone solicitation; amending s. 501.616, F.S.; providing legislative intent; prohibiting specified intentional actions by commercial telephone sellers or salespersons; providing an effective date.

Rep. Bilirakis moved the adoption of the amendment.

The Committee on Business Regulation & Consumer Affairs offered the following:

Substitute Amendment 1 (with title amendment)—

remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Section 501.602, Florida Statutes, is amended to read:

501.602 Purpose.—The provisions of this part shall be construed liberally to promote the general welfare of the public and the integrity of the telemarketing industry. *It is the intent of the Legislature in enacting the provisions of this part to protect consumers from unwanted telephone solicitations and afford consumers as much possible*

Section 2. The introductory paragraph of section 501.604, Florida Statutes, is amended to read:

501.604 Exemptions.—The provisions of this part, except ss. 501.608 and 501.616(6), do not apply to:

(1) A person engaging in commercial telephone solicitation where the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature.

(2) A person soliciting for religious, charitable, political, or educational purposes. A person soliciting for other noncommercial purposes is exempt only if that person is soliciting for a nonprofit corporation and if that corporation is properly registered as such with the Secretary of State and is included within the exemption of s. 501(c)(3) or (6) of the Internal Revenue Code.

(3) A person who does not make the major sales presentation during the telephone solicitation and who does not intend to, and does not actually, complete or obtain provisional acceptance of a sale during the telephone solicitation, but who makes the major sales presentation and completes the sale at a later face-to-face meeting between the seller and the prospective purchaser in accordance with the home solicitation provisions in this chapter. However, if a seller, directly following a telephone solicitation, causes an individual whose primary purpose it is to go to the prospective purchaser to collect the payment or deliver any item purchased, this exemption does not apply.

(4) Any licensed securities, commodities, or investment broker, dealer, or investment adviser, when soliciting within the scope of his or her license, or any licensed associated person of a securities, commodities, or investment broker, dealer, or investment adviser, when soliciting within the scope of his or her license. As used in this section, "licensed securities, commodities, or investment broker, dealer, or investment adviser" means a person subject to license or registration as such by the Securities and Exchange Commission, by the National Association of Securities Dealers or other self-regulatory organization as defined by the Securities Exchange Act of 1934, 15 U.S.C. s. 78l, or by an official or agency of this state or of any state of the United States. As used in this section, "licensed associated person of a securities, commodities, or investment broker, dealer, or investment adviser" means any associated person registered or licensed by the National Association of Securities Dealers or other self-regulatory organization as defined by the Securities Exchange Act of 1934, 15 U.S.C. s. 78l, or by an official or agency of this state or of any state of the United States.

(5) A person primarily soliciting the sale of a newspaper of general circulation.

(6) A book, video, or record club or contractual plan or arrangement:

(a) Under which the seller provides the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise.

(b) Which is regulated by the Federal Trade Commission trade regulation concerning "use of negative option plans by sellers in commerce."

(c) Which provides for the sale of books, records, or videos which are not covered under paragraph (a) or paragraph (b), including continuity plans, subscription arrangements, standing order arrangements, supplements, and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive such merchandise on a periodic basis.

(7) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings bank, credit union, industrial loan company, consumer finance lender, commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state, of any state, or of the United States. For

the purposes of this exemption, "affiliate" means a person who directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a supervised financial institution.

(8) Any licensed insurance broker, agent, customer representative, or solicitor when soliciting within the scope of his or her license. As used in this section, "licensed insurance broker, agent, customer representative, or solicitor" means any insurance broker, agent, customer representative, or solicitor licensed by an official or agency of this state or of any state of the United States.

(9) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit.

(10) A business-to-business sale where:

(a) The commercial telephone seller has been operating continuously for at least 3 years under the same business name and has at least 50 percent of its dollar volume consisting of repeat sales to existing businesses;

(b) The purchaser business intends to resell or offer for purposes of advertisement or as a promotional item the property or goods purchased; or

(c) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing, or manufacturing process.

(11) A person who solicits sales by periodically publishing and delivering a catalog of the seller's merchandise to prospective purchasers, if the catalog:

(a) Contains a written description or illustration of each item offered for sale.

(b) Includes the business address or home office address of the seller.

(c) Includes at least 20 pages of written material and illustrations and is distributed in more than one state.

(d) Has an annual circulation by mailing of not less than 150,000.

(12) A person who solicits contracts for the maintenance or repair of goods previously purchased from the person making the solicitation or on whose behalf the solicitation is made.

(13) A commercial telephone seller licensed pursuant to chapter 516 or part II of chapter 520. For purposes of this exemption, the seller must solicit to sell a consumer good or service within the scope of his or her license and the completed transaction must be subject to the provisions of chapter 516 or part II of chapter 520.

(14) A telephone company subject to the provisions of chapter 364, or affiliate thereof or its agents, or a business which is regulated by the Florida Public Service Commission, or a Federal Communications Commission licensed cellular telephone company or other bona fide radio telecommunication services provider. For the purposes of this exemption, "affiliate" means a person who directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a telephone company subject to the provisions of chapter 364.

(15) A person who is licensed pursuant to chapter 470 or chapter 497 and who is soliciting within the scope of the license.

(16) An issuer or a subsidiary of an issuer that has a class of securities which is subject to s. 12 of the Securities Exchange Act of 1934, 15 U.S.C. s. 78l, and which is either registered or exempt from registration under paragraph (A), paragraph (B), paragraph (C), paragraph (E), paragraph (F), paragraph (G), or paragraph (H) of subsection (g)(2) of that section.

(17) A business soliciting exclusively the sale of telephone answering services provided that the telephone answering services will be supplied by the solicitor.

(18) A person soliciting a transaction regulated by the Commodity Futures Trading Commission if the person is registered or temporarily licensed for this activity with the Commodity Futures Trading Commission under the Commodity Exchange Act, 7 U.S.C. ss. 1 et seq., and the registration or license has not expired or been suspended or revoked.

(19) A person soliciting the sale of food or produce as defined in chapter 500 or chapter 504 if the solicitation neither intends to result in, or actually results in, a sale which costs the purchaser in excess of \$500.

(20) A person who is registered pursuant to part XI of chapter 559 and who is soliciting within the scope of the registration.

(21) A person soliciting business from prospective consumers who have an existing business relationship with or who have previously purchased from the business enterprise for which the solicitor is calling, if the solicitor is operating under the same exact business name.

(22) A person who has been operating, for at least 1 year, a retail business establishment under the same name as that used in connection with telemarketing, and both of the following occur on a continuing basis:

(a) Either products are displayed and offered for sale or services are offered for sale and provided at the business establishment.

(b) A majority of the seller's business involves the buyer obtaining such products or services at the seller's location.

(23) A person who is a registered developer or exchange company pursuant to chapter 721 and who is soliciting within the scope of the chapter.

(24) Any person which has been providing telemarketing sales services continuously for at least 5 years under the same ownership and control and which derives 75 percent of its gross telemarketing sales revenues from contracts with persons exempted in this section.

(25) A person who is a licensed real estate salesperson or broker pursuant to chapter 475 and who is soliciting within the scope of the chapter.

(26) A publisher, or an agent of a publisher by written agreement, who solicits the sale of his or her periodical or magazine of general, paid circulation. The term "paid circulation" shall not include magazines that are only circulated as part of a membership package or that are given as a free gift or prize from the publisher or agent of the publisher by written agreement.

(27) A person who is a licensed operator or an identification cardholder as defined in chapter 482, and who is soliciting within the scope of the chapter.

(28) A licensee, or an affiliate of a licensee, regulated under chapter 560, the Money Transmitters' Code, for foreign currency exchange services.

Section 3. Subsection (6) is added to section 501.616, Florida Statutes, to read:

501.616 Unlawful acts and practices.—

(6) It shall be unlawful for any commercial telephone seller or salesperson making telephonic solicitations to:

(a) Take any intentional action to prevent transmission of the telephone solicitor's name or telephone number to the party called when the equipment or service used by the telephone solicitor is capable of creating and transmitting the telephone solicitor's name or telephone number; or

(b) Knowingly provide a false or fictitious telephone number to the called party.

Section 4. This act shall take effect October 1, 1999.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to telephone solicitation; amending s. 501.602, F.S.; providing legislative intent; amending s. 501.604, F.S.; providing additional exclusions from the exemptions to pt. IV of ch. 501, F.S., the Florida Telemarketing Act; amending s. 501.616, F.S.; prohibiting specified intentional actions by commercial telephone sellers or salespersons; providing an effective date.

Rep. Bilirakis moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Bilirakis, the rules were suspended and HB 1655, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Dennis	Jacobs	Ritchie
Albright	Detert	Johnson	Ritter
Alexander	Diaz de la Portilla	Jones	Roberts
Andrews	Dockery	Kelly	Rojas
Argenziano	Edwards	Kilmer	Russell
Arnall	Effman	Kosmas	Ryan
Bainter	Farkas	Kyle	Sanderson
Ball	Fasano	Lacasa	Smith, C.
Barreiro	Feeney	Lawson	Smith, K.
Bense	Fiorentino	Levine	Sobel
Betancourt	Flanagan	Littlefield	Sorensen
Bilirakis	Frankel	Logan	Spratt
Bitner	Fuller	Lynn	Stafford
Bloom	Futch	Maygarden	Stansel
Boyd	Garcia	Merchant	Starks
Bradley	Gay	Miller, J.	Suarez
Bronson	Goode	Miller, L.	Sublette
Brown	Goodlette	Minton	Trovillion
Brummer	Gottlieb	Morrone	Tullis
Bush	Green, C.	Murman	Turnbull
Byrd	Greene, A.	Ogles	Valdes
Cantens	Greenstein	Patterson	Villalobos
Casey	Hafner	Peaden	Wallace
Chestnut	Harrington	Posey	Warner
Constantine	Hart	Prieguez	Wasserman Schultz
Cosgrove	Healey	Pruitt	Waters
Craday	Henriquez	Putnam	Wiles
Crist	Heyman	Rayson	Wilson
Crow	Hill	Reddick	Wise

Nays—None

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

HB 1747—A bill to be entitled An act relating to the South Broward Hospital District; providing for the relief of Clarice Holland, individually as surviving spouse of Sidney Holland, Jr., deceased, and as Personal Representative of the Estate of Sidney Holland, Jr., deceased; providing for an appropriation to compensate them for losses sustained as a result of the negligence of South Broward Hospital District, d.b.a. Memorial Regional Hospital, which resulted in the death of Sidney Holland, Jr.; providing an effective date.

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

Yeas—99

The Chair	Bense	Bush	Craday
Albright	Betancourt	Byrd	Crist
Alexander	Bilirakis	Cantens	Crow
Argenziano	Boyd	Casey	Dennis
Arnall	Bradley	Chestnut	Detert
Ball	Brown	Constantine	Diaz de la Portilla
Barreiro	Brummer	Cosgrove	Edwards

Farkas	Jacobs	Murman	Sorensen
Fasano	Jones	Ogles	Spratt
Feeney	Kelly	Patterson	Stafford
Fiorentino	Kilmer	Peaden	Stansel
Flanagan	Kosmas	Posey	Starks
Frankel	Kyle	Prieguez	Suarez
Futch	Lacasa	Pruitt	Sublette
Garcia	Lawson	Putnam	Tullis
Gay	Levine	Rayson	Turnbull
Gottlieb	Littlefield	Reddick	Valdes
Green, C.	Logan	Ritchie	Villalobos
Greene, A.	Lynn	Ritter	Wallace
Hafner	Maygarden	Roberts	Warner
Hart	Merchant	Rojas	Wasserman Schultz
Healey	Miller, J.	Russell	Waters
Henriquez	Miller, L.	Ryan	Wiles
Heyman	Minton	Sembler	Wilson
Hill	Morrone	Smith, K.	

Nays—13

Andrews	Bronson	Goode	Sanderson
Bainter	Dockery	Goodlette	Trovillion
Bitner	Fuller	Johnson	Wise
Bloom			

Votes after roll call:

Yeas—Harrington

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

CS/HB 1749—A bill to be entitled An act relating to service warranties; amending s. 634.041, F.S.; providing requirements and limitations as to certain funds and premiums relating to unearned premium preserves; amending s. 634.121, F.S.; revising certain disclosure form requirements; amending s. 634.312, F.S.; requiring home warranty contracts to contain a certain disclosure; amending s. 634.401, F.S.; revising a definition; amending s. 634.406, F.S.; revising a contractual liability insurance requirement for service warranty associations; providing an effective date.

—was read the second time by title.

The Committee on Business Regulation & Consumer Affairs offered the following:

Amendment 1—On page 2, Line 29 remove from the bill: after the word “All”

funds or

Rep. Farkas moved the adoption of the amendment.

The Committee on Judiciary offered the following:

Substitute Amendment 1—On page 3, line 1, of the bill

insert after “insurer”: ; *provided, however, this requirement does not apply when the insurer and the motor vehicle service agreement company are affiliated companies and members of an insurance holding company system*

Rep. Farkas moved the adoption of the substitute amendment, which was adopted.

On motion by Rep. Farkas, the rules were suspended and CS/HB 1749, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Arnall	Betancourt	Bradley
Albright	Bainter	Bilirakis	Bronson
Alexander	Ball	Bitner	Brown
Andrews	Barreiro	Bloom	Brummer
Argenziano	Bense	Boyd	Bush

Byrd	Goode	Maygarden	Smith, C.
Cantens	Goodlette	Merchant	Smith, K.
Casey	Gottlieb	Miller, J.	Sobel
Chestnut	Green, C.	Miller, L.	Sorensen
Constantine	Greene, A.	Minton	Spratt
Crady	Greenstein	Morrone	Stafford
Crist	Hafner	Murman	Stansel
Crow	Harrington	Ogles	Starks
Dennis	Hart	Patterson	Suarez
Detert	Healey	Peaden	Sublette
Diaz de la Portilla	Henriquez	Posey	Trovillion
Dockery	Heyman	Prieguez	Tullis
Edwards	Hill	Pruitt	Turnbull
Effman	Jacobs	Putnam	Valdes
Farkas	Johnson	Rayson	Villalobos
Fasano	Jones	Reddick	Wallace
Feeny	Kelly	Ritchie	Warner
Fiorentino	Kilmer	Ritter	Wasserman Schultz
Flanagan	Kosmas	Roberts	Waters
Frankel	Kyle	Rojas	Wiles
Fuller	Lawson	Russell	Wilson
Futch	Levine	Ryan	Wise
Garcia	Littlefield	Sanderson	
Gay	Lynn	Sembler	

Nays—None

Votes after roll call:

Yeas—Logan

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

HB 1843—A bill to be entitled An act relating to public records; creating ss. 458.353 and 459.028, F.S.; providing exemptions from public records requirements relating to information contained in reports of adverse incidents occurring in specified settings; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following:

Amendment 1—On page 3, line 17, of the bill

insert after "Bill": 1847

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

The Committee on Judiciary offered the following:

Amendment 2—On page 2, line 19, of the bill

insert:

Section 3. Subsection (1) of section 455.647, Florida Statutes, is amended to read:

455.647 Public inspection of information required from applicants; exceptions; examination hearing.—

(1) All information required by the department of any applicant shall be a public record and shall be open to public inspection pursuant to s. 119.07, except *information obtained pursuant to s. 455.565(1)(a)8. regarding final disciplinary action taken by a licensed hospital or ambulatory surgical center*, financial information, medical information, school transcripts, examination questions, answers, papers, grades, and grading keys, which are confidential and exempt from s. 119.07(1) and shall not be discussed with or made accessible to anyone except members of the board, the department, and staff thereof, who have a bona fide need to know such information. Any information supplied to the department by any other agency which is exempt from the provisions of chapter 119 or is confidential shall remain exempt or

confidential pursuant to applicable law while in the custody of the department or the agency.

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

The Committee on Judiciary offered the following:

Amendment 3—On page 2, line 21, of the bill

insert after "ss.": 455.647, on page 2, line 25, of the bill

insert after "incident": *or hospital and ambulatory surgical center discipline* on page 3, line 1, of the bill

insert after "conducted.": *and pursuant to s. 455.647 regarding hospital and ambulatory surgical center discipline*, on page 3, line 8, of the bill

insert after "incidents": *and hospital and ambulatory surgical center discipline* on page 3, line 11, of the bill

insert after "395.0198": *and 395.0193* on page 3, line 12, of the bill

insert after "incidents": *and hospital and ambulatory surgical center discipline*

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

The Committee on Judiciary offered the following:

Amendment 4—In the title, on page 1, line 6, of the bill

insert after the semicolon: amending s. 455.647(1), F.S., providing exemptions from public records requirements relating to hospital and ambulatory surgical center discipline;

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

On motion by Rep. Fasano, the rules were suspended and HB 1843, as amended, was read the third time by title. On passage, the vote was:

Yeas—116

The Chair	Crady	Harrington	Ogles
Albright	Crist	Hart	Patterson
Alexander	Crow	Healey	Peaden
Andrews	Dennis	Henriquez	Posey
Argenziano	Detert	Heyman	Prieguez
Arnall	Diaz de la Portilla	Hill	Putnam
Bainter	Dockery	Jacobs	Rayson
Ball	Edwards	Johnson	Reddick
Barreiro	Effman	Jones	Ritchie
Bense	Eggelletion	Kelly	Ritter
Betancourt	Farkas	Kilmer	Roberts
Bilirakis	Fasano	Kosmas	Rojas
Bitner	Fiorentino	Kyle	Russell
Bloom	Flanagan	Lacasa	Ryan
Boyd	Frankel	Lawson	Sanderson
Bradley	Fuller	Levine	Sembler
Bronson	Futch	Littlefield	Smith, C.
Brown	Garcia	Logan	Smith, K.
Brummer	Gay	Lynn	Sobel
Bush	Goode	Maygarden	Sorensen
Byrd	Goodlette	Merchant	Spratt
Cantens	Gottlieb	Miller, J.	Stafford
Casey	Green, C.	Miller, L.	Stansel
Chestnut	Greene, A.	Minton	Starks
Constantine	Greenstein	Morrone	Suarez
Cosgrove	Hafner	Murman	Sublette

Trovillion	Valdes	Warner	Wiles
Tullis	Villalobos	Wasserman Schultz	Wilson
Turnbull	Wallace	Waters	Wise

Nays—None

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

HB 1847—A bill to be entitled An act relating to regulation of health care practitioners; creating ss. 458.351 and 459.026, F.S.; requiring reports to the Department of Health of adverse incidents in specified settings; providing for review of such incidents and initiation of disciplinary proceedings, where appropriate; authorizing department access to certain records and preserving exemption from public access thereto; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Judiciary offered the following:

Amendment 1—On page 1, between lines 15 & 16

insert in lieu thereof:

Section 1. Paragraph (v) of subsection (1) of section 458.331, Florida Statutes, 1998 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. ~~The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.~~

Section 2. Subsections (3) and (4) are added to section 458.309, Florida Statutes, 1998 Supplement, to read:

458.309 Authority to make rules.—

(3) *The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.*

(4) *In addition to the standards listed under subsection (3), the board may establish by rule requirements for the registration and inspection of settings in which Level II or III office surgery, as defined by board rule, is performed. Such registration and inspections shall be conducted by the department for the purpose of determining compliance with board rules. The board may approve appropriate accreditation agencies for the purpose of conducting inspections. The actual costs for registration and inspection shall be paid by the person seeking to register and operate the office setting in which Level II or III office surgery is performed.*

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

The Committee on Judiciary offered the following:

Amendment 2—On page 2, line 4, through page 3, line 22 and on page 4, line 11 through page 5, line 29, remove from the bill: all of said lines

insert in lieu thereof:

(4) *For purposes of notification to the department pursuant to this section, the term “adverse incident” means an event over which the physician or licensee could exercise control and which is associated in whole or in part with a medical intervention, rather than the condition for which such intervention occurred, and which results in the following patient injuries:*

- (a) *The death of a patient.*
- (b) *Brain or spinal damage to a patient.*
- (c) *The performance of a surgical procedure on the wrong patient.*
- (d)1. *The performance of a wrong-site surgical procedure;*

2. *The performance of a wrong surgical procedure; or*

3. *The surgical repair of damage to a patient resulting from a planned surgical procedure where the damage is not a recognized specific risk as disclosed to the patient and documented through the informed-consent process*

if it results in: death; brain or spinal damage; permanent disfigurement not to include the incision scar; fracture or dislocation of bones or joints; a limitation of neurological, physical or sensory function; or any condition that required the transfer of the patient.

(e) *A procedure to remove unplanned foreign objects remaining from a surgical procedure.*

(f) *Any condition that required the transfer of a patient to a hospital licensed under chapter 395 from an ambulatory surgical center licensed under chapter 395 or any facility or any office maintained by a physician for the practice of medicine which is not licensed under chapter 395.*

(5) *The department shall review each incident and determine whether it potentially involved conduct by a health care professional who is subject to disciplinary action, in which case s. 455.621 applies. Disciplinary action, if any, shall be taken by the board under which the health care professional is licensed.*

(6) *The board may adopt rules to administer this section.*

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

On motion by Rep. Fasano, the rules were suspended and HB 1847, as amended, was read the third time by title. On passage, the vote was:

Yeas—102

The Chair	Crist	Harrington	Patterson
Albright	Crow	Hart	Peaden
Alexander	Dennis	Healey	Posey
Andrews	Detert	Henriquez	Prieguez
Argenziano	Diaz de la Portilla	Hill	Pruitt
Arnall	Dockery	Johnson	Putnam
Bainter	Edwards	Jones	Ritchie
Ball	Effman	Kelly	Ritter
Barreiro	Farkas	Kilmer	Roberts
Bense	Fasano	Kosmas	Rojas
Betancourt	Feeney	Kyle	Russell
Bilirakis	Fiorentino	Lacasa	Ryan
Bitner	Flanagan	Lawson	Sanderson
Boyd	Fuller	Littlefield	Sembler
Bronson	Futch	Lynn	Smith, C.
Brown	Garcia	Maygarden	Smith, K.
Brummer	Gay	Merchant	Sorensen
Byrd	Goode	Miller, J.	Spratt
Cantens	Goodlette	Miller, L.	Stafford
Casey	Green, C.	Minton	Stansel
Constantine	Greene, A.	Morrone	Starks
Cosgrove	Greenstein	Murman	Sublette
Crady	Hafner	Ogles	Trovillion

Tullis Wallace
Valdes Warner
Villalobos Wasserman Schultz

Waters Wiles
Wilson Wise

Wallace Wasserman Schultz Wiles
Warner Waters Wilson Wise

Nays—12

Bloom Frankel
Bush Gottlieb
Chestnut Heyman Jacobs
Levine
Rayson Reddick
Sobel
Turnbull

Votes after roll call:

Yeas—Suarez
Nays—Logan

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

Reconsideration of HB 1437

On motion by Rep. Feeney, the House reconsidered the vote by which HB 1437, as amended, failed to pass earlier today.

HB 1437—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; providing an additional method of selecting voting membership in an M.P.O. under certain circumstances; providing an effective date.

The question recurred on the passage of HB 1437.

On motion by Rep. Feeney, further consideration of HB 1437 was temporarily postponed under Rule 141.

HB 1861—A bill to be entitled An act relating to trust funds; re-creating the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection without modification and placing it on the standard review cycle; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Yeas—115

The Chair Dennis Henriquez Pruitt
Albright Detert Heyman Putnam
Alexander Diaz de la Portilla Hill Rayson
Andrews Dockery Jacobs Reddick
Argenziano Edwards Johnson Ritchie
Arnall Effman Jones Ritter
Bainter Eggelletion Kelly Roberts
Ball Farkas Kilmer Rojas
Barreiro Fasano Kosmas Russell
Bense Feeney Kyle Ryan
Betancourt Fiorentino Lacasa Sanderson
Bilirakis Flanagan Lawson Sembler
Bitner Frankel Levine Smith, C.
Bloom Fuller Littlefield Smith, K.
Boyd Futch Lynn Sobel
Bronson Garcia Maygarden Sorensen
Brown Gay Merchant Spratt
Brummer Goode Miller, J. Stafford
Bush Goodlette Miller, L. Stansel
Byrd Gottlieb Minton Starks
Cantens Green, C. Morroni Suarez
Casey Greene, A. Murman Sublette
Constantine Greenstein Ogles Trovillion
Cosgrove Hafner Patterson Tullis
Craday Harrington Peaden Turnbull
Crist Hart Posey Valdes
Crow Healey Prieguez Villalobos

Nays—None

Votes after roll call:

Yeas—Chestnut

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

HB 1877—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; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; requiring the judicial nominating commission to make nominations to fill specified vacancies by a certain date; providing effective dates.

—was read the second time by title.

The Committee on Criminal Justice Appropriations offered the following:

Amendment 1—Delete everything after the enacting clause and insert in lieu thereof:

Section 1. Effective August 1, 1999, section 26.031, Florida Statutes, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

Table with 2 columns: JUDICIAL CIRCUIT and TOTAL. Lists circuits 1 through 20 with corresponding judge counts.

Section 2. Effective October 1, 1999, section 26.031, Florida Statutes, as amended by section 1 of this act, is amended to read:

26.031 Judicial circuits; number of judges.—The number of circuit judges in each circuit shall be as follows:

JUDICIAL CIRCUIT	TOTAL	COUNTY	TOTAL
(1) First	20 49	(19) Franklin	1
(2) Second	13	(20) Gadsden	1
(3) Third	6	(21) Gilchrist	1
(4) Fourth	30	(22) Glades	1
(5) Fifth	22 20	(23) Gulf	1
(6) Sixth	39 37	(24) Hamilton	1
(7) Seventh	22	(25) Hardee	1
(8) Eighth	11 40	(26) Hendry	1
(9) Ninth	35	(27) Hernando	1
(10) Tenth	19 48	(28) Highlands	1
(11) Eleventh	71 70	(29) Hillsborough	13
(12) Twelfth	18	(30) Holmes	1
(13) Thirteenth	35	(31) Indian River	2
(14) Fourteenth	9	(32) Jackson	1
(15) Fifteenth	32 34	(33) Jefferson	1
(16) Sixteenth	4	(34) Lafayette	1
(17) Seventeenth	49 48	(35) Lake	2
(18) Eighteenth	22	(36) Lee	6
(19) Nineteenth	15 43	(37) Leon	4
(20) Twentieth	21	(38) Levy	1

Section 3. Effective August 1, 1999, section 34.022, Florida Statutes, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL
(1) Alachua	5
(2) Baker	1
(3) Bay	3
(4) Bradford	1
(5) Brevard	7
(6) Broward	25
(7) Calhoun	1
(8) Charlotte	2
(9) Citrus	1
(10) Clay	2
(11) Collier	3
(12) Columbia	1
(13) Dade	41
(14) DeSoto	1
(15) Dixie	1
(16) Duval	13
(17) Escambia	5
(18) Flagler	1
(19) Franklin	1
(20) Gadsden	1
(21) Gilchrist	1
(22) Glades	1
(23) Gulf	1
(24) Hamilton	1
(25) Hardee	1
(26) Hendry	1
(27) Hernando	1
(28) Highlands	1
(29) Hillsborough	13
(30) Holmes	1
(31) Indian River	2
(32) Jackson	1
(33) Jefferson	1
(34) Lafayette	1
(35) Lake	2
(36) Lee	6
(37) Leon	4
(38) Levy	1
(39) Liberty	1
(40) Madison	1
(41) Manatee	3
(42) Marion	3
(43) Martin	2
(44) Monroe	4
(45) Nassau	1
(46) Okaloosa	2
(47) Okeechobee	1
(48) Orange	14
(49) Osceola	3
(50) Palm Beach	17
(51) Pasco	3
(52) Pinellas	13
(53) Polk	8 6
(54) Putnam	1
(55) St. Johns	2
(56) St. Lucie	3
(57) Santa Rosa	2
(58) Sarasota	4
(59) Seminole	5
(60) Sumter	1

COUNTY	TOTAL	COUNTY	TOTAL
(61) Suwannee	1	(32) Jackson	1
(62) Taylor	1	(33) Jefferson	1
(63) Union	1	(34) Lafayette	1
(64) Volusia	9	(35) Lake	2
(65) Wakulla	1	(36) Lee	6
(66) Walton	1	(37) Leon	54
(67) Washington	1	(38) Levy	1

Section 4. Effective October 1, 1999, section 34.022, Florida Statutes, as amended by section 3 of this act, is amended to read:

34.022 Number of county court judges for each county.—The number of county court judges in each county shall be as follows:

COUNTY	TOTAL	COUNTY	TOTAL
(1) Alachua	5	(42) Marion	3
(2) Baker	1	(43) Martin	2
(3) Bay	3	(44) Monroe	4
(4) Bradford	1	(45) Nassau	1
(5) Brevard	7	(46) Okaloosa	2
(6) Broward	25	(47) Okeechobee	1
(7) Calhoun	1	(48) Orange	14
(8) Charlotte	2	(49) Osceola	3
(9) Citrus	1	(50) Palm Beach	17
(10) Clay	2	(51) Pasco	3
(11) Collier	3	(52) Pinellas	13
(12) Columbia	1	(53) Polk	8
(13) Dade	41	(54) Putnam	24
(14) DeSoto	1	(55) St. Johns	2
(15) Dixie	1	(56) St. Lucie	3
(16) Duval	14 43	(57) Santa Rosa	2
(17) Escambia	5	(58) Sarasota	4
(18) Flagler	1	(59) Seminole	5
(19) Franklin	1	(60) Sumter	1
(20) Gadsden	1	(61) Suwannee	1
(21) Gilchrist	1	(62) Taylor	1
(22) Glades	1	(63) Union	1
(23) Gulf	1	(64) Volusia	9
(24) Hamilton	1	(65) Wakulla	1
(25) Hardee	1	(66) Walton	1
(26) Hendry	1	(67) Washington	1
(27) Hernando	1		
(28) Highlands	1		
(29) Hillsborough	14 43		
(30) Holmes	1		
(31) Indian River	2		

Section 5. Effective October 1, 1999, section 35.06, Florida Statutes, is amended to read:

35.06 Organization of district courts of appeal.—A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, . . . District. The number of judges of each district court of appeal shall be as follows:

- (1) In the first district there shall be 15 judges.

- (2) In the second district there shall be 14 judges.
- (3) In the third district there shall be 11 judges.
- (4) In the fourth district there shall be 12 judges.
- (5) In the fifth district there shall be 10 judges.

The successors of the original and additional judges of the district courts of appeal shall be elected at the general election next preceding the expiration of their respective terms of office to serve for full terms of 6 years.

Section 6. *No judicial nominating commission may seek applications or advertise for a judicial office created by sections 1 and 3 of this act before August 1, 1999 or created by sections 2, 4, and 5 before October 1, 1999.*

Section 7.

Section 8. Except as otherwise provided herein, this act shall take effect August 1, 1999.

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

On motion by Rep. Warner, the rules were suspended and HB 1877, as amended, was read the third time by title. On passage, the vote was:

Yeas—114

The Chair	Detert	Johnson	Roberts
Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelletion	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Fuller	Maygarden	Stafford
Bitner	Futch	Merchant	Stansel
Bloom	Garcia	Miller, J.	Starks
Boyd	Gay	Miller, L.	Suarez
Bradley	Goode	Minton	Sublette
Bronson	Goodlette	Morrone	Trovillion
Brown	Gottlieb	Murman	Tullis
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	

Nays—None

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

HB 1909—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Florida Wildflower license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

The Committee on Transportation offered the following:

Amendment 1 (with title amendment)—On page 2, lines 24 through 31, remove from the bill: all of said lines

and insert in lieu thereof: *wildflowers, plants and grasses. The council shall also make the final determination of what constitutes acceptable species of wildflowers and other plantings supported by these programs.*

Section 4. This act shall take effect July 1, 1999.

And the title is amended as follows:

On page 1, line 6, remove from the title of the bill: “a contingent”

and insert in lieu thereof: an

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

On motion by Rep. Kosmas, the rules were suspended and HB 1909, as amended, was read the third time by title. On passage, the vote was:

Yeas—104

Albright	Detert	Kelly	Roberts
Alexander	Diaz de la Portilla	Kilmer	Rojas
Andrews	Edwards	Kosmas	Russell
Argenziano	Effman	Kyle	Ryan
Arnall	Eggelletion	Lacasa	Sanderson
Ball	Farkas	Levine	Sembler
Barreiro	Fasano	Littlefield	Smith, C.
Bense	Feeney	Logan	Smith, K.
Betancourt	Flanagan	Lynn	Sobel
Bilirakis	Fuller	Maygarden	Sorensen
Bloom	Futch	Merchant	Spratt
Boyd	Gay	Miller, J.	Stafford
Bradley	Goode	Miller, L.	Stansel
Bronson	Goodlette	Minton	Starks
Brummer	Gottlieb	Murman	Suarez
Bush	Greene, A.	Ogles	Sublette
Byrd	Greenstein	Patterson	Trovillion
Cantens	Hafner	Peaden	Tullis
Casey	Harrington	Posey	Villalobos
Chestnut	Hart	Prieguez	Wallace
Constantine	Healey	Pruitt	Warner
Cosgrove	Henriquez	Putnam	Wasserman Schultz
Crady	Heyman	Rayson	Waters
Crist	Hill	Reddick	Wiles
Crow	Jacobs	Ritchie	Wilson
Dennis	Johnson	Ritter	Wise

Nays—8

Bainter	Dockery	Green, C.	Morrone
Bitner	Garcia	Jones	Valdes

Votes after roll call:

Yeas—Turnbull

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

HB 1969—A bill to be entitled An act relating to designation of facilities and structures; designating a specified bridge in Fort Lauderdale the “E. Clay Shaw, Jr., Bridge”; designating a specified portion of highway in Fort Lauderdale the “Commodore Brook Memorial Causeway”; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following:

Amendment 1—On page 3, line 5, remove from the bill: all of said line

and insert in lieu thereof: *Lauderdale between Southeast 23rd Avenue and the Mercedes River Bridge and between U.S. 1 and Eisenhower*

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

On motion by Rep. Sanderson, the rules were suspended and HB 1969, as amended, was read the third time by title. On passage, the vote was:

Yeas—113

The Chair	Dennis	Johnson	Rojas
Albright	Detert	Jones	Russell
Alexander	Diaz de la Portilla	Kelly	Ryan
Andrews	Dockery	Kilmer	Sanderson
Argenziano	Edwards	Kosmas	Sembler
Arnall	Eggelletion	Kyle	Smith, K.
Bainter	Farkas	Lacasa	Sobel
Ball	Fasano	Lawson	Sorensen
Barreiro	Feeney	Levine	Spratt
Bense	Fiorentino	Littlefield	Stafford
Betancourt	Flanagan	Logan	Stansel
Bilirakis	Frankel	Lynn	Starks
Bitner	Fuller	Maygarden	Suarez
Bloom	Futch	Merchant	Sublette
Boyd	Garcia	Miller, J.	Trovillion
Bradley	Gay	Miller, L.	Tullis
Bronson	Goode	Minton	Turnbull
Brown	Goodlette	Murman	Valdes
Brummer	Gottlieb	Ogles	Villalobos
Bush	Green, C.	Patterson	Wallace
Byrd	Greene, A.	Peaden	Warner
Cantens	Hafner	Posey	Wasserman Schultz
Casey	Harrington	Prieguez	Waters
Chestnut	Hart	Putnam	Wiles
Constantine	Healey	Rayson	Wilson
Cosgrove	Henriquez	Reddick	Wise
Crady	Heyman	Ritchie	
Crist	Hill	Ritter	
Crow	Jacobs	Roberts	

Nays—None

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

HB 1977—A bill to be entitled An act relating to regulation of professions and occupations under the Department of Business and Professional Regulation; creating s. 455.2177, F.S.; requiring the department to establish a system to monitor licensee compliance with applicable continuing education requirements; authorizing the department to contract with one or more vendors for the monitoring of compliance with applicable continuing education requirements by all licensees within one or more professions regulated by the department; providing contract terms and conditions; providing for funding of contracts; providing sanctions for failure to comply and requiring notice thereof; providing for disposition of fine revenues; providing for exclusivity of sanctions over certain other disciplinary provisions; providing for a dispute resolution process; providing for suspension of a contract for failure of a vendor to meet its contract obligations; providing for waiver under specified circumstances; providing rulemaking authority; creating s. 455.2178, F.S.; providing requirements of continuing education providers with respect to cooperating with such vendors; providing conditions on approval of continuing education providers; providing for revocation of provider approval for failure to comply; providing rulemaking authority; creating s. 455.2179, F.S.; providing limits on continuing education provider approval; providing for cease and desist orders and revocation of provider approval thereunder; amending s. 455.2281, F.S.; providing for allocation of certain funds to cover the costs of continuing education compliance monitoring; providing for crediting, by profession, fines collected under the compliance monitoring system; providing for inclusion of financial and statistical data resulting from compliance monitoring as a separate category in the department's quarterly management report to each board; amending s. 455.224, F.S.; providing for adoption by the

department of rules to permit the issuance of citations, whether or not there is a board; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules relating to continuing education providers; amending s. 477.019, F.S.; revising provisions relating to continuing education requirements of cosmetologists; providing an effective date.

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

Yeas—114

The Chair	Detert	Jacobs	Rojas
Albright	Diaz de la Portilla	Johnson	Russell
Alexander	Dockery	Jones	Ryan
Andrews	Edwards	Kelly	Sanderson
Argenziano	Effman	Kilmer	Sembler
Arnall	Eggelletion	Kyle	Smith, C.
Bainter	Farkas	Lacasa	Smith, K.
Ball	Fasano	Lawson	Sobel
Barreiro	Feeney	Levine	Sorensen
Bense	Fiorentino	Littlefield	Spratt
Betancourt	Flanagan	Lynn	Stafford
Bilirakis	Frankel	Maygarden	Stansel
Bitner	Fuller	Merchant	Starks
Bloom	Futch	Miller, J.	Suarez
Boyd	Garcia	Miller, L.	Sublette
Bradley	Gay	Minton	Trovillion
Bronson	Goode	Morroni	Tullis
Brown	Goodlette	Murman	Turnbull
Brummer	Gottlieb	Ogles	Valdes
Bush	Green, C.	Patterson	Villalobos
Byrd	Greene, A.	Peaden	Wallace
Cantens	Greenstein	Posey	Warner
Casey	Hafner	Prieguez	Wasserman Schultz
Constantine	Harrington	Pruitt	Waters
Cosgrove	Hart	Putnam	Wiles
Crady	Healey	Rayson	Wilson
Crist	Henriquez	Reddick	Wise
Crow	Heyman	Ritchie	
Dennis	Hill	Roberts	

Nays—None

Votes after roll call:

Yeas—Chestnut

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

CS/HB 2075—A bill to be entitled An act relating to insurance; amending s. 626.022, F.S.; providing an exception from certain insurance licensing requirements for certified public accountants acting within the scope of their profession; providing an effective date.

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

Yeas—114

The Chair	Bitner	Constantine	Farkas
Albright	Bloom	Cosgrove	Fasano
Alexander	Boyd	Crady	Feeney
Andrews	Bradley	Crist	Fiorentino
Bronson	Bronson	Crow	Flanagan
Arnall	Brown	Dennis	Frankel
Bainter	Brummer	Detert	Futch
Ball	Bush	Diaz de la Portilla	Garcia
Barreiro	Byrd	Dockery	Gay
Bense	Cantens	Edwards	Goode
Betancourt	Casey	Effman	Goodlette
Bilirakis	Chestnut	Eggelletion	Gottlieb

Green, C.	Lawson	Pruitt	Starks	Ritchie	Smith, K.	Sublette	Wasserman Schultz
Greene, A.	Levine	Putnam	Suarez	Ritter	Sobel	Trovillion	Waters
Greenstein	Littlefield	Rayson	Sublette	Roberts	Sorensen	Tullis	Wiles
Hafner	Logan	Reddick	Trovillion	Rojas	Spratt	Turnbull	Wilson
Harrington	Lynn	Ritchie	Tullis	Russell	Stafford	Valdes	Wise
Hart	Maygarden	Ritter	Turnbull	Randerson	Stansel	Villalobos	
Healey	Merchant	Roberts	Valdes	Sembler	Starks	Wallace	
Henriquez	Miller, J.	Russell	Villalobos	Smith, C.	Suarez	Warner	
Heyman	Miller, L.	Ryan	Wallace				
Hill	Minton	Sembler	Warner				
Jacobs	Morrone	Smith, C.	Wasserman Schultz				
Johnson	Murman	Smith, K.	Waters				
Jones	Ogles	Sobel	Wiles				
Kelly	Patterson	Sorensen	Wilson				
Kilmer	Peaden	Spratt	Wise				
Kosmas	Posey	Stafford					
Kyle	Prieguez	Stansel					

Nays—None

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

HB 2143—A bill to be entitled An act relating to remedies for unlawful sales of securities; amending s. 517.211, F.S.; limiting authorization to rescind certain sales of securities under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Financial Services offered the following:

Amendment 1 (with title amendment)—On page 1, lines 19 and 21, remove from the bill: the word “*rescission*”,

and insert in lieu thereof: *this section*

And the title is amended as follows:

On page 1, line 4, remove from the title of the bill: the phrase “authorization to rescind”, and insert in lieu thereof: the provision of remedies for the unlawful sale of

Rep. A. Greene moved the adoption of the amendment, which was adopted.

On motion by Rep. A. Greene, the rules were suspended and HB 2143, as amended, was read the third time by title. On passage, the vote was:

Yeas—117

The Chair	Casey	Garcia	Lacasa
Albright	Chestnut	Gay	Lawson
Alexander	Constantine	Goode	Levine
Andrews	Cosgrove	Goodlette	Littlefield
Argenziano	Crady	Gottlieb	Logan
Arnall	Crist	Green, C.	Lynn
Bainter	Crow	Greene, A.	Maygarden
Ball	Dennis	Greenstein	Merchant
Barreiro	Detert	Hafner	Miller, J.
Bense	Diaz de la Portilla	Harrington	Miller, L.
Betancourt	Dockery	Hart	Minton
Bilirakis	Edwards	Healey	Morrone
Bitner	Effman	Henriquez	Murman
Bloom	Eggelletion	Heyman	Ogles
Boyd	Farkas	Hill	Patterson
Bradley	Fasano	Jacobs	Peaden
Bronson	Feeney	Johnson	Posey
Brown	Fiorentino	Jones	Prieguez
Brummer	Flanagan	Kelly	Pruitt
Bush	Frankel	Kilmer	Putnam
Byrd	Fuller	Kosmas	Rayson
Cantens	Futch	Kyle	Reddick

Nays—None

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

Reconsideration of HB 1977

On motion by Rep. Ogles, the House reconsidered the vote by which **HB 1977** passed earlier today.

HB 1977—A bill to be entitled An act relating to regulation of professions and occupations under the Department of Business and Professional Regulation; creating s. 455.2177, F.S.; requiring the department to establish a system to monitor licensee compliance with applicable continuing education requirements; authorizing the department to contract with one or more vendors for the monitoring of compliance with applicable continuing education requirements by all licensees within one or more professions regulated by the department; providing contract terms and conditions; providing for funding of contracts; providing sanctions for failure to comply and requiring notice thereof; providing for disposition of fine revenues; providing for exclusivity of sanctions over certain other disciplinary provisions; providing for a dispute resolution process; providing for suspension of a contract for failure of a vendor to meet its contract obligations; providing for waiver under specified circumstances; providing rulemaking authority; creating s. 455.2178, F.S.; providing requirements of continuing education providers with respect to cooperating with such vendors; providing conditions on approval of continuing education providers; providing for revocation of provider approval for failure to comply; providing rulemaking authority; creating s. 455.2179, F.S.; providing limits on continuing education provider approval; providing for cease and desist orders and revocation of provider approval thereunder; amending s. 455.2281, F.S.; providing for allocation of certain funds to cover the costs of continuing education compliance monitoring; providing for crediting, by profession, fines collected under the compliance monitoring system; providing for inclusion of financial and statistical data resulting from compliance monitoring as a separate category in the department’s quarterly management report to each board; amending s. 455.224, F.S.; providing for adoption by the department of rules to permit the issuance of citations, whether or not there is a board; amending s. 468.4315, F.S.; authorizing the Regulatory Council of Community Association Managers to adopt rules relating to continuing education providers; amending s. 477.019, F.S.; revising provisions relating to continuing education requirements of cosmetologists; providing an effective date.

The question recurred on the passage of HB 1977.

The Committee on Governmental Rules & Regulations offered the following:

Amendment 1—On page 7, line 23, remove from the bill:

48 hours

and insert in lieu thereof:

5 business days

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

The question recurred on the passage of HB 1977. The vote was:

Yeas—117

The Chair	Diaz de la Portilla	Jones	Rojas
Albright	Dockery	Kelly	Russell
Alexander	Edwards	Kilmer	Ryan
Andrews	Effman	Kosmas	Sanderson
Argenziano	Eggelletion	Kyle	Sembler
Arnall	Farkas	Lacasa	Smith, C.
Bainter	Fasano	Lawson	Smith, K.
Ball	Feeney	Levine	Sobel
Barreiro	Fiorentino	Littlefield	Sorensen
Bense	Flanagan	Logan	Spratt
Betancourt	Frankel	Lynn	Stafford
Bilirakis	Fuller	Maygarden	Stansel
Bitner	Futch	Merchant	Starks
Bloom	Garcia	Miller, J.	Suarez
Boyd	Gay	Miller, L.	Sublette
Bradley	Goode	Minton	Trovillion
Bronson	Goodlette	Morrone	Tullis
Brown	Gottlieb	Murman	Turnbull
Brummer	Green, C.	Ogles	Valdes
Bush	Greene, A.	Patterson	Villalobos
Byrd	Greenstein	Peaden	Wallace
Cantens	Hafner	Posey	Warner
Casey	Harrington	Prieguez	Wasserman Schultz
Chestnut	Hart	Pruitt	Waters
Constantine	Healey	Putnam	Wiles
Cosgrove	Henriquez	Rayson	Wilson
Crist	Heyman	Reddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

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

HB 2163—A bill to be entitled An act relating to judicial selection; amending s. 34.021, F.S.; authorizing retention of county court judges; amending s. 105.031, F.S.; providing requirements to qualify for election or retention to judicial office; amending s. 105.041, F.S.; providing form of ballot for retention votes on county and circuit court judges; amending s. 105.051, F.S.; providing for determination of retention for county and circuit court judges; amending s. 105.061, F.S.; authorizing electors to vote for retention of circuit and county court judges; amending s. 105.08, F.S.; providing for campaign contribution and expense reporting for circuit and county court judges subject to vote of retention; amending s. 106.011, F.S.; redefining the term “unopposed candidate”; amending s. 106.08, F.S.; providing contribution limits for election and retention of circuit and county court judges; providing penalties; providing for petitions and certification of ballot position; establishing deadlines; amending s. 101.161, F.S.; placing the issue of the method of selection of judges on the general election ballot in the year 2000; establishing manner for placing judicial selection initiatives on subsequent general election ballots; providing ballot language; providing for impact on sitting judges; repealing s. 25.021, F.S.; deleting terms of elected Supreme Court justices; amending s. 35.06, F.S.; deleting terms of elected district court of appeal judges; amending s. 101.151, F.S.; conforming provisions; providing an effective date.

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

Yeas—117

The Chair	Bainter	Bitner	Brummer
Albright	Ball	Bloom	Bush
Alexander	Barreiro	Boyd	Byrd
Andrews	Bense	Bradley	Cantens
Argenziano	Betancourt	Bronson	Casey
Arnall	Bilirakis	Brown	Chestnut

Constantine	Green, C.	Merchant	Smith, K.
Cosgrove	Greene, A.	Miller, J.	Sobel
Crady	Greenstein	Miller, L.	Sorensen
Crist	Hafner	Minton	Spratt
Crow	Harrington	Morrone	Stafford
Dennis	Hart	Murman	Stansel
Detert	Healey	Ogles	Starks
Diaz de la Portilla	Henriquez	Patterson	Suarez
Dockery	Heyman	Peaden	Sublette
Edwards	Hill	Posey	Trovillion
Effman	Jacobs	Prieguez	Tullis
Eggelletion	Johnson	Pruitt	Turnbull
Farkas	Jones	Putnam	Valdes
Fasano	Kelly	Rayson	Villalobos
Fiorentino	Kilmer	Reddick	Wallace
Flanagan	Kosmas	Ritchie	Warner
Frankel	Kyle	Ritter	Wasserman Schultz
Fuller	Lacasa	Roberts	Waters
Futch	Lawson	Rojas	Wiles
Garcia	Levine	Russell	Wilson
Gay	Littlefield	Ryan	Wise
Goode	Logan	Sanderson	
Goodlette	Lynn	Sembler	
Gottlieb	Maygarden	Smith, C.	

Nays—None

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

HB 2175—A bill to be entitled An act relating to St. Johns County; providing for the relief of William D. Mock and Susan G. Mock; providing for an appropriation to compensate them for injuries sustained as a result of the negligence of St. Johns County; providing an effective date.

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

Yeas—107

The Chair	Diaz de la Portilla	Kelly	Ritter
Alexander	Dockery	Kilmer	Roberts
Andrews	Edwards	Kosmas	Russell
Argenziano	Eggelletion	Kyle	Ryan
Arnall	Farkas	Lacasa	Sanderson
Ball	Fasano	Lawson	Sembler
Barreiro	Feeney	Levine	Smith, K.
Bense	Fiorentino	Littlefield	Sobel
Betancourt	Flanagan	Logan	Sorensen
Bilirakis	Frankel	Lynn	Spratt
Bloom	Futch	Maygarden	Stafford
Boyd	Garcia	Merchant	Stansel
Bradley	Gay	Miller, J.	Starks
Bronson	Goodlette	Miller, L.	Suarez
Brown	Gottlieb	Minton	Sublette
Bush	Green, C.	Morrone	Trovillion
Byrd	Greene, A.	Murman	Tullis
Cantens	Greenstein	Ogles	Turnbull
Casey	Hafner	Patterson	Valdes
Chestnut	Harrington	Peaden	Villalobos
Constantine	Hart	Posey	Wallace
Cosgrove	Healey	Prieguez	Warner
Crady	Henriquez	Pruitt	Wasserman Schultz
Crist	Heyman	Putnam	Waters
Crow	Hill	Rayson	Wiles
Dennis	Jacobs	Reddick	Wilson
Detert	Jones	Ritchie	

Nays—8

Albright	Bitner	Fuller	Johnson
Bainter	Brummer	Goode	Wise

Votes after roll call:

Yeas to Nays—Dockery

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

HB 2177—A bill to be entitled An act relating to Palm Beach County; providing for the relief of Elizabeth Menendez; providing for an appropriation to compensate Elizabeth Menendez for injuries and damages sustained as a result of the negligence of the Palm Beach County Sheriff's Department; providing an effective date.

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

Yeas—102

The Chair	Detert	Jacobs	Rayson
Alexander	Diaz de la Portilla	Jones	Reddick
Andrews	Dockery	Kelly	Ritchie
Argenziano	Edwards	Kilmer	Ritter
Arnall	Eggelletion	Kosmas	Roberts
Ball	Farkas	Kyle	Rojas
Barreiro	Fasano	Lacasa	Russell
Bense	Feeney	Lawson	Ryan
Betancourt	Fiorentino	Levine	Sembler
Bilirakis	Flanagan	Littlefield	Sobel
Bloom	Frankel	Logan	Spratt
Boyd	Futch	Lynn	Stafford
Bradley	Garcia	Maygarden	Stansel
Bronson	Gay	Merchant	Starks
Brown	Goodlette	Miller, J.	Suarez
Bush	Gottlieb	Miller, L.	Sublette
Byrd	Green, C.	Minton	Turnbull
Cantens	Greene, A.	Morrone	Valdes
Casey	Greenstein	Murman	Villalobos
Chestnut	Hafner	Ogles	Wallace
Constantine	Harrington	Patterson	Warner
Cosgrove	Hart	Peaden	Wasserman Schultz
Crady	Healey	Posey	Wiles
Crist	Henriquez	Prieguez	Wilson
Crow	Heyman	Pruitt	
Dennis	Hill	Putnam	

Nays—12

Albright	Brummer	Johnson	Trovillion
Bainter	Fuller	Smith, K.	Tullis
Bitner	Goode	Sorensen	Wise

Votes after roll call:

Yeas to Nays—Dockery

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

HB 2179—A bill to be entitled An act relating to Miami-Dade County; providing for the relief of Frank J. Ruck, Jr., and Marlene G. Ruck, individually and as Personal Representatives of the Estate of Christopher F. Ruck; providing for an appropriation to compensate them for the death of Christopher F. Ruck as a result of the negligence of Miami-Dade County; providing an effective date.

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

Yeas—101

The Chair	Bense	Bronson	Casey
Andrews	Betancourt	Brown	Chestnut
Argenziano	Bilirakis	Brummer	Constantine
Arnall	Bloom	Bush	Cosgrove
Ball	Boyd	Byrd	Crady
Barreiro	Bradley	Cantens	Crist

Crow	Hart	Miller, L.	Sobel
Dennis	Healey	Minton	Spratt
Detert	Henriquez	Morrone	Stafford
Diaz de la Portilla	Heyman	Murman	Stansel
Edwards	Hill	Ogles	Starks
Farkas	Jacobs	Patterson	Suarez
Fasano	Jones	Peaden	Sublette
Fiorentino	Kelly	Posey	Trovillion
Flanagan	Kilmer	Pruitt	Turnbull
Frankel	Kosmas	Putnam	Valdes
Futch	Kyle	Rayson	Villalobos
Garcia	Lacasa	Reddick	Wallace
Gay	Lawson	Ritchie	Warner
Goodlette	Levine	Ritter	Wasserman Schultz
Gottlieb	Littlefield	Roberts	Waters
Green, C.	Logan	Rojas	Wiles
Greene, A.	Lynn	Russell	Wilson
Greenstein	Maygarden	Ryan	
Hafner	Merchant	Sembler	
Harrington	Miller, J.	Smith, K.	

Nays—11

Albright	Bitner	Fuller	Tullis
Alexander	Dockery	Goode	Wise
Bainter	Feeney	Johnson	

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

HB 2203—A bill to be entitled An act relating to trust funds; re-creating the Florida Public Service Regulatory Trust Fund within the Florida Public Service Commission without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

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

Yeas—115

The Chair	Dennis	Jones	Roberts
Albright	Detert	Kelly	Rojas
Alexander	Diaz de la Portilla	Kilmer	Russell
Andrews	Dockery	Kosmas	Ryan
Argenziano	Edwards	Kyle	Sanderson
Arnall	Effman	Lacasa	Sembler
Bainter	Farkas	Lawson	Smith, C.
Ball	Fasano	Levine	Smith, K.
Barreiro	Feeney	Littlefield	Sobel
Bense	Fiorentino	Logan	Sorensen
Betancourt	Flanagan	Lynn	Spratt
Bilirakis	Frankel	Maygarden	Stafford
Bitner	Fuller	Merchant	Stansel
Bloom	Futch	Miller, J.	Starks
Boyd	Garcia	Miller, L.	Suarez
Bradley	Gay	Minton	Sublette
Bronson	Goodlette	Morrone	Trovillion
Brown	Gottlieb	Murman	Tullis
Brummer	Green, C.	Ogles	Turnbull
Bush	Greene, A.	Patterson	Valdes
Byrd	Greenstein	Peaden	Villalobos
Cantens	Hafner	Posey	Wallace
Casey	Harrington	Prieguez	Warner
Chestnut	Hart	Pruitt	Wasserman Schultz
Constantine	Healey	Putnam	Waters
Cosgrove	Henriquez	Rayson	Wiles
Crady	Heyman	Reddick	Wilson
Crist	Jacobs	Ritchie	Wise
Crow	Johnson	Ritter	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

On motion by Rep. Sembler, **HB 2207** was temporarily postponed under Rule 141 and the second reading nullified.

HB 2217—A bill to be entitled An act relating to trust funds; creating s. 235.21955, F.S.; creating the Lottery Capital Outlay and Debt Service Trust Fund within the Department of Education; providing for sources of funds; providing purposes; providing for annual carryforward of funds; providing for transfer of certain funds to the trust fund; proclaiming that the trust fund is exempt from constitutional termination; providing an effective date.

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

Yeas—117

Albright	Diaz de la Portilla	Jones	Rojas
Alexander	Dockery	Kelly	Russell
Andrews	Edwards	Kilmer	Ryan
Argenziano	Effman	Kosmas	Sanderson
Arnall	Eggelation	Kyle	Sembler
Bainter	Farkas	Lacasa	Smith, C.
Ball	Fasano	Lawson	Smith, K.
Barreiro	Feeney	Levine	Sobel
Bense	Fiorentino	Littlefield	Sorensen
Betancourt	Flanagan	Logan	Spratt
Bilirakis	Frankel	Lynn	Stafford
Bitner	Fuller	Maygarden	Stansel
Bloom	Futch	Merchant	Starks
Boyd	Garcia	Miller, J.	Suarez
Bradley	Gay	Miller, L.	Sublette
Bronson	Goode	Minton	Trovillion
Brown	Goodlette	Morrone	Tullis
Brummer	Gottlieb	Murman	Turnbull
Bush	Green, C.	Ogles	Valdes
Byrd	Greene, A.	Patterson	Villalobos
Cantens	Greenstein	Peaden	Wallace
Casey	Hafner	Posey	Warner
Chestnut	Harrington	Prieguez	Wasserman Schultz
Constantine	Hart	Pruitt	Waters
Cosgrove	Healey	Putnam	Wiles
Crady	Henriquez	Rayson	Wilson
Crist	Heyman	Heddick	Wise
Crow	Hill	Ritchie	
Dennis	Jacobs	Ritter	
Detert	Johnson	Roberts	

Nays—None

So the bill passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

Other Bills on Special Orders

CS/HB 377—A bill to be entitled An act relating to organ transplants; providing a short title; amending s. 381.0602, F.S.; increasing membership of the Organ Transplant Advisory Council; increasing the term of the council chair; amending s. 627.4236, F.S.; requiring that coverage for bone-marrow-transplant procedures include costs of the donor patient; providing a limitation; providing a legislative finding of an important state interest; providing an effective date.

—was read the second time by title.

Representative(s) Bense offered the following:

Amendment 1 (with title amendment)—On page 1, lines 15 and 16, remove from the bill: all of said lines,

And the title is amended as follows:

On page 1, lines 2 and 3, remove from the title of the bill: providing a short title;

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

By the Committees on General Government Appropriations; Agriculture; Representatives Putnam, Constantine, Bronson, Stansel, Patterson, Bainter, Harrington, Dockery, Spratt, Peaden, J. Miller, K. Smith, Wiles, Lynn, and Edwards—

CS/HB 1535—A bill to be entitled An act relating to wildfires; amending s. 590.01, F.S.; providing the Division of Forestry of the Department of Agriculture and Consumer Services with the responsibility to prevent, detect, and suppress wildfires; creating s. 590.015, F.S.; defining terms; amending s. 590.02, F.S.; authorizing the division to appoint additional personnel to fight wildfires; providing for wildfire training and fire management and emergency response assistance; providing for agreements or contracts with the private sector for fire prevention activities; providing for the Florida Center for Wildfire and Forest Resources Management Training; providing for fees for the operation of the center; creating an advisory committee; amending s. 590.081, F.S.; prohibiting burning in severe drought conditions without permission; amending s. 590.082, F.S.; revising provisions relating to declarations of severe drought emergencies; providing a requirement for executive orders by the Governor relating to extraordinary fire hazards; providing a penalty for certain travel through hazardous areas; amending s. 590.091, F.S.; providing for designation of railroad rights-of-way in wildfire areas; amending s. 590.10, F.S.; providing a penalty for the disposal of lighted substances; amending s. 590.11, F.S.; providing restrictions on recreation fires; creating s. 590.125, F.S.; providing conditions for noncertified burning and certified prescribed burning; amending s. 590.13, F.S.; providing for civil liability; amending s. 590.14, F.S.; authorizing the division to issue warning citations; providing for a notice of violation; providing for the recovery of fire suppression costs; amending s. 590.16, F.S.; providing for discretionary rewards; amending s. 590.25, F.S.; providing a penalty for obstructing the extinguishing of wildfires; amending s. 590.27, F.S.; correcting an organizational reference; amending s. 590.28, F.S.; providing penalties for the careless or intentional burning of wild lands; amending s. 590.29, F.S.; providing a penalty for the illegal possession of incendiary devices; amending ss. 590.33, 590.34, and 590.42, F.S.; correcting organizational references; amending s. 259.032, F.S.; providing for the use of Conservation and Recreation Lands funds to manage additional lands; providing for uses of management equipment; amending s. 372.57, F.S.; providing an exemption to the recreational user permit fee; repealing s. 590.025, F.S., relating to control burning, s. 590.026, F.S., relating to prescribed burning, s. 590.03, F.S., relating to fire wardens, s. 590.04, F.S., relating to the organization of districts, s. 590.05, F.S., relating to road crews to extinguish fires, s. 590.06, F.S., relating to rules for road crews, s. 590.07, F.S., relating to a penalty, s. 590.08, F.S., relating to the unlawful burning of lands, s. 590.09, F.S., relating to setting fires on rights-of-way, s. 590.12, F.S., relating to unlawful burning, and s. 590.30 F.S., relating to penalties; providing an appropriation; providing for the rebuilding of certain structures; providing an effective date.

—was read the first time by title.

Representative(s) Sembler and Putnam offered the following:

Amendment 1—On page 11, line 27, through page 12, line 3, remove from the bill: all of said lines

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

Representative(s) Putnam and Sembler offered the following:

Amendment 2—On page 12, line 4, through page 18, line 20, remove from the bill: all of said lines

and insert in lieu thereof:

(4) *It is unlawful for any person, except the owner or his or her agents, or persons with express permission of the landowner, or other persons regularly engaged in harvesting, processing, or moving forest or farm products, to enter or travel in any public or private wild land within the area described by proclamation, except on public roads or highways or on well-defined private roads.*

(5)(4) Any person violating any of the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 ~~shall be punished as for a misdemeanor as provided by s. 590.14.~~

Section 6. Section 590.091, Florida Statutes, is amended to read:

590.091 Designation of railroad rights-of-way as ~~wildfire~~ fire hazard areas.—

(1) The division ~~may of Forestry, after notification to the local government to be affected by its actions, is authorized to~~ annually designate, on or before October 1, those railroad rights-of-way in this state which are known ~~wildfire~~ fire hazard areas.

(2) ~~In addition to the requirements of 49 C.F.R. chapter II, part 213, subpart B,~~ It shall be the duty of all railroad companies operating in this state to maintain their rights-of-way designated as provided in subsection (1), as known ~~wildfire~~ high fire hazard areas, in an approved condition as shall be prescribed by rule of the division and to provide adequate firebreaks where needed, so as to prevent fire from igniting or spreading from rights-of-way to adjacent property.

Section 7. Section 590.10, Florida Statutes, is amended to read:

590.10 Disposing of lighted ~~substances~~ cigars, etc.—

(1) It is unlawful for any person to throw, ~~or drop, or dispose of from an automobile or vehicle, or otherwise,~~ a lighted match, cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may or does cause a ~~wildfire forest, grass, or woods~~ fire.

(2) *Anyone who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

Section 8. Section 590.11, Florida Statutes, is amended to read:

590.11 ~~Recreational fires~~ Campfires.—It is unlawful for any individual or group of individuals to build a warming fire, bonfire, ~~fire~~ or campfire and leave it ~~same~~ unattended or unextinguished.

Section 9. Section 590.125, Florida Statutes, is created to read:

590.125 *Open burning authorized by the division.—*

(1) *DEFINITIONS.—As used in this section, the term:*

(a) *“Prescribed burning” means the controlled application of fire in accordance with a written prescription for vegetative fuels under specified environmental conditions while following appropriate precautionary measures that ensure that the fire is confined to a predetermined area to accomplish the planned fire or land-management objectives.*

(b) *“Certified prescribed burn manager” means an individual who successfully completes the certification program of the division and possesses a valid certification number.*

(c) *“Prescription” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a prescribed burn.*

(d) *“Extinguished” means that no spreading flame for wild land burning or certified prescribed burning, and no visible flame, smoke, or emissions for vegetative land-clearing debris burning, exist.*

(2) *NONCERTIFIED BURNING.—*

(a) *Persons may be authorized to burn wild land or vegetative land-clearing debris in accordance with this subsection if:*

1. *There is specific consent of the landowner or his or her designee;*
2. *Authorization has been obtained from the division or its designated agent before starting the burn;*
3. *There are adequate fire breaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire;*
4. *The fire remains within the boundary of the authorized area;*
5. *Someone is present at the burn site until the fire is extinguished;*
6. *The division does not cancel the authorization; and*
7. *The division determines that air quality and fire danger are favorable for safe burning.*

(b) *A person who burns wild land or vegetative land-clearing debris in a manner that violates any requirement of this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

(3) *CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND PURPOSE.—*

(a) *The application of prescribed burning is a land management tool that benefits the safety of the public, the environment, and the economy of the state. The Legislature finds that:*

1. *Prescribed burning reduces vegetative fuels within wild land areas. Reduction of the fuel load reduces the risk and severity of wildfire, thereby reducing the threat of loss of life and property, particularly in urban areas.*

2. *Most of Florida’s natural communities require periodic fire for maintenance of their ecological integrity. Prescribed burning is essential to the perpetuation, restoration, and management of many plant and animal communities. Significant loss of the state’s biological diversity will occur if fire is excluded from fire-dependent systems.*

3. *Forestland and rangeland constitute significant economic, biological, and aesthetic resources of statewide importance. Prescribed burning on forestland prepares sites for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens. On rangeland, prescribed burning improves the quality and quantity of herbaceous vegetation necessary for livestock production.*

4. *The state purchased hundreds of thousands of acres of land for parks, preserves, wildlife management areas, forests, and other public purposes. The use of prescribed burning for management of public lands is essential to maintain the specific resource values for which these lands were acquired.*

5. *A public education program is necessary to make citizens and visitors aware of the public safety, resource, and economic benefits of prescribed burning.*

6. *Proper training in the use of prescribed burning is necessary to ensure maximum benefits and protection for the public.*

7. *As Florida’s population continues to grow, pressures from liability issues and nuisance complaints inhibit the use of prescribed burning. Therefore, the division is urged to maximize the opportunities for prescribed burning conducted during its daytime and nighttime authorization process.*

(b) *Certified prescribed burning must be conducted in accordance with this subsection and:*

1. *May only be accomplished when a certified prescribed burn manager is present on site with a copy of the prescription from ignition of the burn to its completion.*

2. *Requires that a written prescription be prepared before receiving authorization to burn from the division.*

3. *Requires that the specific consent of the landowner or his or her designee be obtained before requesting an authorization.*

4. Requires that an authorization to burn be obtained from the division before igniting the burn.

5. Requires that there be adequate firebreaks at the burn site and sufficient personnel and firefighting equipment for the control of the fire.

6. Is considered to be in the public interest and does not constitute a public or private nuisance when conducted under applicable state air pollution statutes and rules.

7. Is considered to be a property right of the property owner if vegetative fuels are burned as required in this subsection.

(c) A property owner or his or her agent is neither liable for damage or injury caused by the fire or resulting smoke nor considered to be in violation of subsection (2) for burns conducted in accordance with this subsection unless gross negligence is proven.

(d) Any certified burner who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The division shall adopt rules for the use of prescribed burning and for certifying and decertifying certified prescribed burn managers based on their past experience, training, and record of compliance with this section.

(4) **WILDFIRE HAZARD REDUCTION BURNING BY THE DIVISION.**—The division may prescribe burn any area of wild land within the state which is reasonably determined to be in danger of wildfire in accordance with the following procedures:

(a) Describe the areas that will be prescribe burned to the affected local governmental entity.

(b) Publish a prescribed burn notice, including a description of the area to be burned, in a conspicuous manner in at least one newspaper of general circulation in the area of the burn not less than 10 days before the burn.

(c) Prepare, and the county tax collector shall include with the annual tax statement, a notice to be sent to all landowners in each township designated by the division as a wildfire hazard area. The notice must describe particularly the area to be burned and the tentative date or dates of the burning and must list the reasons for and the expected benefits from prescribed burning.

(d) Consider any landowner objections to the prescribed burning of his or her property. The landowner may apply to the director of the division for a review of alternative methods of fuel reduction on the property. If the director or his or her designee does not resolve the landowner objection, the director shall convene a panel made up of the local forestry unit manager, the fire chief of the jurisdiction, and the affected county or city manager, or any of their designees. If the panel's recommendation is not acceptable to the landowner, the landowner may request further consideration by the Commissioner of Agriculture or his or her designee and shall thereafter be entitled to an administrative hearing pursuant to the provisions of chapter 120.

(5) **DUTIES OF AGENCIES.**—The Department of Education shall incorporate, where feasible and appropriate, the issues of prescribed burning into its educational materials.

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

Representative(s) K. Smith offered the following:

Amendment 3—On page 29, line 28, before the period insert: , unless prohibited by Federal law or regulation

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 403—A bill to be entitled An act relating to title insurance; amending ss. 624.509, 626.841, 626.8411, 626.9541, 627.7711, 627.777, 627.7773, 627.7776, 627.780, 627.783, 627.7831, 627.784, 627.7841, 627.7842, 627.7845, 627.786, 627.791, and 627.792, F.S.; revising and clarifying application of provisions relating to title insurance agents, policies, premiums, rates, contracts, charges, and practices; amending s. 627.7711, F.S.; revising definitions; amending s. 627.782, F.S.; providing a limitation on payment of portions of premiums for primary title services; creating s. 627.7825, F.S.; specifying certain alternative premium rates to be charged by title insurers for certain title insurance contracts for a certain period; providing requirements; providing limitations; providing for a new home purchase discount; excepting such rates from certain deviation provisions under certain circumstances; creating s. 627.793, F.S.; authorizing the Department of Insurance to adopt rules; providing an effective date.

—was read the second time by title.

Representative(s) Starks offered the following:

Amendment 1 (with title amendment)—On page 3, between lines 12 and 13,

insert:

Section 2. Section 625.111, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 625.111, F.S., for present text.)

625.111 **Title insurance reserve.**—In addition to an adequate reserve as to outstanding losses relating to known claims, as required under s. 625.041, a title insurer shall establish, segregate, and maintain a guaranty fund or unearned premium reserve as provided in this section. The sums required under this section to be reserved for unearned premiums on title guarantees and policies at all times and for all purposes shall be considered and constitute unearned portions of the original premiums and shall be charged as a reserve liability of such insurer in determining its financial condition. While such sums are so reserved, they shall be withdrawn from the use of the insurer for its general purposes, impressed with a trust in favor of the holders of title guarantees and policies, and held available for reinsurance of the title guarantees and policies in the event of the insolvency of the insurer. Nothing contained in this section shall preclude such insurer from investing such reserve in investments authorized by law for such an insurer and the income from such invested reserve shall be included in the general income of the insurer to be used by such insurer for any lawful purpose.

(1) For unearned premium reserves established on or after July 1, 1999, such unearned premium reserve shall consist of not less than an amount equal to the sum of:

(a) A reserve with respect to unearned premiums for policies written or title liability assumed in reinsurance before July 1, 1999, equal to the reserve established on June 30, 1999, for those unearned premiums with such reserve being subsequently released as provided in subsection (2). For domestic title insurers subject to this section, such amounts shall be calculated in accordance with provisions of law of this state in effect at the time the associated premiums were written or assumed and as amended prior to July 1, 1999.

(b) A total amount equal to 30 cents for each \$1,000 of net retained liability for policies written or title liability assumed in reinsurance on or after July 1, 1999, with such reserve being subsequently released as provided in subsection (2). For the purpose of calculating this reserve, the total of the net retained liability for all simultaneous issue policies covering a single risk shall be equal to the liability for the policy with the highest limit covering that single risk, net of any liability ceded in reinsurance.

(c) An additional amount, if deemed necessary by a qualified actuary, which shall be subsequently released as provided in subsection (2). Using financial results as of December 31 of each year, all domestic title insurers shall obtain a Statement of Actuarial Opinion from a

qualified actuary regarding the insurer's loss and loss adjustment expense reserves, including reserves for known claims, adverse development on known claims, incurred but not reported claims, and unallocated loss adjustment expenses. The actuarial opinion shall conform to the annual statement instructions for title insurers adopted by the National Association of Insurance Commissioners and shall include the actuary's professional opinion of the insurer's reserves as of the date of the annual statement. If the amount of the reserve stated in the opinion and displayed in Schedule P of the annual statement for that reporting date is greater than the sum of the known claim reserve and unearned premium reserve as calculated under this section, as of the same reporting date and including any previous actuarial provisions added at earlier dates, the insurer shall add to the insurer's unearned premium reserve an actuarial amount equal to the reserve shown in the actuarial opinion, minus the known claim reserve and the unearned premium reserve, as of the current reporting date and calculated in accordance with this section, but in no event calculated as of any date prior to December 31, 1999. The comparison shall be made using that line on Schedule P displaying the Total Net Loss and Loss Adjustment Expense which is comprised of the Known Claim Reserve, and any associated Adverse Development Reserve, the reserve for Incurred But Not Reported Losses, and Unallocated Loss Adjustment Expenses.

(2)(a) With respect to the reserve established in accordance with paragraph (1)(a), the domestic title insurer shall release the reserve over a period of 20 subsequent years as provided in this paragraph. The insurer shall release 30 percent of the initial aggregate sum during 1999, with one quarter of that amount being released on March 31, June 30, September 30, and December 31, 1999, with the March 31 and June 30 releases to be retroactive and reflected on the September 30 financial statements. Thereafter, the insurer shall release, on the same quarterly basis as specified for reserves released during 1999, a percentage of the initial aggregate sum as follows: 15 percent during calendar year 2000, 10 percent during each of calendar years 2001 and 2002, 5 percent during each of calendar years 2003 and 2004, 3 percent during each of calendar years 2005 and 2006, 2 percent during each of calendar years 2007-2013, and 1 percent during each of calendar years 2014-2018.

(b) With respect to reserves established in accordance with paragraph (1)(b), the unearned premium for policies written or title liability assumed during a particular calendar year shall be earned, and released from reserve, over a period of 20 subsequent years as provided in this paragraph. The insurer shall release 30 percent of the initial sum during the year next succeeding the year the premium was written or assumed, with one quarter of that amount being released on March 31, June 30, September 30, and December 31 of such year. Thereafter, the insurer shall release, on the same quarterly basis as specified for reserves released during the year first succeeding the year the premium was written or assumed, a percentage of the initial sum as follows: 15 percent during the next succeeding year, 10 percent during each of the next succeeding 2 years, 5 percent during each of the next succeeding 2 years, 3 percent during each of the next succeeding 2 years, 2 percent during each of the next succeeding 7 years, and 1 percent during each of the next succeeding 5 years.

(c) With respect to reserves established in accordance with paragraph (1)(c), any additional amount established in any calendar year shall be released in the years subsequent to its establishment as provided in paragraph (b), with the timing and percentage of releases being in all respects identical to those of unearned premium reserves that are calculated as provided in paragraph (b) and established with regard to premiums written or liability assumed in reinsurance in the same year as the year in which any additional amount was originally established.

(3) At any reporting date, the amount of the required releases of existing unearned premium reserves under subsection (2) shall be calculated and deducted from the total unearned premium reserve before any additional amount is established for the current calendar year in accordance with the provisions of paragraph (1)(c).

(4) As used in this section:

(a) "Net retained liability" means the total liability retained by a title insurer for a single risk, after taking into account the deduction for ceded liability, if any.

(b) "Qualified actuary" means a person who is, as detailed in the the National Association of Insurance Commissioners' Annual Statement Instructions:

1. A member in good standing of the Casualty Actuarial Society;
2. A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries; or
3. A person who otherwise has competency in loss reserve evaluation as demonstrated to the satisfaction of the insurance regulatory official of the domiciliary state. In such case, at least 90 days prior to the filing of its annual statement, the insurer must request approval that the person be deemed qualified and that request must be approved or denied. The request must include the National Association of Insurance Commissioners' Biographical Form and a list of all loss reserve opinions issued in the last 3 years by this person.

(c) "Single risk" means the insured amount of any title insurance policy, except that where two or more title insurance policies are issued simultaneously covering different estates in the same real property, "single risk" means the sum of the insured amounts of all such title insurance policies. Any title insurance policy insuring a mortgage interest a claim payment under which reduces the insured amount of a fee or leasehold title insurance policy shall be excluded in computing the amount of a single risk to the extent that the insured amount of the mortgage title insurance policy does not exceed the insured amount of the fee or leasehold title insurance policy.

And the title is amended as follows:

On page 1, line 10, before the word "amending",

insert: amending s. 625.111, F.S.; specifying the components of unearned premium reserve for certain financial statements; providing a formula for releasing unearned premium reserve over a period of years; providing definitions;

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

Representative(s) Byrd offered the following:

Amendment 2—On page 14, line 1 of the bill after "shall" insert: *not*

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

Representative(s) Byrd offered the following:

Amendment 3—On page 15, lines 10, 12 and 14 remove from the bill: "*policy*"

and insert in lieu thereof: *policies*

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

Representative(s) Byrd offered the following:

Amendment 4—On page 15, line 11 remove from the bill: "*a*"

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 519—A bill to be entitled An act relating to retained spring training franchise facilities; amending s. 125.0104, F.S.; defining "retained spring training franchise"; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing an effective date.

—was read the second time by title.

The Committee on Transportation & Economic Development Appropriations offered the following:

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause

and insert in lieu thereof:

Section 1. Paragraph (b) of subsection (2), paragraphs (l) and (n) of subsection (3), and paragraph (d) of subsection (5) of section 125.0104, Florida Statutes, 1998 Supplement, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(2) APPLICATION; DEFINITIONS.—

(b) Definitions.—For purposes of this section:

1. “Promotion” means marketing or advertising designed to increase tourist-related business activities.

2. “Tourist” means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a).

3. “Retained spring training franchise” means a spring training franchise that had a location in this state on or before December 31, 1998, and that has continuously remained at that location for at least the 10 years preceding that date.

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a) through (d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to pay the debt service on bonds issued to finance:

1. The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

2. The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of that facility. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(5) AUTHORIZED USES OF REVENUE.—

(d) Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or paragraph (a), paragraph (b), or paragraph (c) of this subsection is expressly prohibited.

Section 2. *There is appropriated to the Office of Tourism, Trade, and Economic Development from the General Revenue Fund \$3.75 million in fiscal year 1999-2000 and \$3.75 million in fiscal year 2000-2001 to be used as a grant to a unit of local government for the acquisition, construction, reconstruction, or renovation of a privately owned retained spring training franchise facility. No funds shall be released until the Office of Tourism, Trade, and Economic Development determines that a unit of local government, as defined in s. 218.369, Florida Statutes, is responsible for the acquisition, construction, management, or operation of the retained spring training franchise facility or holds title to the property on which the retained spring training franchise facility is located; that the unit of local government has a verified copy of a signed agreement with a retained spring training franchise for the use of the facility for a term of at least 15 years; that the unit of local government has a financial commitment to provide 50 percent or more of the funds required by an agreement for the use of the facility by the retained spring training franchise; and that the unit of local government has projections, verified by the Office of Tourism, Trade, and Economic Development, which demonstrate that the facility will attract a paid attendance of at least 50,000 annually.*

Section 3. This act shall take effect July 1, 1999.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to spring training franchise facilities; amending s. 125.0104, F.S.; defining the term “retained spring training franchise”; providing that the additional local option tourist development taxes presently authorized to finance the construction or renovation of a professional sports franchise facility may also be used to finance the acquisition, construction, or renovation of a retained spring training franchise facility; correcting a reference; providing an appropriation to the Office of Tourism, Trade, and Economic Development for a grant to a local government for the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility and providing conditions with respect thereto; providing an effective date.

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 49—A bill to be entitled An act relating to criminal use of personal identification information; creating s. 817.568, F.S.; providing definitions; providing that a person who willfully and without authorization uses, or possesses with intent to use, personal identification information concerning an individual without previously obtaining the individual's consent commits either the offense of fraudulent use of personal identification information or the offense of harassment by use of personal identification information, depending on specified circumstances; providing penalties; providing for nonapplicability of the new provisions to specified law enforcement activities; providing for restitution, including attorney's fees and costs, to the victim; providing for prosecution by the state attorney or the statewide prosecutor; reenacting s. 464.018(1)(d), F.S., relating to disciplinary actions for violations of the Nurse Practice Act, s. 772.102(1)(a), F.S., relating to definition of "criminal activity" with respect to the Civil Remedies for Criminal Practices Act, and s. 895.02(1)(a), F.S., relating to definition of "racketeering activity," to provide for incorporation of said new section in references to ch. 817, F.S.; providing an effective date.

—was read the second time by title.

Representative(s) Trovillion offered the following:

Amendment 1—On page 4, lines 7 through 17 remove from the bill:

and insert in lieu thereof:

(5)(a) In sentencing a defendant convicted of an offense under this section, the court may order that the defendant make restitution pursuant to s. 775.089 to any victim of the offense. In addition to the victim's out-of-pocket costs, such restitution may include payment of any other costs, including attorney's fees incurred by the victim in clearing the victim's credit history or credit rating, or any costs incurred in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as the result of the actions of the defendant.

(5)(b) The sentencing court may issue such orders as are necessary to correct any public record that contains false information given in violation of this section.

(6) Prosecutions for violations of this section may be brought on behalf of the state by any state attorney or by the statewide prosecutor.

Rep. Trovillion moved the adoption of the amendment.

Representative(s) Trovillion offered the following:

Amendment 1 to Amendment 1—On page 2, lines 1 through 3 remove from the amendment: all of said lines

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

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Representative(s) Trovillion offered the following:

Amendment 2—On page 2, line 23 after "purposes." of the bill

insert: *The term does not include constitutionally protected conduct such as organized protests or the use of personal identification information for accepted commercial purposes.*

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 75 was taken up. On motion by Rep. Fasano, the rules were suspended and CS for SB 82 was substituted for CS/HB 75. Under Rule 50, the House bill was laid on the table and—

CS for SB 82—A bill to be entitled An act relating to road and bridge designation; codesignating a portion of State Road 54 in Pasco County as the "State Trooper James Crooks Highway"; directing the Department of Transportation to erect suitable signs; designating the Florida Highway Patrol substation on State Road 52 in Land O'Lakes as the "State Trooper James Crooks Substation"; directing the Department of Highway Safety to erect suitable markers; directing the Department of Transportation to erect two additional markers for the "Purple Heart Highway" on State Road 54; designating a portion of Southwest 87th Avenue from Coral Way to Bird Road in Miami-Dade County as the "Saint Marcellin Champagnat Way"; directing the Department of Transportation to erect suitable markers; designating a portion of Highway 20 lying west of the Apalachicola River Bridge in Calhoun County to the Bay County line on the west as the "Fuller Warren Parkway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. Highway 98 in Franklin County as the "Camp Gordon Johnston Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a specified bridge in Fort Lauderdale the "E. Clay Shaw, Jr., Bridge"; designating a specified portion of highway in Fort Lauderdale the "Commodore Brook Memorial Causeway"; directing the Department of Transportation to erect suitable markers; designating a portion of U.S. Highway 90 in Jefferson and Leon counties as a part of the "Florida Arts Trail"; directing the Department of Transportation to erect suitable signs; designating a portion of State Road 9 from NW 58th Street in Dade County to the Broward County line as the "Carrie P. Meek Boulevard"; directing the Department of Transportation to erect suitable markers; naming the Destin Bridge at East Pass the "William T. Marler Bridge"; directing the Department of Transportation to erect suitable markers; designating U.S. Highway 27 as the "Claude Pepper Memorial Highway"; directing the Department of Transportation to erect suitable markers; designating a portion of Biscayne Boulevard as the "Jorge Mas Canosa Boulevard"; directing the Department of Transportation to erect suitable markers; designating a portion of SW 1st Street in Dade County the "Armando Perez 'Yambo' Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

Representative(s) Bush offered the following:

Amendment 1 (with title amendment)—On page 4, lines 19-24, remove from the bill: all of said lines

and insert in lieu thereof:

Section 7. (1) Northwest 27th Avenue from Northwest 54th Street to County Line Road (Miami-Dade/Broward County) is designated as the "Carrie P. Meek Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating the "Carrie P. Meek Boulevard" as described in subsection (1).

And the title is amended as follows:

On page 2, lines 7-10, remove from the title of the bill: all of said lines

and insert in lieu thereof: signs; designating Northwest 27th Avenue from 54th Street to County Line Road as the "Carrie P. Meek"

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

Representative(s) Fasano offered the following:

Amendment 2 (with title amendment)—On page 5, between lines 17 and 18, of the bill

insert:

Section 12. Charles B. Costar, Sr., Turnpike Plaza designation; markers.—

(1) The Palm Beach Plaza on the Florida Turnpike in Palm Beach County is hereby designated as the "Charles B. Costar, Sr., Turnpike Plaza."

(2) *The Department of Transportation is directed to erect suitable markers designating the "Charles B. Costar, Sr., Turnpike Plaza" as described in subsection (1).*

Section 13. *Moroso Memorial Highway designation; markers.—*

(1) *That portion of State Road 710 (Bee Line Highway) in Palm Beach County between State Road 809 (Military Trail) and State Road 706 (Indiantown Road) is hereby designated as the "Moroso Memorial Highway."*

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

Section 14. *Dr. Armando Bucelo, Sr., Way designation; markers.—*

(1) *That portion of Southwest 8th Street in Miami between Southwest 67th Avenue and Southwest 70th Avenue is hereby designated as the "Dr. Armando Bucelo, Sr., Way."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Dr. Armando Bucelo, Sr., Way" as described in subsection (1).*

Section 15. *Trooper Donald Earl Jennings Highway designation; markers.—*

(1) *That portion of State Road 869 (Sawgrass Expressway) in Broward County between State Road 816 (Oakland Park Boulevard) and State Road 870 (Commercial Boulevard) is hereby designated as the "Trooper Donald Earl Jennings Highway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Trooper Donald Earl Jennings Highway" as described in subsection (1).*

Section 16. *Bayou Chico Bridge designation; markers.—*

(1) *The new bridge over Bayou Chico on State Road 292 in Pensacola/Escambia County is hereby designated as the "Bayou Chico Bridge."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Bayou Chico Bridge" as described in subsection (1).*

Section 17. *Senator Ruben Mendiola Way designation; markers.—*

(1) *That portion of Coral Way/State Road 972 in Miami between Southwest 17th Avenue and Southwest 13th Avenue is hereby designated as "Senator Ruben Mendiola Way."*

(2) *The Department of Transportation is directed to erect suitable markers designating "Senator Ruben Mendiola Way" as described in subsection (1).*

And the title is amended as follows:

On page 2, line 25,

after the semicolon insert: designating the "Charles B. Costar, Sr., Turnpike Plaza" in Palm Beach County; designating a portion of State Road 710 in Palm Beach County as the "Moroso Memorial Highway"; designating a portion of Southwest 8th Street in Miami as the "Dr. Armando Bucelo, Sr., Way"; designating a portion of State Road 869 (Sawgrass Expressway) in Broward County as the "Trooper Donald Earl Jennings Highway"; designating the State Road 292 bridge over Bayou Chico as the "Bayou Chico Bridge"; designating a portion of Coral Way/State Road 972 in Miami as "Senator Ruben Mendiola Way"; providing for the erection of markers;

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

Representative(s) Cosgrove offered the following:

Amendment 3 (with title amendment)—On page 5, between lines 17 & 18,

insert:

Section 12. *Pinecrest Parkway designated; markers; effect of designation.—*

(1) *State Road 5 (South Dixie Highway) within the municipal limits of the Village of Pinecrest in Miami-Dade County is hereby designated as the "Pinecrest Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "Pinecrest Parkway" as described in subsection (1).*

(3) *The effect of the designation contained in this section shall only be construed to require the placement of a marker by the Department of Transportation at the termini specified for the highway segment designated by this section. This designation is for honorary purposes and shall not be construed to require any action by a local government or private party regarding the changing of any street sign, mailing address, or emergency telephone number "911" system listing.*

And the title is amended as follows:

On page 2, line 25, after the semicolon

insert: designating a portion of State Road 5 in the Village of Pinecrest in Miami-Dade County as the "Pinecrest Parkway"; directing the Department of Transportation to erect suitable markers; providing for the effect of the designation;

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

Representative(s) Rojas offered the following:

Amendment 4 (with title amendment)—On page 5, between lines 17 and 18,

insert:

Section 12. (1) *That portion of Coral Way between 12th Avenue and 22nd Avenue is hereby designated "Angel Pio de la Portilla Way."*

(2) *The Department of Transportation shall erect suitable markers designating the "Angel Pio de la Portilla Way."*

And the title is amended as follows:

On page 2, line 23,

after the semicolon insert: designating a portion of Coral Way as the "Angel Pio de la Portilla Way";

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

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HBs 1927 & 961—A bill to be entitled An act relating to managed health care; amending s. 408.05, F.S.; requiring the State Center for Health Statistics to publish health maintenance organization report cards; amending s. 408.7056, F.S.; excluding certain additional grievances from consideration by a statewide provider and subscriber assistance panel; revising panel membership; amending s. 641.31, F.S.; providing for a point-of-service benefit rider on a health maintenance contract; providing requirements; providing restrictions; authorizing reasonable copayment and annual deductible; providing exceptions relating to subscriber liability for services received; amending s. 641.3155, F.S.; providing a process for retroactive reduction of payments of provider claims under certain circumstances; amending s. 641.51, F.S.; requiring that health maintenance organizations provide additional information to the Agency for Health Care Administration indicating quality of care; removing a requirement that organizations conduct customer satisfaction surveys; revising requirements for preventive pediatric health care provided by health maintenance organizations; amending s. 641.58, F.S.; providing for moneys in the Health Care Trust Fund to be used for additional purposes; directing the director of the Agency for Health Care Administration to establish an advisory group on the submission and payment of health claims;

providing membership and duties; requiring a report; providing an appropriation; providing effective dates.

—was read the second time by title.

The Committee on Health & Human Services Appropriations offered the following:

Amendment 1—On page 6, lines 20 through 21, remove from the bill: all of said lines

and insert in lieu thereof: *(f) The term "point of service" may not be used by a health maintenance organization except with riders permitted under this section or with forms approved by the department in which a point-of-service product is offered with an indemnity carrier.*

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

Representative(s) Eggleton offered the following:

Amendment 2 (with title amendment)—On page 5, between lines 3 & 4, of the bill

insert:

Section 3. Subsection (5) of section 627.6471, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

627.6471 Contracts for reduced rates of payment; limitations; coinsurance and deductibles.—

(5) Any policy issued under this section which does not provide direct patient access to a dermatologist must conform to the requirements of s. 627.6472(16). Nothing in this subsection shall affect the amount the insured or patient must pay as a deductible or coinsurance amount authorized under this section.

And the title is amended as follows:

On page 1, line 9,

after the semicolon insert: amending s. 627.6471, F.S.; requiring preferred provider organization policies which do not provide direct patient access to a dermatologist to conform to certain requirements imposed on exclusive provider organization contracts;

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

Representative(s) Bloom and Eggleton offered the following:

Amendment 3 (with title amendment)—On page 5, between lines 3 & 4,

insert:

Section 3. Section 641.191, Florida Statutes, is created to read:

641.191 Health maintenance organization subscriber's bill of rights.—

(1) With respect to the provisions of this part, and consistent with the scope of covered conditions and treatments under the contract, the principles expressed in the following statements serve as standards to be followed by the department and the agency in exercising their powers and duties, in exercising administrative discretion, in dispensing administrative interpretations of the law, in enforcing the law, and in adopting rules:

(a) A subscriber has the right to receive quality, medically necessary, and appropriate health care services that are available and accessible in a timely manner.

(b) A subscriber has the right to the provision of medical care by the health maintenance organization with the goal of maintaining the subscriber's good health in a cost-effective fashion and treating the subscriber's medical conditions as may be necessary and appropriate.

(c) A subscriber has the right to accurate and easily understood information with which to make informed decisions about health plans, professionals, and facilities.

(d) A subscriber has the right to compassionate, sympathetic, and respectful care from all health maintenance organization providers and employees.

(e) A subscriber has the right to simple, fair, timely, and impartial procedures for resolving coverage disputes.

(f) The subscriber has the right to a timely referral with payment preauthorization for covered treatment outside the health maintenance organization's provider network when a health maintenance organization does not have a provider specializing in or experienced with respect to the medical care or course of treatment appropriate to the subscriber's medical condition.

(g) A subscriber has a right to expedited treatment of any covered condition that would jeopardize the life or health of the subscriber or would jeopardize the subscriber's ability to regain maximum functioning.

(h) A subscriber has a right to a quality assurance program with respect to health maintenance organization providers to provide medically necessary care and treatment and to avoid unnecessary, inappropriate, or improper medical care or services.

(2) This section may not be construed as creating a civil cause of action by any subscriber against any health maintenance organization.

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: creating s. 641.191, F.S.; establishing a health maintenance organization subscriber's bill of rights;

Rep. Bloom moved the adoption of the amendment.

Point of Order

Rep. Peaden raised a point of order, under Rule 146, that the amendment by Rep. Bloom was out of order since it included the principal substance of a bill (HB 1541) residing in the Committee on Health Care Services.

Rep. Arnall, Chair of the Committee on Rules & Calendar, noted that, although the amendment incorporated only a few lines of a lengthy bill, the lines included encompassed the principal substance of the bill as defined by the rule.

The Chair [Speaker Thrasher], after reviewing the amendment offered by Representative Bloom and HB 1541, concurred with the recommendation of the Chair of the Committee on Rules & Calendar and ruled the point well taken and the amendment out of order.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

CS/HB 1033—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; defining "juvenile justice provider" and "school year for juvenile justice programs"; amending s. 228.051, F.S., relating to the organization and funding of required public schools; requiring the public schools of the state to provide instruction for youth in Department of Juvenile Justice programs; amending s. 228.081, F.S.; requiring the development and adoption of a rule articulating expectations for education programs for youth in Department of Juvenile Justice programs; requiring the development of model contracts for the delivery of educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to provide training and technical assistance; requiring the development of model procedures for transitioning youth into and out of Department of Juvenile Justice programs; requiring the development of model procedures regarding education records; requiring the Department of Education to provide, or contract for the provision of, quality assurance reviews of all juvenile justice education programs; amending s. 229.57, F.S.; revising provisions relating to the statewide assessment program

to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; requiring the Department of Education to develop and implement assessment tools to be used in juvenile justice programs; amending s. 229.58, F.S.; authorizing the establishment of district advisory councils for juvenile justice education programs; amending s. 229.592, F.S.; revising provisions relating to the implementation of the state system of school improvement and education accountability to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; deleting obsolete language; amending s. 230.23, F.S., relating to powers and duties of the school board; revising provisions relating to school improvement plans and public disclosure to include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs; amending s. 230.2316, F.S., relating to program criteria for dropout prevention programs; requiring common education assessments for all students assigned to residential or nonresidential commitment or detention facilities; amending s. 230.23161, F.S., relating to educational services in Department of Juvenile Justice programs; providing legislative intent; requiring the Department of Education to serve as the lead agency; requiring the Department of Education and the Department of Juvenile Justice to designate a coordinator to ensure department participation in certain activities; requiring student access to GED programs; requiring certain funding; revising provisions relating to compulsory school attendance; requiring the development of an academic improvement plan for certain students; providing requirements regarding academic records; requiring provisions for the earning and transfer of credits; providing funding requirements; revising provisions relating to quality assurance standards; requiring the Department of Juvenile Justice site visit and the education quality assurance site visit to take place during the same visit; requiring the establishment of minimum standards; requiring the State Board of Education to adopt rules establishing sanctions for performance below minimum standards; revising requirements regarding an annual report; amending s. 235.194, F.S.; requiring the submission of the district's general educational facilities report to each juvenile justice district manager within the school board's jurisdiction; requiring the inclusion of educational facilities serving youth in Department of Juvenile Justice programs in the educational facilities report; creating s. 235.1975, F.S., relating to cooperative development of educational facilities in juvenile justice programs; requiring a review and analysis of existing facilities; requiring the development and submission of a plan; requiring the Department of Juvenile Justice to provide certain information to school districts and the Department of Education regarding new juvenile justice facilities; providing an appropriation; providing requirements regarding planning and budgeting; amending s. 237.34, F.S.; requiring each district to expend at least 90 percent of the funds generated by juvenile justice programs on the aggregate total school costs for such programs; amending s. 985.401, F.S.; requiring the Juvenile Justice Accountability Board to study the extent and nature of education programs for juvenile offenders; amending s. 985.413, F.S.; revising the duties of district juvenile justice boards; requiring the development and submission of a plan for education programs in detention centers; amending s. 985.404, F.S., relating to the administration of the juvenile justice continuum; correcting a cross reference; providing an effective date.

—was read the second time by title.

The Committee on Education Innovation offered the following:

Amendment 1—On page 5, line 4,
remove from the bill: 260

and insert in lieu thereof: 250

The Committee on Education Innovation offered the following:

Amendment 2—On page 10, line 15,
remove from the bill: 3

and insert in lieu thereof: 5

The Committee on Education Innovation offered the following:

Amendment 3 (with title amendment)—On page 20, line 27,
through page 22, line 11,

remove from the bill: all of said lines

And the title is amended as follows:

On page 2, lines 20 through 25,
remove from the title of the bill: all of said lines

and insert in lieu thereof: amending s. 230.23161, F.S.,

The Committee on Education Innovation offered the following:

Amendment 4—On page 23, between lines 8 and 9, of the bill
insert: (d) *Prescribing the roles of program personnel.*

The Committee on Education Innovation offered the following:

Amendment 5—On page 29, line 15 of the bill, after "Justice"
insert: , *school districts*

The Committee on Education Innovation offered the following:

Amendment 6 (with title amendment)—On page 32, lines 9
through 26,
remove from the bill: all of said lines

And the title is amended as follows:

On page 3, lines 20 through 27,
remove from the title of the bill: all of said lines

and insert in lieu thereof: report; creating s.

The Committee on Education Innovation offered the following:

Amendment 7—On page 33, line 28, of the bill, after "state."
insert: *The Department of Juvenile Justice shall notify, in writing, the appropriate school district when a request for proposals is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified.*

Rep. Bainter moved the adoption of the committee amendments,
which were adopted *en bloc*.

The Committee on Education Appropriations offered the following:

Amendment 8—On page 7, line 27
remove from the bill: 90

and insert in lieu thereof: 80

The Committee on Education Appropriations offered the following:

Amendment 9—On page 24, line 10,
remove from the bill: *weighted*

and insert in lieu thereof: *basic program*

The Committee on Education Appropriations offered the following:

Amendment 10—On page 27, lines 1-8,
remove from the bill: all of said lines

and insert in lieu thereof: (a) *Juvenile justice education programs shall be funded in the appropriate FEFP program based on the educational services needed by the student for Department of Juvenile Justice programs in accordance with s. 236.081.*

The Committee on Education Appropriations offered the following:

Amendment 11—On page 27, line 10,
remove from the bill: *weighted cost factor*

and insert in lieu thereof: *appropriate FEFP program funding*

The Committee on Education Appropriations offered the following:

Amendment 12—On page 33, lines 8-17,
remove from the bill: all of said lines

and insert in lieu thereof: *equipment, furnishings, and technology for improving the learner's educational outcomes. The Department of Education shall submit this plan to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of the Department of Juvenile Justice by November 1, 1999. The plan shall contain sufficient detail for the development of a fixed capital outlay budget request which will ensure that student achievement will be enhanced.*

The Committee on Education Appropriations offered the following:

Amendment 13—On page 34, line 20,
remove from the bill: 90

and insert in lieu thereof: 80

The Committee on Education Appropriations offered the following:

Amendment 14—On page 38, lines 13-20,
remove from the bill: all of said lines

and insert in lieu thereof: *local school districts to develop a plan for educational programs in detention centers. The plan shall reflect the unique needs, variability in lengths of stay, and diversity of youth assigned to juvenile justice detention centers, and instructional strategies to improve student achievement. The plan shall anticipate the use of all state and local funding categories available to ensure the success of students who are being educated in juvenile justice facilities. The plan shall provide for appropriate performance outcome measures. The plan shall be submitted to the Governor, the*

Rep. Bainter moved the adoption of the committee amendments, which were adopted *en bloc*.

Under Rule 121(b), the bill was referred to the Engrossing Clerk.

HB 667 was taken up. On motion by Rep. A. Greene, the rules were suspended and—

SB 1794—A bill to be entitled An act relating to postsecondary remediation; amending s. 239.301, F.S., relating to adult general education; revising a provision relating to funding for college-preparatory classes; amending s. 240.1161, F.S., relating to district interinstitutional articulation agreements; authorizing the provision of performance incentive funds for the effective implementation of remedial reduction plans; providing that interinstitutional articulation agreements include a plan outlining the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers; amending s. 240.117, F.S., relating to common placement testing for public postsecondary education; revising a provision relating to funding for college-preparatory classes; amending s. 240.124, F.S.; providing exceptions to the requirement that students enrolled in the same course more than twice pay the full cost of instruction and not be included in calculations for state funding purposes; providing an effective date.

—was substituted for HB 667 and read the second time by title. Under Rule 50, the House bill was laid on the table and the Senate bill was referred to the Engrossing Clerk.

On motion by Rep. Arnall, the rules were suspended and the House moved to the order of—

Ceremonial Resolutions Calendar

HR 9069—A resolution commending the New York Yankees for winning the 1998 World Series and for their contributions to the State of Florida.

WHEREAS, Major League Baseball's New York Yankees are owned by George M. Steinbrenner, a productive and valued resident of the City of Tampa, Florida, and

WHEREAS, the Yankees, 24-time World Champions, conduct their annual spring training in the City of Tampa, as well as maintaining their year-round player development training facility for both their major league and minor league players, and

WHEREAS, the presence of the Yankees organization in the City of Tampa provides an economic boost not only to the city, but to area charities and to the entire Tampa Bay area, and

WHEREAS, members of the New York Yankees who either live in or are from the Tampa Bay area include players Derek Jeter, Joe Girardi, David Cone, Tino Martinez, and Coach Don Zimmer, and

WHEREAS, the Yankees, characterized by Time Magazine as the "best team ever," had an outstanding 1998 season, winning 125 games and losing only 50, and

WHEREAS, the Yankees capped the season by winning the American League Eastern Division title, then the American League pennant, and ultimately the 1998 World Series, to win the World Series for the second time in 3 years, and

WHEREAS, Yankees Manager Joe Torre did an extraordinary job of managing the team through its amazing 1998 season, his third with the team, after a long and stellar career as a major league player, and

WHEREAS, it is fitting and appropriate that the members of the Florida House of Representatives commend an organization that is responsible for so much benefit to the State of Florida, NOW, THEREFORE,

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

That the New York Yankees are hereby commended for their record-setting season and for winning the 1998 World Series.

BE IT FURTHER RESOLVED that owner George M. Steinbrenner, Manager Joe Torre, all Yankees coaches and players, and the entire Yankees organization are further commended, not only for their distinguished accomplishments on behalf of Major League Baseball, but also for their many contributions on behalf of the City of Tampa, the Tampa Bay area, and the State of Florida.

—was read the second time by title. On motion by Rep. L. Miller, the resolution was adopted.

HR 9073—A resolution honoring Gene Bebbler upon his retirement.

WHEREAS, University of Miami alumnus Gene Bebbler began his career at Mt. Dora High School in 1970 when he stood as head football coach overlooking the Mt. Dora Hurricane's playing field and knew that he was "home," and

WHEREAS, after serving as head coach for two years, Gene Bebbler accepted the position of athletic director, a post he was to hold for 23 years, and

WHEREAS, in addition to his time as head coach of the Mt. Dora Hurricanes, Gene Bebbler's coaching duties of the past 30 years include coaching junior varsity football, baseball, boys' track, weightlifting, golf, and girls' tennis, and

WHEREAS, Gene Bebbler also devoted himself to the classroom, where he taught American history, American government, geography, compensatory education, and physical education, and

WHEREAS, while engaged as a teacher and coach, Gene Bebbler also acted as sponsor for the Key Club from 1981-1985 and as a class sponsor for five years for the freshman, sophomore, junior, and senior classes, and

WHEREAS, during his career at Mt. Dora High, the seemingly tireless Gene Bebbler formed the Hurricane Booster Club, was instrumental in having the gymnasium improved, initiated the building of a much-needed field house and two practice fields, and saw to it that a weight room was built and furnished and later improved and expanded, and

WHEREAS, Gene Bebbler was responsible for many fundraisers for the support of the school athletic teams, ensuring that each team was always properly outfitted and equipped and that the facilities were the best to be had, and

WHEREAS, on October 29, 1998, Gene Bebbler retired from a long and illustrious career as educator, coach, and athletic director of Mt. Dora High School, NOW, THEREFORE,

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

That the House of Representatives pauses in its deliberations to congratulate and honor Gene Bebbler upon his retirement from Mt. Dora High School.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Gene Bebbler as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Bainter, the resolution was adopted.

HR 9071—A resolution designating January 29 as “Thomas Paine Day.”

WHEREAS, Thomas Paine was born on January 29, 1737, and

WHEREAS, Thomas Paine, a peer of George Washington, James Madison, Benjamin Franklin, and Thomas Jefferson, a leader of the American Revolution, and one of the Founding Fathers of the United States, was one of the most brilliant political philosophers of his time, and

WHEREAS, in his classic work “Common Sense,” Thomas Paine crystallized the American Colonies’ decision for independence, and

WHEREAS, Thomas Paine supported the American Revolution through personal service, his personal finances, and his inspirational “Crisis Papers,” and

WHEREAS, Thomas Paine was the first person to pen the title “the United States of America,” and

WHEREAS, Thomas Paine was a forerunner of Abraham Lincoln, advocating the abolition of slavery years before Lincoln was born, and

WHEREAS, Thomas Paine’s book “The Rights of Man” remains today as the defining work on democracy, and

WHEREAS, just as the passionate nature of his writing set the course of America for democracy over 200 years ago, Thomas Paine’s life and work continue to inspire people the world over who seek liberty and democracy, and

WHEREAS, it is fitting and appropriate that Thomas Paine, one of the greatest contributors to the foundation of the United States, and to the principles of liberty and democracy throughout the world, be accorded the honor and recognition that has long been overdue him, NOW, THEREFORE,

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

That the House of Representatives of the State of Florida hereby designates January 29 as “Thomas Paine Day” throughout the State of Florida.

—was read the second time by title. On motion by Rep. Sembler, the resolution was adopted.

HR 9075—A resolution honoring the Glades Central High School Raiders, winners of the State Division 4A High School Football Championship.

WHEREAS, the 1998 regular football season for the Glades Central High School Raiders was marked by several come-from-behind victories, earning the Raiders the nickname “the Miracle Kids,” and

WHEREAS, on Friday, December 18, 1998, the Glades Central High School Raiders staged a 33-28 come-from-behind victory over the Madison County High School Cowboys before a crowd of 4,840 at Florida Field on the University of Florida campus in Gainesville, and

WHEREAS, in doing so, the Glades Central High School Raiders became the Division 4A High School Football Champions in the State of Florida, and

WHEREAS, the victory was the culmination of a season in which the Raiders were given little chance of playing for a state championship, and

WHEREAS, Glades Central trailed Madison County 28-14 with only 6:41 remaining in the championship game, and

WHEREAS, Glades Central scored 19 points from three touchdown passes in the final minutes of the game, and

WHEREAS, key to the Raiders’ victory was junior wide receiver, Reggie Vickers, who caught a 31-yard touchdown pass with only 20 seconds remaining in the game, and

WHEREAS, Vickers caught 4 passes for 85 yards, including two for touchdowns, and returned a kickoff 80 yards for another score, and

WHEREAS, first-year quarterback Jerry Campbell engineered the winning 97-yard drive for Glades Central, finishing the night with 4 touchdown passes, going 18 of 36 for 301 yards, and

WHEREAS, Tremaine Knight and Antonio Thomas also caught touchdown passes, with Thomas pulling in 9 receptions for 105 yards, and

WHEREAS, it is fitting and appropriate that the Glades Central High School Raiders be acknowledged for their outstanding 1998 regular season and their postseason championship, NOW, THEREFORE,

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

That the House of Representatives of the State of Florida hereby recognizes the Glades Central High School Raiders, winners of the Division 4A State High School Football Championship.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Milton Watson, Head Coach of the Glades Central High School Raiders, to the assistant coaches, and to each member of the Glades Central High School football team.

—was read the second time by title. On motion by Rep. Minton, the resolution was adopted.

HR 9077—A resolution in recognition of Clyde Hart.

WHEREAS, Clyde Hart was born in Melbourne, Florida, on December 30, 1920, and is most well-known in the State of Florida as the owner of Orlando Speedworld and the New Smyrna Speedway, and

WHEREAS, the parents of Clyde Hart, George and Agnus Hart, were pioneer residents in the Orlando area, and

WHEREAS, Lake Hart and Lake Mary Jane in southeast Orange County are named after the pioneer Hart family, and

WHEREAS, after graduating from high school in Orlando in 1939, Clyde Hart went to live with an uncle and aunt in New Smyrna Beach, and

WHEREAS, it was in New Smyrna that Clyde Hart began to work cattle from the open range from Seville to Palatka and the southern part of the St. Johns River, and

WHEREAS, during a brief period in which he worked for the Florida East Coast Railroad, Clyde Hart married his wife, Victoria “Dolly” Hart, in 1941, before he returned to working cattle again, and

WHEREAS, in 1946, Clyde Hart bought 5,000 acres of land from the Florida Farms Service, and

WHEREAS, Clyde and Dolly Hart began clearing and draining the land, using the natural byproducts of the property, such as heart cypress, green cypress, and turpentine, to pay for the land, and

WHEREAS, with the money generated from these sales, they invested in more land, small business centers, U.S. Post Offices, pari-mutuel harness horse racing tracks, the New Smyrna Speedway, the Orlando Speedworld Oval Track, the Orlando Speedworld Drag Strip, additional land, and more cattle, and

WHEREAS, among Clyde Hart's many accomplishments was his service as one of the supervisors of the New Smyrna/DeLand Drainage District, and

WHEREAS, Clyde Hart was instrumental in forming the Volusia County Farm Bureau, served as past president of the Volusia County Cattlemen's Association, and past vice president of the Florida Cattle Association, and

WHEREAS, in the early 1960's, Clyde Hart headed a group that influenced the passage of the first pari-mutuel horse racing bill in the Florida Legislature in 20 years, and

WHEREAS, Clyde Hart was also instrumental in obtaining the pari-mutuel license for the Pompano Harness Track in Hollywood, Florida, and

WHEREAS, on June 25, 1998, Clyde Hart died, and

WHEREAS, it is with great sadness and fond remembrance that the citizens of the Central Florida area whose lives were touched by Clyde Hart mark his passing, and

WHEREAS, it is fitting and appropriate that the Florida House of Representatives recognize Clyde Hart for his many contributions to the state and the Central Florida area, NOW, THEREFORE,

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

That the House of Representatives of the State of Florida hereby recognizes Clyde Hart for his many contributions to the citizens of the Central Florida area and to the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Victoria "Dolly" Hart and Robert L. Hart as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Posey, the resolution was adopted.

HR 9089—A resolution commemorating the 60th Anniversary of the founding of Escambia River Electric Cooperative.

WHEREAS, 1999 marks the 60th Anniversary of the founding of Escambia River Electric Cooperative, and

WHEREAS, the cooperative has a long and successful history of providing electric power to rural residents of Santa Rosa and Escambia Counties, and

WHEREAS, the great achievements of the cooperative can be measured by the long strides these counties have made in the area of economic development, and

WHEREAS, this 60th Anniversary observance also presents an opportunity to honor the memory and contributions of the early founders, employees, and trustees who have worked tirelessly to make this cooperative a leader among its peers, NOW, THEREFORE,

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

That the Florida House of Representatives highly commends Escambia River Electric Cooperative, its board of trustees, and its employees for 60 years of excellent service to its consumers.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Escambia River Electric Cooperative as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. J. Miller, the resolution was adopted.

HR 9091—A resolution declaring the second Tuesday in September 1999 "Florida Missing Children's Day."

WHEREAS, an estimated 800,000 children are reported missing annually, and

WHEREAS, each year in the State of Florida, approximately 61,000 children are reported missing, and

WHEREAS, children who are missing from home and not living in a family environment may be exposed to sexual and physical victimization, and

WHEREAS, it is necessary to protect the safety of our children through education and prevention efforts, and

WHEREAS, there is a need to increase awareness and understanding of the problem among our parents, citizens, and law enforcement officers, and

WHEREAS, it is vital that we remember those children who have been abducted, abused, and murdered, and persevere in the search for those children who have not yet been found, NOW, THEREFORE,

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

That the second Tuesday in September 1999 be declared "Florida Missing Children's Day" in remembrance of Florida's past and present missing children and in recognition of our state's continued efforts to protect the safety of children through prevention, education, and community involvement.

—was read the second time by title. On motion by Rep. Starks, the resolution was adopted.

HR 9093—A resolution supporting the application of Broward, Miami-Dade, and Palm Beach Counties to jointly host the Pan American Games in the year 2007.

WHEREAS, the Pan American Games, held every four years for the 42 nations of the Pan American Sports Organization in the Western Hemisphere, have taken place on 12 occasions and have been hosted by nine different nations, the United States having served as host in Chicago in 1959 and in Indianapolis in 1987, and

WHEREAS, celebrating amateur sports at their best, this multisports event continues to gain in prominence and in the number of sports and participants, and hosting the games would be a great honor to the State of Florida and its citizens, and

WHEREAS, Broward, Miami-Dade, and Palm Beach Counties have submitted a bid to jointly host the Pan American Games in the year 2007, at which time the 16-day event is expected to draw between 1.2 and 2 million spectators, with a total economic impact projected to range from \$256 to \$358 million, in addition to a possible \$13 to \$18 million in government revenue and the creation of between 4,300 and 6,000 new jobs, and

WHEREAS, South Florida, emerging as a cultural, economic, and political focal point for the Western Hemisphere, already has the facilities and infrastructure to host the Pan American Games and is prepared to make any capital improvements that may be necessary, and

WHEREAS, in an impressive exhibit of efficiency, cooperation, and teamwork, the bid to attract the Pan American Games to South Florida represents the first collaborative effort of the three South Florida counties to host an international event of this magnitude, NOW, THEREFORE,

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

That the House of Representatives recognizes that the benefits offered by Broward, Miami-Dade, and Palm Beach Counties are unsurpassed anywhere else in the hemisphere and enthusiastically supports the bid by these counties to attract the Pan American Games to South Florida in 2007.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the United States Olympic Committee and the South Florida 2007 Pan American Games Bid Committee as tangible proof of support for, and the earnest desire of, the State of Florida to be a part of this celebration of amateur athletics.

—was read the second time by title. On motion by Rep. Starks, the resolution was adopted.

HR 9103—A resolution in recognition of Ronald McDonald House Charities.

WHEREAS, Ronald McDonald House is a temporary lodging facility for the families of seriously ill children being treated at nearby hospitals, and

WHEREAS, the first Ronald McDonald House opened in Philadelphia in 1974 as the result of the perseverance and dedication of Fred Hill, then a Philadelphia Eagles football player, who, when his 3-year-old daughter Kim was diagnosed with leukemia and underwent treatment at the local children's hospital, camped out with his wife on hospital chairs and benches, ate food from vending machines, and did all they could to keep their daughter from seeing their sadness, exhaustion, and frustration, and

WHEREAS, all around them, the Hills saw other parents doing the same thing and learned that many of the families had traveled great distances to bring their children to the medical facility, only to find the high cost of hotel rooms prohibitive, and

WHEREAS, very few institutions at that time provided sufficient accommodations for such families, and, determined to help other families experiencing the same emotional and financial traumas as his own, Hill rallied the support of his teammates to raise funds to help remedy the situation, and

WHEREAS, the Philadelphia Eagles organization offered its support to Dr. Audrey Evans, head of the pediatric oncology unit at Children's Hospital of Philadelphia, whose dream for a house to serve as temporary residence for families of children being treated at her hospital, along with the efforts of Fred Hill and the McDonald's Corporation, led to the first Ronald McDonald House, and

WHEREAS, Hill enlisted the help of his teammates and the local McDonald's restaurant franchisees to raise funds to purchase and renovate the first Ronald McDonald House, and

WHEREAS, when this unlikely partnership was formed between an NFL team, a children's hospital, and a restaurant chain, none of its members could have imagined that their dream of a "home-away-from-home" for families of seriously ill children would grow to become an international phenomenon, and

WHEREAS, by 1979, ten more Ronald McDonald Houses had opened; in the next five years, local communities founded an additional 60 Houses; and 53 more opened in the next five years, and

WHEREAS, today, there are 195 Ronald McDonald Houses open in 16 countries, with more than 3,000 bedrooms available for families every night and, by the end of 1999, ten new Houses will open, including the first Houses in Hungary, Malaysia, and Mexico, for a total of 205 Ronald McDonald Houses in 18 countries, and

WHEREAS, each Ronald McDonald House is run by a local nonprofit organization comprised of members of the medical community, business and civic leaders, parent/volunteers, and McDonald's owners/operators, supported by nearly 20,000 volunteers who annually donate over one million hours of their time, providing the backbone of the program and helping with all aspects of House operations, including fundraising, program development, and services to families, and

WHEREAS, Ronald McDonald House is the cornerstone program of Ronald McDonald House Charities, a not-for-profit organization that, to date, through its global network of local charities, has awarded nearly \$200 million in grants to children's programs worldwide, and

WHEREAS, since 1974, having served more than two million family members whose children are receiving medical treatment for cancer, heart disease, organ transplants, neonatal complications, burns, and major accidents, Ronald McDonald House has created a place where parents can be with families who understand each other's situations and can provide emotional support and, in so doing, has rendered a service

of tremendous compassion for millions of people in this nation and abroad, NOW, THEREFORE,

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

That the House of Representatives of the State of Florida hereby recognizes and commends Ronald McDonald House Charities for a quarter of a century of exceptional humanitarian service.

—was read the second time by title. On motion by Rep. Feeney, the resolution was adopted.

HR 9123—A resolution commending the Florida forest products industry.

WHEREAS, Floridians have always taken great pride in their state's rich bounty of natural resources, and the careful stewardship of these precious assets is essential if future generations are to benefit from them, and

WHEREAS, an essential component of the Florida economy, the forest products industry is comprised of more than 39,000 employees, and the vital importance of the industry underscores the necessity for intelligent management of the state's more than 16 million acres of forestland, and

WHEREAS, the Florida forest products industry, in recognition of its stewardship responsibilities in nurturing the forest resource, has pledged itself to the continuing principles of sustainable forestry by initiating the Sustainable Forestry Initiative Standard, a self-regulatory program committed to responsible environmental stewardship of the forests, water resources, and wildlife, and

WHEREAS, the agenda of the Sustainable Forestry Initiative Standard is to educate the public as to the importance, and train in the methods, of protecting these valuable resources, and to promote and monitor progress made toward this worthy goal, NOW, THEREFORE,

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

That the Florida House of Representatives hereby recognizes and commends the state's forest products industry for its commitment to the responsible use of natural resources, and applauds the creation of the Sustainable Forestry Initiative Standard as a means to this end.

—was read the second time by title. On motion by Rep. Crady, the resolution was adopted.

Motion

On motion by Rep. Crady, the rules were suspended and **HB 1599** and **HB 1605** were added to the next Local Calendar.

Motions Relating to Committee References

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 609, 783, 1443, and 1649 were withdrawn from the Committee on Insurance. HBs 609 and 783 were placed on the appropriate Calendar. HB 1443 remains referred to the Committees on Health Care Licensing & Regulation and General Government Appropriations. HB 1649 remains referred to the Committees on General Government Appropriations and General Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 1837 was withdrawn from the Committee on Transportation and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 2019 was withdrawn from the Committee on Judiciary and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 1779 was withdrawn from the Committee on Crime & Punishment and remains referred to the Committee on Criminal Justice Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 979 was withdrawn from the Committee on Community Affairs and remains referred to the Committees on Finance & Taxation and Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1985 was withdrawn from the Committee on Governmental Operations and remains referred to the Committees on Governmental Rules & Regulations and General Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1985 was withdrawn from the Committee on Governmental Rules & Regulations and remains referred to the Committee on General Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1993 was withdrawn from the Committee on Water & Resource Management and remains referred to the Committee on Health & Human Services Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 1443 was withdrawn from the Committee on Health Care Licensing & Regulation and remains referred to the Committee on General Government Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 773 was withdrawn from the Committee on Health Care Services and remains referred to the Committee on General Government Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/CS/HB 23 was withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HBs 91, 137, 333, and 781 and CS/HB 2013 were withdrawn from the Committee on Criminal Justice Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS for SB 288 and SB 602 were withdrawn from the Committee on Education Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, HB 591; CS/HB 967; and HBs 1115, 1117, 1419, 1425, 1579, and 1597 were withdrawn from the Committee on Finance & Taxation. HBs 591, 1115, 1117, 1425, 1579, and 1597 were placed on the appropriate Calendar. CS/HB 967 and HB 1419 remain referred to the Committee on Transportation & Economic Development Appropriations.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 231; CS for SB 306; and HBs 1443, 1849, 2103, 2161, and 2165 were withdrawn from the Committee on General Government Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 1795 and HB 1993 were withdrawn from the Committee on Health & Human Services Appropriations and placed on the appropriate Calendar.

On motion by Rep. Arnall, Chair of the Committee on Rules & Calendar, agreed to by two-thirds vote, CS/HB 875 and HBs 1075, 1419, and 1759 were withdrawn from the Committee on Transportation & Economic Development Appropriations and placed on the appropriate Calendar.

Messages from the Senate

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has passed HBs 1231, 1233, 1235, and 1403 by the required

Constitutional three-fifths vote of the members of the Senate; and passed HBs 449, 633, 803, 947, 949, 971, 1001, 1089, 1099, 1417, 1481, 1501, 1561, 1563, 1565, 1567, 1569, 1571, 1573, 1577, 1593, 1595, 1629, and 1687.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in the House amendment and passed CS for SB 156, as amended.

Faye W. Blanton, Secretary

The Honorable John Thrasher, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in the House amendments and passed SB 996, as amended.

Faye W. Blanton, Secretary

Motion to Adjourn

Rep. Arnall moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 8:50 a.m., Thursday, April 22. The motion was agreed to.

Recorded Votes

Rep. Roberts:

Yea—HB 1437

Prime Sponsors

HB 1931—Casey

HB 1981—Casey

Cosponsors

CS/HB 121—Sorensen

CS/HB 259—Sorensen

HB 333—Eggelletion

CS/HB 365—Boyd

HB 457—Heyman

HB 561—C. Green

HB 667—Bullard

HB 737—C. Green, Lynn

HB 931—Brunner

CS/HB 967—Constantine

HB 1495—Lynn

HB 1641—Sorensen

HB 1717—Sobel

HB 1931—Lynn, Morroni

HB 1971—Wiles

CS/HB 2019—Ritchie

HB 2137—Flanagan

HR 9149—Bullard

HR 9157—Bullard

HR 9181—Hill

Withdrawals as Cosponsor

HB 2137—Harrington

HB 2139—Harrington

Introduction and Reference

By Representative Crady—

HB 2251—A bill to be entitled An act relating to Bradford County; repealing, pursuant to s. 189.4044, F.S., chapter 73-408, Laws of Florida, as amended, which creates the Bradford County Historical Board of Trustees; providing an effective date.

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

Referred to the Committee(s) on Community Affairs.

By Representative Stansel—

HB 2255—A bill to be entitled An act relating to trust funds; creating the Florida Tobacco Producers Compensation Trust Fund; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Referred to the Committee(s) on Agriculture, Finance & Taxation, and General Government Appropriations.

By Representative Stansel—

HB 2257—A bill to be entitled An act relating to tobacco producers; providing legislative intent; requiring the Department of Agriculture and Consumer Services to design and implement a program to provide compensation for tobacco producers and tobacco quota holders; requiring the department to promulgate rules; specifying source of moneys; providing a contingent effective date.

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

Referred to the Committee(s) on Agriculture, Finance & Taxation, and General Government Appropriations.

By the Committee on Environmental Protection; Representative Dockery—

HB 2259—A bill to be entitled An act relating to environmental protection; amending s. 201.15, F.S.; revising distribution of certain documentary stamp tax revenues; amending s. 369.22, F.S.; revising provisions relating to control of nonindigenous aquatic plants; providing conditions for expenditure of funds; requiring a report; amending s. 369.252, F.S.; providing for the use of certain funds from the Aquatic Plant Control Trust Fund; amending ss. 161.05301, 161.091, 420.5092, and 420.9073, F.S.; correcting cross references; providing effective dates.

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

Referred to the Committee(s) on General Government Appropriations.

By the Committee on General Appropriations; Representative Pruitt—

HB 2261—A bill to be entitled An act relating to lawsuits involving the executive branch; amending s. 45.062, F.S.; providing additional requirements with respect to notification of certain settlements or orders; providing that certain settlements or orders shall be contingent upon and subject to legislative appropriation or statutory amendment; providing for the disposition of funds; providing legislative intent; amending s. 216.023, F.S.; providing for an inventory of all litigation in which an agency is involved that may require additional appropriations to the agency or amendments to the law under which the agency operates as a part of legislative budget requests; amending s. 284.385, F.S.; revising language with respect to the reporting and handling of claims by the Department of Insurance covered by the Florida Casualty Insurance Risk Management Trust Fund; providing an effective date.

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

Referred to the Calendar of the House.

By the Committee on Election Reform; Representative Flanagan—

HB 2263—A bill to be entitled An act relating to elections; amending s. 230.10, F.S.; providing for the election of school board members in a nonpartisan election; amending s. 105.031, F.S.; providing requirements for qualifying for nonpartisan office; requiring a statement of judicial candidates relating to the Code of Judicial Conduct; amending s. 105.035, F.S.; providing an alternative method of qualifying for nonpartisan school board candidates; eliminating the requirement for an undue burden oath; amending s. 105.041, F.S.; revising ballot requirements for nonpartisan candidates; amending s. 105.051, F.S.;

relating to determination of election to judicial office; creating s. 105.055, F.S.; providing for determination of election to the office of school board member; amending s. 105.061, F.S.; specifying the electors who are eligible to vote for nonpartisan school board candidates; amending s. 105.071, F.S., relating to limitations on political activity by candidates for judicial office; revising penalties; amending s. 105.08, F.S.; providing for reporting of contributions and expenditures for nonpartisan school board candidates; amending ss. 99.061, 101.141, 101.151, 101.251, 230.061, and 230.105, F.S., to conform; repealing s. 105.09, F.S., relating to endorsement or other support of judicial candidates by partisan organizations; repealing s. 230.08, F.S., relating to nomination of candidates for the office of school board member; amending s. 228.053, F.S.; correcting a cross reference; providing an effective date.

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

Referred to the Calendar of the House.

By Representatives Valdes, K. Smith, Gay, Turnbull, Bloom, C. Smith, Feeny, and Stafford—

HB 2265—A bill to be entitled An act relating to use of municipal rights-of-way; amending s. 337.401, F.S.; providing that specified provisions of law governing the regulation of rights-of-way for utilities do not apply to the provision of pay telephone service on municipal roads or rights-of-way; providing an effective date.

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

Referred to the Committee(s) on Utilities & Communications and Community Affairs.

By Representative Albright—

HB 2267—A bill to be entitled An act relating to children's health; amending s. 409.8132, F.S.; removing applicability of Medicaid third-party liability requirements to the Medikids program; revising Medikids eligibility; authorizing the Agency for Health Care Administration to implement mandatory assignment of certain Medikids applicants; removing a special enrollment period for eligible newborns; amending s. 409.815, F.S.; creating a Kidcare dental program, subject to annual appropriation; providing requirements; amending s. 409.904, F.S.; providing continuous eligibility of children for Medicaid; revising the Medicaid family income limitation for eligibility of a child under 1 year of age; providing presumptive eligibility of children for Medicaid; amending s. 624.91, F.S.; authorizing the Florida Healthy Kids Corporation to reduce or waive local match requirements under certain circumstances; authorizing the agency to automate processing of Title XXI applications and eligibility determinations; providing an effective date.

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

Referred to the Committee(s) on Health Care Services and Health & Human Services Appropriations.

By Representative Merchant—

HB 2269—A bill to be entitled An act relating to planning and budgeting; creating s. 216.1785, F.S.; providing requirements for the funding of legislative projects not recommended by the Governor or a state agency; providing a contingent effective date.

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

Referred to the Committee(s) on Governmental Operations and General Government Appropriations.

By Representative Merchant—

HB 2271—A bill to be entitled An act relating to trust funds; creating s. 216.1787, F.S.; creating the Exceptional Projects Trust Fund within the Department of Banking and Finance; providing purpose and source of funds; providing for annual carryforward of funds; providing for

future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Referred to the Committee(s) on Financial Services, Finance & Taxation, and General Government Appropriations.

By Representative Johnson—

HB 2273—A bill to be entitled An act relating to the Oklawaha Basin Recreation and Water Conservation and Control Authority, Lake County; amending chapter 29222, Laws of Florida, 1953, as amended; changing the name of the authority to the Lake County Water Conservation Authority; increasing the number of members of the board of trustees from three to five; requiring that members be elected in nonpartisan elections conducted by the county supervisor of elections in accordance with the Florida Election Code; requiring that each member reside in a different county commission district of Lake County; changing the terms of board members, to conform; providing for transition; prohibiting any board member from serving as executive director of the authority; changing the number of board members required to constitute a quorum, to conform; providing for certification of millage to the county property appraiser for assessment; providing severability; providing an effective date.

Proof of publication of the required notice was attached.

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

Referred to the Committee(s) on Community Affairs, Environmental Protection, and General Government Appropriations.

By the Committee on Health & Human Services Appropriations; Representatives Sanderson, Hafner, Murman, and Farkas—

HB 2275—A bill to be entitled An act relating to services for persons with developmental disabilities; amending s. 393.062, F.S.; providing legislative intent on eligibility criteria for intermediate care facilities for the developmentally disabled contained in the state Medicaid plan; amending s. 393.065, F.S.; providing for assessment of the level of need and medical necessity for prospective residents of such facilities after a specified date; providing for an interagency agreement to conduct assessments to determine the level of need and medical necessity for long-term care services; providing for funding of such assessments; restricting reimbursement to those admissions approved pursuant to such assessments; amending s. 409.9127, F.S.; applying provisions relating to preauthorization and concurrent utilization review to direct-service organizations that provide developmental services; requiring the Agency for Health Care Administration to assist the Department of Children and Family Services with such assessment duties; amending s. 393.22, F.S.; providing for transfer of a portion of designated funds to community services under certain circumstances; amending s. 393.0673, F.S.; increasing the amount of certain administrative fines the Department of Children and Family Services may impose; amending s. 409.906, F.S.; authorizing deletion from the state Medicaid plan of the optional Intermediate Care Facility for the Developmentally Disabled service under certain circumstances; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; revising a reference to intermediate care facilities for the developmentally disabled for purposes of reimbursement; eliminating authority for certain facilities to participate in the developmental services waiver; creating part X of chapter 400, F.S.; providing definitions; requiring the licensure of intermediate care facilities for the developmentally disabled; providing requirements for license applications; providing requirements for background screening; providing for provisional licensure; providing for license renewal; providing for license fees; authorizing the Agency for Health Care Administration to institute injunctive proceedings to enforce the part; providing for personnel screening; specifying grounds under which the agency may take action against a licensee; authorizing the agency to institute receivership proceedings; providing rulemaking authority; providing for the classification of deficiencies; providing civil penalties; providing for the approval of plans and specifications and fees therefor; providing for certain officers of the agency, the state, and the

local fire marshal to have a right to enter a licensed facility; providing for a moratorium on admissions to a facility; providing penalties; providing for redesigning of the system of providing services for persons with developmental disabilities to provide a consumer-directed, choice-based system; providing for pilot programs for such purpose; requiring progress reports; providing for future review and repeal; providing an effective date.

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

Referred to the Calendar of the House.

By Representative Rayson—

HB 2277—A bill to be entitled An act relating to pretrial detention and release; amending s. 903.047, F.S.; providing conditions and procedures for revoking a defendant's pretrial release; amending s. 907.041, F.S.; authorizing the court to revoke a defendant's pretrial release and require pretrial detention if the court finds that the defendant violated any condition of pretrial release; providing an effective date.

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

By the Committee on General Government Appropriations; Representative Sembler—

HB 2279—A bill to be entitled An act relating to trust funds; creating s. 403.0611, F.S.; creating the Environmental Law Enforcement Trust Fund within the Department of Environmental Protection; providing purpose and source of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Referred to the Calendar of the House.

By Representative Albright—

HR 9199—A resolution supporting the passage of the Lake Oklawaha Recreation Area Management Plan.

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

Referred to the Committee(s) on Water & Resource Management and Rules & Calendar.

By Representative Melvin—

HR 9201—A resolution commending Niceville High School senior Michael Rizk for his accomplishments in making a perfect score on the American College Test.

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

Referred to the Calendar of the House.

By Representative Melvin—

HR 9203—A resolution paying tribute to the late Theresa Gail May for her contributions to education in Santa Rosa County.

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

Referred to the Calendar of the House.

Reference

HB 2253—Referred to the Committee(s) on Health Care Services and Health & Human Services Appropriations.

First Reading of Committee Substitutes by Publication

By the Committees on General Government Appropriations; Real Property & Probate; Representative Villalobos—

CS/CS/HB 291—A bill to be entitled An act relating to homestead exemption; creating s. 196.075, F.S.; authorizing boards of county

commissioners and municipal governing authorities to grant by ordinance an additional homestead exemption for persons 65 and older whose household income does not exceed a specified amount; defining the terms "household" and "household income"; providing requirements for the ordinances; providing an effective date.

By the Committee on Health Care Licensing & Regulation; Representative Boyd—

CS/HB 965—A bill to be entitled An act relating to medical practice; providing legislative intent; creating the Task Force on Telehealth; providing for appointment of members; providing for administrative support by the Department of Health; providing duties; requiring a report; providing for termination; providing an effective date.

By the Committee on Health Care Licensing & Regulation; Representative Boyd—

CS/HB 1527—A bill to be entitled An act relating to regulation of professions and occupations; amending s. 455.564, F.S.; authorizing the Department of Health, if there is no regulatory board, to adopt rules to establish the criteria for continuing education courses required for renewal of a license; amending s. 455.624, F.S.; providing penalties for violation of continuing education requirements; amending ss. 464.015 and 464.016, F.S.; prohibiting persons from using the name or title of "nurse" unless licensed or certified as such; providing penalties; amending ss. 455.557 and 455.565, F.S.; exempting resident physicians, interns, and fellows, whether registered or applying for registration, from credentialing and profiling requirements; providing an effective date.

By the Committee on Education Appropriations; Representatives Betancourt, Bradley, and Murman—

CS/HB 1697—A bill to be entitled An act relating to postsecondary student fees; amending s. 239.117, F.S.; revising provisions relating to financial aid fees for workforce development programs; specifying authorized fees for workforce development programs; providing for parking fees and technology fees to be pledged as dedicated funding sources for the repayment of debt; amending s. 240.319, F.S.; providing requirements for lease-purchase agreements; correcting cross references; amending s. 240.35, F.S.; revising requirements regarding fee schedules, matriculation and tuition fees, financial aid fees, and technology fees; specifying fees authorized to be established by community college boards of trustees; providing an effective date.

By the Committees on General Government Appropriations; Governmental Operations; Representatives Posey, Ball, A. Greene, Hafner, and Fasano—

CS/HB 1707—A bill to be entitled An act relating to the Department of Management Services; amending s. 20.22, F.S.; revising the organizational structure of the department relating to labor organizations; amending s. 110.1099, F.S.; providing conditions for the reimbursement of training expenses by an employee; amending s. 110.112, F.S.; revising reporting requirements; amending s. 110.1245, F.S.; revising reporting requirements; increasing the cap on meritorious service awards; amending s. 110.131, F.S.; authorizing the designee of an agency head to extend the other-personal-services employment of a health care practitioner; amending s. 110.151, F.S.; modifying duties of state agencies for child care programs sponsored by the agencies; amending s. 110.181, F.S.; providing that the fiscal agent for the Florida State Employees' Charitable Campaign need not reimburse costs under specified conditions; amending s. 110.201, F.S.; providing for adoption of rules; providing for a workforce report; amending s. 110.205, F.S.; authorizing the Department of Management Services to designate specified employees within the Governor's Office to have salaries and benefits in accordance with the rules of Senior Management Service; authorizing specified employees to have benefits comparable to legislative employees; conforming provisions to changes made by the act; providing for the designation of Senior Management Service exempt positions; repealing s. 110.207(1)(g), F.S., relating to statewide planning of career service broadbanding compensation and classification;

amending s. 110.209, F.S.; adding critical market pay to the list of pay additives; requiring certain pay implementations to be subject to review and recommendation by the Department of Management Services and approval by the Office of Planning and Budgeting; amending s. 110.235, F.S.; deleting a requirement for a report; amending s. 110.503, F.S.; allowing agencies to incur expenses to recognize the service of volunteers; amending s. 110.504, F.S.; providing a limitation on volunteer awards; amending s. 110.605, F.S.; providing a uniform appraisal system for employees and positions in the Selected Exempt Service; amending s. 112.061, F.S.; authorizing the designee of an agency head to approve specified expenses for employees; amending s. 112.3145, F.S.; redefining the terms "local officer" and "specified state employee" for purposes of financial disclosure requirements; amending s. 215.196, F.S.; revising the organizational structure of the department relating to the Architects Incidental Trust Fund; amending s. 215.422, F.S.; deleting a vendor's right to the name of an ombudsman; amending s. 216.011, F.S.; redefining the term "operating capital outlay"; amending s. 255.25, F.S.; exempting certain leases from the competitive bidding process; amending ss. 255.249 and 255.257, F.S.; revising the threshold for leased space facility requirements; amending s. 267.075, F.S.; revising the membership of The Grove Advisory Council; amending s. 272.18, F.S.; revising the membership of the Governor's Mansion Commission; amending s. 272.185, F.S.; revising the organizational structure of the department relating to maintenance of the Governor's Mansion; amending s. 273.02, F.S.; increasing the value of property required to be inventoried by custodians; amending s. 273.055, F.S.; providing for the disbursement of moneys received from disposition of state-owned tangible personal property; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, and 281.08, F.S.; including reference to the Florida Capitol Police; amending s. 281.07, F.S.; revising the organizational structure of the department relating to the capitol police; amending s. 282.105, F.S., relating to use of State Suncom Network by nonprofit schools; amending s. 282.1095, F.S.; authorizing the Department of Management Services to acquire a state agency law enforcement radio system; authorizing the Joint Task Force on State Agency Law Enforcement Communications to advise the department regarding the system; deleting obsolete provisions; amending ss. 320.0802 and 327.25, F.S.; removing the time limits on the surcharges used to fund the system; removing obsolete provisions; amending s. 282.322, F.S.; amending the requirements for written reports on designated information resources management projects; amending s. 282.3091, F.S.; revising the membership of the State Technology Council; amending s. 282.111, F.S.; revising the organizational structure of the department relating to the statewide system of regional law enforcement communications; amending s. 287.017, F.S.; increasing purchasing category threshold amounts; amending s. 287.042, F.S.; revising the organizational structure of the department relating to the purchasing of goods and services; amending s. 287.057, F.S.; revising the organizational structure of the department relating to the procurement of insurance; amending s. 287.151, F.S.; revising purchasing requirements for certain state motor vehicles; amending ss. 287.16 and 287.18, F.S.; revising the organizational structure of the department relating to motor vehicles, watercraft, and aircraft; requiring a report on break-even mileage to be submitted biennially to agency inspectors general; amending s. 287.17, F.S.; providing definitions; providing criteria to be followed by an agency head in assigning a state-owned motor vehicle to an employee; requiring a report from agency heads on employee use of state motor vehicles; amending s. 365.171, F.S.; designating the director of the statewide emergency telephone number "911"; amending ss. 401.021 and 401.027, F.S.; designating the director of the statewide telecommunications system of the regional emergency medical service; amending s. 446.604, F.S.; providing for Government Services Direct to be included in the plan for One-Stop Career Centers; amending s. 447.208, F.S.; providing for the determination of attorney's fees in certain cases; repealing ch. 98-310, Laws of Florida, relating to evaluation of the state contract for air carrier service; authorizing the department to negotiate air services to and from Tallahassee and other cities; repealing ss. 110.407 and 110.607, F.S., which provide for performance audits; providing an effective date.

By the Committee on Elder Affairs & Long-Term Care; Representatives Sobel, Wasserman Schultz, Betancourt, Gottlieb, and Russell—

CS/HB 1795—A bill to be entitled An act relating to nursing homes and assisted living facilities; amending ss. 400.23 and 400.441, F.S.; requiring rules adopted by the Agency for Health Care Administration and the Department of Elderly Affairs to include provisions governing cooling of facilities; providing an effective date.

By the Committees on General Government Appropriations; Agriculture; Representatives Putnam, Constantine, Bronson, J. Miller, Stansel, Patterson, Spratt, Bainter, and Harrington—

CS/HB 1855—A bill to be entitled An act relating to agriculture and consumer services; amending s. 501.913, F.S.; revising provisions relating to identity of registrant of antifreeze; providing liability; amending s. 501.916, F.S., relating to mislabeling of antifreeze; revising required labeling to be included on antifreeze; amending s. 501.919, F.S.; revising provisions relating to enforcement and stop-sale orders; amending s. 501.922, F.S., relating to violation of the antifreeze act; revising penalties and suspension of registration; repealing s. 531.54, F.S., relating to salaries and expenses of enforcement; amending s. 570.191, F.S., relating to the Agricultural Emergency Eradication Trust Fund; clarifying the definition of "agricultural emergency"; creating ss. 570.251-570.275, F.S.; creating the "Florida Agricultural Development Act"; providing legislative findings; providing definitions; establishing the Florida Agricultural Development Authority; providing powers and duties; providing for membership of a board; providing for terms of board members; providing for organization of the board; providing general powers of the authority; providing for an executive director and specifying duties; requiring an annual report; providing for the use of surplus moneys by the authority; providing for combination of state and federal programs to facilitate the purposes of the authority; establishing a beginning farmer loan program; providing purposes of the loan program; authorizing the authority to participate in federal programs; requiring the authority to provide for loan criteria by rule; authorizing the authority to provide loan requirements; authorizing the authority to make loans to beginning farmers for agricultural land and improvements and depreciable agricultural property; authorizing the authority to make loans to mortgage lenders and other lenders; authorizing the authority to purchase mortgage loans and secured loans from mortgage lenders; providing powers of the authority relating to loans; providing for the issuance of bonds and notes by the authority; authorizing the authority to establish bond reserve funds; providing remedies of bondholders and holders of notes; providing for the pledging of bonds by the state; providing that bonds and notes shall be considered legal investments; providing requirements with respect to funds of the authority; authorizing examination of accounts by the Auditor General; requiring a report; providing limitation of liability for members of the authority; requiring the assistance of state officers, agencies, and departments; providing for construction of the act; requiring disclosure of specified conflicts of interest; prohibiting certain participation in the event of a conflict of interest; specifying conflicts of interest with respect to the executive director of the authority; providing exemption from competitive bid laws; creating s. 159.8082, F.S.; establishing the agricultural development bond pool; amending s. 159.804, F.S.; providing for specific allocations of state volume limitations to the agricultural development pool; amending s. 159.809; specifying provisions for bond issuance reports not received; amending s. 570.46, F.S.; revising the powers and duties of the Division of Standards; deleting a reference to testing of samples; amending s. 570.48, F.S., relating to duties of the Division of Fruit and Vegetables; providing for the appointment, certification, licensure, and supervision of certain inspectors; amending s. 570.952, F.S., relating to the Florida Agriculture Center and Horse Park Authority; deleting requirements relating to a quorum and official actions; creating s. 570.235, F.S.; creating the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Services; establishing membership of the advisory committee; providing duties of the advisory committee; requiring a report; amending s. 581.184, F.S.; establishing a citrus canker-free buffer area; requiring the development of a compensation

plan; providing a limitation for compensation; amending s. 588.011, F.S.; revising legal fence requirements; amending s. 588.12, F.S.; revising legislative findings regarding livestock at large; amending s. 588.13, F.S.; revising definitions; repealing s. 588.14, F.S.; relating to duty of owners of livestock; amending s. 588.16, F.S.; revising the authority to impound livestock running at large; amending s. 588.17, F.S.; revising provisions relating to the disposition of impounded livestock; amending s. 588.18, F.S.; revising fees relating to livestock at large; amending s. 588.19, F.S.; revising procedures for defraying certain costs; amending s. 589.081, F.S.; clarifying language regarding distribution to counties of gross receipts funds from Withlacoochee and Goethe State Forests; amending s. 593.1141, F.S.; revising references to the Agricultural Stabilization and Conservation Service; amending s. 616.05, F.S.; clarifying requirements regarding the publication of notice to amend the charter of a fair association; amending s. 616.07, F.S.; revising the tax exempt status of fair associations to include exemption from special assessments; amending s. 616.08, F.S.; clarifying provisions regarding the authority of a fair association to sell, mortgage, lease, or convey property; amending s. 616.13, F.S.; revising restrictions regarding the operation of temporary amusement rides; amending s. 616.15, F.S.; requiring certain notice to be sent upon application for a permit to conduct a public fair or exposition; requiring the department to consider proximity of fairs and expositions when issuing permits; authorizing the denial or withdrawal of permits based on competition; amending s. 616.242, F.S., relating to safety standards for amusement rides; revising documentation provided to the department for an annual permit; revising the rulemaking authority of the department; revising fees and inspection standards; prohibiting bungy catapulting or reverse bungy jumping; amending s. 616.251, F.S.; exempting certain lands from the provisions of s. 380.06; amending s. 616.260, F.S.; revising the tax exempt status of the Florida State Fair Authority to include exemption from special assessments; amending s. 823.14, F.S.; clarifying a definition pertaining to the Florida Right to Farm Act; amending s. 828.12, F.S.; revising provisions relating to cruelty to animals; amending s. 828.125, F.S., relating to killing or aggravated abuse of registered breed horses or cattle; revising provisions relating to prohibited acts; amending s. 823.14, F.S.; providing legislative findings regarding the effect of music on animal husbandry; preempting nuisance from noise from raising livestock to the state; providing findings; establishing certain sound limits; providing that certain special assessments shall not be due from a fair association or state fair; providing an effective date.

By the Committees on Governmental Operations; Colleges & Universities; Representatives Casey, J. Miller, Lawson, Bense, Dennis, Waters, Jones, Farkas, Morroni, and Lynn—

CS/HB 1933—A bill to be entitled An act relating to postsecondary education; amending s. 110.1099, F.S.; revising provisions relating to tuition waivers for state employees; amending s. 121.35, F.S.; expanding eligibility for participation in the optional retirement program for the State University System; amending ss. 239.117, 240.235, and 240.35, F.S.; revising a fee exemption for certain postsecondary students; amending s. 240.209, F.S., relating to the powers and duties of the Board of Regents; revising provisions relating to tuition waivers for employees of the State University System; prohibiting a school, college, or center at a state university from being named for a living person unless approved by the Board of Regents; amending s. 240.2093, F.S.; revising provisions relating to the issuance of bonds by a direct support organization; amending s. 240.2094, F.S.; requiring the Board of Regents to provide the general office of the Board of Regents an approved budget; requiring the general office to develop an annual operating budget; requiring the transfer of funds to the general office upon request of the Board of Regents; amending s. 240.2111, F.S.; deleting the requirement that the Board of Regents and universities promulgate rules regarding employee recognition programs; requiring each university to establish an employee recognition program; amending s. 240.227, F.S.; providing a definition of "continuing contract" for purposes of a university president's contracting authority; amending s. 240.233, F.S., relating to university admissions; providing for the recalculation of high school grade point average upon request; amending s. 240.271, F.S., relating to State University System funding;

providing requirements for funds generated by students using an employee fee waiver; amending s. 240.272, F.S.; revising provisions relating to the carryforward of unexpended funds; amending s. 240.289, F.S.; modifying provisions relating to the use of credit cards and debit cards in the university system; amending s. 240.299, F.S.; modifying provisions relating to the financing, design and construction, lease, lease purchase, purchase, or operation of facilities by direct support organizations; repealing s. 240.5335, F.S., relating to the Women's Athletic Trust Fund; amending s. 413.613, F.S., relating to the Brain and Spinal Cord Injury Rehabilitation Trust Fund; revising requirements relating to program review; providing for the employment of persons not registered as engineers to teach principles and methods of engineering design; amending s. 378.101, F.S., relating to the Florida Institute of Phosphate Research; revising where proceeds received by the institute will be deposited; revising provisions relating to a service charge; amending s. 243.19, F.S.; providing findings for institutions for higher education; amending s. 243.20, F.S.; redefining the terms "project" and "cost"; defining the term "loan in anticipation of tuition revenues"; amending s. 243.22, F.S.; authorizing loans in anticipation of tuition revenues; providing effective dates.

By the Committees on Governmental Rules & Regulations; Business Regulation & Consumer Affairs; Representatives Ogles, Brown, Turnbull, J. Miller, Cantens, Greenstein, Kilmer, and Sorensen—

CS/HB 2017—A bill to be entitled An act relating to the regulation of professions and occupations; amending s. 11.62, F.S.; providing criteria for evaluating proposals for new regulation of a profession or occupation based on the effect of such regulation on job creation or retention; requiring proponents of legislation to regulate a profession or occupation not already regulated to provide additional cost information; amending ss. 455.201 and 455.517, F.S.; prohibiting the Department of Business and Professional Regulation and the Department of Health and their regulatory boards from creating any regulation that has an unreasonable effect on job creation or retention or on employment opportunities; providing for evaluation of proposals to increase the regulation of already regulated professions to determine the effect of such regulation on job creation or retention and employment opportunities; creating s. 455.2035, F.S.; providing rulemaking authority to the Department of Business and Professional Regulation for the regulation of any profession under its jurisdiction which does not have a regulatory board; creating s. 455.2123, F.S.; authorizing the use of distance learning to satisfy continuing education requirements; creating s. 455.2124, F.S.; authorizing proration of continuing education requirements; amending s. 455.213, F.S.; requiring fingerprint cards with applications for registration, certification, or licensure in certain professions; providing for use of such cards for criminal history record checks of applicants; amending s. 468.453, F.S.; applying such fingerprint card requirements to applicants for licensure as an athlete agent; amending s. 475.175, F.S.; applying such fingerprint card requirements to persons applying to take the examination for licensure as a real estate broker or salesperson; amending s. 475.615, F.S.; applying such fingerprint card requirements to applicants for registration, certification, or licensure as a real estate appraiser; amending s. 120.695, F.S.; providing that notices of noncompliance apply to violations of regulatory provisions of an agency found in rule or statute; eliminating obsolete provisions relating to review and designation of agency rules for notice issuance purposes; providing exemptions from applicability of the section; creating s. 120.696, F.S.; providing for classification of disciplinary actions as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; amending s. 455.225, F.S.; providing for classification of disciplinary actions by the Department of Business and Professional Regulation as active or inactive; providing for the periodic clearing of minor violations from the disciplinary record; providing rulemaking authority; amending s. 455.227, F.S.; providing for denial of issuance or renewal of licensure under certain circumstances; amending s. 455.564, F.S.; clarifying continuing education requirements; amending s. 455.5651, F.S.; revising information required to be compiled into a practitioner profile; amending s. 455.624, F.S.; prohibiting the use of information derived from accident reports for solicitation purposes; amending s. 460.402,

F.S.; providing an exemption from regulation under ch. 460, F.S., relating to chiropractic, for certain students; amending s. 460.403, F.S.; defining the term "community-based internship"; redefining the terms "direct supervision" and "registered chiropractic assistant"; amending s. 460.406, F.S.; revising requirements for licensure as a chiropractic physician by examination to remove a provision relating to a training program; amending s. 460.413, F.S.; correcting cross references; increasing the administrative fine; amending s. 460.4165, F.S.; revising requirements for certification of chiropractic assistants; providing for supervision of registered chiropractic assistants; providing for biennial renewal; providing fees; providing applicability to current certificateholders; amending s. 460.4166, F.S.; authorizing registered chiropractic assistants to be under the direct supervision of a certified chiropractic physician's assistant; amending s. 477.013, F.S.; redefining the terms "cosmetology" and "specialty" and defining the terms "body wrapping" and "skin care services"; amending s. 477.0132, F.S.; requiring registration of persons whose occupation or practice is body wrapping; requiring a registration fee and certain education; amending s. 477.019, F.S.; exempting persons whose occupation or practice is confined solely to body wrapping from certain continuing education requirements; amending s. 477.026, F.S.; providing for the registration fee; amending s. 477.0265, F.S.; prohibiting advertising or implying that skin care services or body wrapping have any relationship to the practice of massage therapy; providing penalties; amending s. 477.029, F.S.; prohibiting holding oneself out as a body wrapper unless licensed, registered, or otherwise authorized under chapter 477, F.S.; providing penalties; amending s. 490.003, F.S.; redefining the term "psychologist"; amending s. 490.005, F.S.; revising educational requirements for licensure as a psychologist by examination; changing a date, to defer certain educational requirements; amending s. 490.006, F.S.; providing additional requirements for licensure as a psychologist by endorsement; amending s. 490.0085, F.S.; correcting the name of a trust fund; amending ss. 626.883 and 641.316, F.S.; providing for a detailed explanation of benefits to be included in all payments to a health care provider by a fiscal intermediary; providing an effective date.

By the Committees on General Government Appropriations; Water & Resource Management; Environmental Protection; Representatives Dockery, Constantine, Alexander, Putnam, Pruitt, Sembler, Logan, Hart, Eggelton, Minton, Greenstein, Kyle, Tullis, Murman, Prieguez, and Levine—

CS/CS/HB 2021—A bill to be entitled An act relating to state land acquisition and management; amending s. 201.15, F.S.; revising provisions relating to distribution of certain documentary stamp tax revenues; providing limitations; providing for legislative review; providing certain future distributions; amending ss. 161.05301 and 161.091, F.S.; correcting cross references; creating s. 215.618, F.S.; providing for the issuance of Stewardship Florida bonds; providing limitations; providing procedures and legislative intent; amending s. 216.331, F.S.; correcting a cross reference; amending s. 253.027, F.S.; providing for the reservation of funds; revising the criteria for expenditures for archaeological property to include lands on the acquisition list for the Stewardship Florida program; amending s. 253.03, F.S.; providing certain structures entitled to continue sovereignty submerged lands leases; amending s. 253.034, F.S.; providing for the use of state-owned lands; providing for the sale of surplus state lands; amending s. 253.7825, F.S.; revising acreage requirements for a horse park-agricultural center; amending s. 259.03; F.S.; deleting obsolete definitions; providing new definitions; amending s. 259.032, F.S.; providing legislative intent; specifying certain uses of funds from the Conservation and Recreation Lands Trust Fund; revising provisions relating to individual land management plans; revising eligibility for payment in lieu of taxes; deleting obsolete language; revising timeframe for removal of certain projects from a priority list; creating s. 259.034, F.S.; creating the Acquisition and Restoration Commission; specifying membership and duties; providing for compensation; authorizing adoption of rules; providing for per diem and travel expenses; amending s. 259.035, F.S.; correcting a cross reference; amending s. 259.036, F.S.; providing conforming language; amending s. 259.04, F.S.; conforming language and cross references; amending s. 259.041, F.S.; providing procedures and guidelines for land acquisition;

providing legislative intent and guidelines for use of less than fee land acquisition alternatives; amending s. 259.101, F.S.; providing for redistribution for certain unencumbered P2000 funds; conforming language and cross references; creating s. 259.105, F.S.; creating the Stewardship Florida Act; providing legislative findings and intent; providing for issuing bonds; providing for distribution and use of bond proceeds; providing project goals and selection criteria; providing application and selection procedures; authorizing certain uses of acquired lands; authorizing adoption of rules, subject to legislative review; authorizing contractual arrangements to manage lands identified for acquisition under Stewardship Florida program; amending s. 260.012, F.S.; clarifying legislative intent relating to the statewide system of greenways and trails; amending s. 260.013, F.S.; clarifying a definition; amending s. 260.014, F.S.; including waterways in the statewide system of greenways and trails; creating s. 260.0142, F.S.; creating the Florida Greenways and Trails Council within the Department of Environmental Protection; providing for membership, powers, and duties; amending s. 260.016, F.S.; revising powers of the Department of Environmental Protection with respect to greenways and trails; deleting reference to the Florida Recreational Trails Council; amending s. 260.018, F.S., to conform to the act; amending s. 288.1224, F.S.; providing conforming language; providing exceptions to the designation process for certain recreational trails; amending s. 369.252, F.S.; providing for the use of certain funds from the Aquatic Plant Control Trust Fund; amending s. 369.307, F.S.; providing conforming language; amending s. 373.089, F.S.; providing procedure for the surplusing of water management district lands; amending s. 373.139, F.S.; revising authority and requirements for acquisition and disposition of lands by the water management districts; requiring a 5-year plan of acquisition and management activities; providing procedures and requirements for purchase and funding; requiring an annual report; providing district rulemaking authority, subject to legislative review; creating s. 373.199, F.S.; providing duties of the water management districts in assisting the Acquisition and Restoration Commission; requiring development of recommended project lists; specifying required information; amending s. 373.59, F.S.; revising authorized uses of funds from the Water Management Lands Trust Fund; providing district rulemaking authority, subject to legislative review; revising eligibility criteria for payment in lieu of taxes; amending s. 375.075, F.S.; revising funding and procedures for the Florida Recreation Development Assistance Program; amending ss. 380.0666 and 380.22, F.S.; providing conforming language; amending s. 380.503, F.S.; providing definitions; amending s. 380.504, F.S.; revising the composition of the Florida Communities Trust; amending s. 380.505, F.S.; revising quorum requirements; amending s. 380.507, F.S.; providing for titling of certain acquired property to a local government; revising rulemaking authority; amending s. 380.510, F.S.; requiring covenants and restrictions for certain property, necessary to comply with constitutional requirements; amending ss. 420.5092 and 420.9073, F.S.; correcting cross references; repealing s. 253.787, F.S., relating to the Florida Greenways Coordinating Council; repealing s. 259.035, F.S., relating to the Land Acquisition and Management Advisory Council; repealing s. 259.07, F.S., relating to public meetings of the council; creating the Stewardship Florida Study Commission; providing membership and duties; providing an appropriation; providing effective dates.

By the Committee on Education/K-12; Representative Murman—

CS/HB 2065—A bill to be entitled An act relating to instructional materials; amending s. 230.23, F.S.; defining the term “adequate instructional materials”; amending s. 233.09, F.S.; eliminating the requirements for providing weighted and unweighted aggregations; amending s. 233.16, F.S.; revising the timeframe for opening bids; revising references from the Department of Education to the Commissioner of Education with respect to the selection and adoption of instructional materials; eliminating a condition for rejecting bids; amending s. 233.17, F.S.; authorizing the Commissioner of Education to establish the term of adoption of instructional materials; eliminating the optional escalator clause in certain contracts; amending s. 233.22, F.S.; requiring that each student be provided instructional materials; providing a timeframe for the requisition of certain materials; allowing

the superintendent to requisition certain materials; amending s. 233.25, F.S.; authorizing the Commissioner of Education to waive the depository requirement under certain circumstances; amending s. 233.34, F.S.; requiring school districts to purchase instructional materials in core courses within a specified time; providing exceptions; amending s. 233.37, F.S.; providing for the disposal of unserviceable instructional materials and those no longer on state contract; authorizing the district school board to prescribe policies for destroying instructional materials; requiring that certain moneys be deposited in the district school fund and added to the district appropriation for instructional materials; eliminating contracts between the Department of Education and recycling firms; repealing s. 233.38, F.S., relating to the exchange of textbooks by certain districts; amending s. 233.43, F.S.; requiring district school board policies to include the superintendent's responsibilities for keeping certain records; requiring reports; amending s. 233.46, F.S.; requiring district school board policies to include policies relating to lost or damaged books; amending s. 229.512, F.S.; conforming a cross reference; requiring a study and report relating to the instructional materials acquisition process and technology materials; providing an effective date.

By the Committees on General Government Appropriations; Water & Resource Management; Representatives Alexander, Boyd, Maygarden, Peaden, Melvin, J. Miller, Kilmer, Bense, Betancourt, Brummer, Kelly, Waters, Merchant, Cantens, K. Smith, and Ogles—

CS/HB 2067—A bill to be entitled An act relating to water resource management; amending s. 373.4145, F.S.; postponing scheduled July 1, 1999, repeal of certain provisions of the interim wetlands permitting program for the Northwest Florida Water Management District; directing the Northwest Florida Water Management District and the Department of Environmental Protection to develop a plan to implement an environmental resource permitting program within the jurisdiction of the district by a specified date; requiring reports to the Legislature on the progress of the planning efforts; providing that certain jurisdictional declaratory statements shall not expire until a specified date; amending s. 252.937, F.S.; renaming the Division of Water Facilities of the department as the Division of Water Resource Management; amending ss. 378.901 and 403.021, F.S.; deleting references to the Division of Environmental Resource Permitting; amending s. 86 of ch. 93-213, Laws of Florida; eliminating repayment of funds appropriated for administering the state NPDES program; requiring reinstatement of certain suspended payments in lieu of taxes; providing an effective date.

By the Committees on Governmental Rules & Regulations; Water & Resource Management; Representatives Alexander, Wallace, Constantine, Dockery, Putnam, Byrd, Sembler, Betancourt, Kelly, K. Smith, Healey, Johnson, Cantens, Brummer, Boyd, Pruitt, Waters, and Merchant—

CS/HB 2069—A bill to be entitled An act relating to the Florida Watershed Restoration Act; providing a short title; amending s. 403.031, F.S.; defining the term “total maximum daily load”; creating s. 403.067, F.S.; authorizing the Department of Environmental Protection to adopt a process of listing surface waters not meeting water quality standards and for the process of establishing, allocating, and implementing total maximum daily loads applicable to such listed waters; providing specific authority for the department to implement s. 1313, 33 U.S.C.; providing legislative findings and intent; providing for a listing of surface waters; providing for an assessment; providing for an adopted list; providing for removal from the list; providing for calculation of total maximum daily load; providing for implementation; providing for rules; providing for application; providing for construction; providing for evaluation; amending s. 403.805, F.S.; revising language with respect to the powers and duties of the Secretary of the Department of Environmental Protection; providing an effective date.

By the Committee on General Government Appropriations; Representative Dockery—

CS/HB 2115—A bill to be entitled An act relating to the Stewardship Florida Trust Fund; creating s. 259.1051 F.S.; creating the Stewardship Florida Trust Fund; providing sources of moneys; providing purposes and requirements; providing duties of the Department of Environmental Protection; providing a contingent effective date.

By the Committee on Education Innovation; Representatives Tullis and Melvin—

CS/HB 2147—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; revising the date through which a district school board must receive charter school applications; providing for interdistrict transfer to a charter school under certain circumstances; authorizing charter schools to be operated by municipalities or other public entities; providing information to be included in the charter of a charter school; providing for 15-year charters under specified circumstances; authorizing charter school governing boards to employ or contract with skilled selected noncertified personnel as provided in ch. 231, F.S., and as provided by rule of the State Board of Education; prohibiting a charter school from hiring certain persons who have resigned in lieu of disciplinary action or have been dismissed for good cause; requiring the fingerprinting of members of the governing boards of charter schools; prescribing time limits for charter schools to receive federal funds; providing for a Charter School Review Panel; providing for membership, purpose, and duties; amending s. 228.0561, F.S.; removing references to the Public Education Capital Outlay and Debt Service Trust Fund; providing for the reversion of unencumbered funds and property to the district school board if the charter school terminates operations; revising requirements relating to charter school use of capital outlay funds; revising eligibility requirements for charter school receipt of capital outlay funds; removing obsolete provisions; amending s. 235.42, F.S., relating to educational and ancillary plant construction funds; removing a reference to charter schools; amending s. 228.057, F.S.; requiring school districts to report the number of students attending the various types of public schools according to the rules of the State Board of Education; creating s. 228.058, F.S.; establishing a charter school districts pilot program; providing requirements for charter school districts; providing for exemptions from statutes and rules; providing for a governing board; providing for charter proposals; providing for a precharter agreement; providing a time period for the pilot project; requiring an annual report; providing for rulemaking; providing effective dates.

By the Committee on Health Care Licensing & Regulation; Representatives Greenstein and Lacasa—

CS/HB 2173—A bill to be entitled An act relating to nutrition practice; creating the Clinical Nutrition Study Committee; providing for appointment of members; providing duties; requiring a report; providing for termination of the study committee; providing an effective date.

Reports of Councils and Standing Committees

Council Reports

The Honorable Joseph Arnall, Chair April 19, 1999
Committee on Rules & Calendar

Dear Sir:

The Academic Excellence Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(e), a motion was adopted to remove the following bills from General Calendar: HB 1853.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. HB 1853—School District Reviews/OPPAGA
2. HB 1931—Scholarship Programs
3. HB 1537—Postsecondary Educ. Fee Terminology
4. HB 765—Site-Determined Baccalaureate Degree
5. CS/CS/HB 713—Criminal Justice Training
6. CS/HB 21—School Buses/Safety Belts
7. HB 1065—Fla. Prepaid College Program
8. CS/HB 365—Schools/Character Dev. Program
9. HB 1735—Building Designations/State Univ.
10. HB 667—Postsecondary Remediation
11. CS/HB 165—Beverage Law/Underage Students

12. HB 899—Charter Schools/Employment

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Evelyn J. Lynn
Chair

The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar

April 19, 1999

Dear Sir:

The Civil Justice Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(e), a motion was adopted to remove the following bills from General Calendar: HB 2185, HB 2171, CS/HB 33, HB 7, HB 1005.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. HB 2185—Medical Negligence Actions
2. HB 2171—Condominium Associations
3. CS/HB 33—Relief/Weathington/Tallahassee
4. HB 915—Victim/Witness Protection/Employment
5. HB 7—Children/Great-grandparents' Rights
6. HB 1005—Money Judgments Enforcements

Pursuant to Rule 59(d), the Council referred the following bill(s) to committee:

HB 1547—Driving Offenses/Liabilities
(Judiciary)

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Representative Tom Warner
Chair

The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar

April 19, 1999

Dear Sir:

The Criminal Justice & Corrections Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(e), a motion was adopted to remove the following bills from General Calendar: CS/HB 253 and CS/HB 389.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. CS/HB 253—County & Municipal Jails
2. CS/HB 389—Pretrial Detention

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Victor D. Crist
Chair

The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar

April 19, 1999

Dear Sir:

The Health & Family Services Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. CS/HB 903—Employee Health Care Access Act

2. HB 917—Treatment of Life-threatening Wounds

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Durell Peaden, Jr., M.D., J.D.
Chair

The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar

April 19, 1999

Dear Sir:

The Public Responsibility Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(e), a motion was adopted to remove the following bills from General Calendar: HB 405, CS/HB 475, CS/HB 587, CS/HB 1465, HB 1531, and 1st Eng/SB 712.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. HB 1883—State-Administered Retirement
2. CS/HB 1—State Agency Performance Report
3. CS/HB 1831—Statewide Drug Control
4. HB 2029—Emergency Management
5. CS/HB 1465—Elections
6. HB 1531—Public Records/College Savings Prog.
7. HB 885—FRS/Judge of Compensation Claims
8. HB 1737—Tangible Personal Property Taxes
9. HB 61—Fla. Retirement System
10. HB 1771—Local Govt./Tax Certificates & Deeds
11. CS/HB 587—Platted Lands
12. CS/HB 475—Housing Facility/Older Persons
13. HB 621—Wireless 911 Telephone Services
14. CS/HB 1013—FRS Preservation of Benefits Plan
15. HB 567—State Agencies/Administrative Fines
16. SB 712—Executive Appointments
17. HB 405—County Govt./Charter Commission
18. CS/HB 727—State Contracts/Religious Orgs.
19. HB 451—Truth in Campaigning Act
20. CS/HB 937—Firearms/Dealers & Manufacturers

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
Bill Sublette
Chair

The Honorable Joseph Arnall, Chair
Committee on Rules & Calendar

April 19, 1999

Dear Sir:

The Resource & Land Management Council respectfully submits the following report of Council actions adopted on April 19, 1999.

Pursuant to Rule 59(e), a motion was adopted to remove the following bills from General Calendar: HB 325, HB 329, CS/HB 569, and CS/HB 1699.

Pursuant to Rule 59(a), the Council reports the following ranking of available bills:

1. CS/HB 1699—SFWMD/Central & Southern Project
2. HB 1765—Greenways & Trails
3. CS/HB 1143—Aquaculture
4. HB 329—Miami-Dade Co. Lake Belt Area
5. HB 325—Lake Belt Mitigation Trust Fund
6. CS/HB 569—Conservation & Recreation Lands
7. HB 1921—Corporate Income Tax
8. HB 801—Septic Tanks/Suitability of Soils
9. HB 779—Waste Management Requirements

A quorum of the Council was present and a majority of those present agreed to the above report.

Sincerely,
D. Lee Constantine
Chair

Committee Reports

Received April 19:

The Committee on Education Appropriations recommends the following pass:

- CS/HB 21, with 5 amendments (fiscal note attached)
- HB 765, with 1 amendment (fiscal note attached)
- CS/HB 1033, with 7 amendments (fiscal note attached, unanimous)
- HB 1065 (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Finance & Taxation recommends the following pass:

- HB 1771, with 2 amendments (fiscal note attached, unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on General Appropriations recommends the following pass:

- CS/HB 1, with 1 amendment
- HB 61, with 1 amendment (unanimous)
- HB 317 (unanimous)
- HB 469
- HB 567, with 2 amendments (unanimous)
- HB 885 (unanimous)
- CS/HB 1013 (unanimous)
- HB 1737 (unanimous)
- HB 1883, with 2 amendments (unanimous)
- HB 2029, with 1 amendment (unanimous)
- HB 2089, with 4 amendments (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on General Government Appropriations recommends the following pass:

- HB 511 (fiscal note attached, unanimous)
- HB 513, with 1 amendment (fiscal note attached, unanimous)
- HB 533, with 1 amendment (fiscal note attached, unanimous)
- HB 621, with 1 amendment (fiscal note attached, unanimous)
- CS/HB 889 (fiscal note attached, unanimous)
- CS/HB 1143, with 1 amendment (fiscal note attached, unanimous)
- HB 1435 (fiscal note attached, unanimous)
- HB 1765 (fiscal note attached, unanimous)
- HB 1921 (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Governmental Operations recommends the following pass:

- CS/HB 273, with 1 amendment (unanimous)
- HB 757, with 1 amendment (unanimous)
- HB 1091 (unanimous)
- HB 1093 (unanimous)
- HB 1101 (unanimous)
- HB 2121 (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Judiciary recommends the following pass:

- HB 451
- CS/HB 1659, with 1 amendment (unanimous)
- CS/HB 1773, with 1 amendment

The above bills were placed on the appropriate Calendar.

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 215 (fiscal note attached, unanimous)
 HB 235 (fiscal note attached, unanimous)
 HB 457 (fiscal note attached)
 HB 571, with 4 amendments (fiscal note attached, unanimous)
 CS/HB 727 (fiscal note attached)
 HB 985, with 1 amendment (fiscal note attached, unanimous)
 HB 1015, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 1021 (fiscal note attached, unanimous)
 CS/HB 1513 (fiscal note attached, unanimous)
 CS/HB 1831 (fiscal note attached, unanimous)
 HB 2129 (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Crime & Punishment recommends the following pass:

HB 933, with 1 amendment (unanimous)

The above bill was referred to the Committee on Criminal Justice Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HB 503, with 2 amendments (fiscal note attached, unanimous)
 CS/HB 549 (fiscal note attached, unanimous)
 HB 1445, with 2 amendments (fiscal note attached, unanimous)

The above bills were referred to the Committee on Criminal Justice Appropriations.

The Committee on Governmental Operations recommends the following pass:

HB 1451 (unanimous)
 HB 2007, with 1 amendment (unanimous)

The above bills were referred to the Committee on Criminal Justice Appropriations.

The Committee on Judiciary recommends the following pass:

HB 435 (unanimous)
 CS/HB 1441 (unanimous)
 HB 1903

The above bills were referred to the Committee on Criminal Justice Appropriations.

The Committee on Education/K-12 recommends the following pass:
 HB 1079 (unanimous)

The above bill was referred to the Committee on Education Appropriations.

The Committee on Judiciary recommends the following pass:
 HB 543 (unanimous)

The above bill was referred to the Committee on Education Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HB 47, with 1 amendment (fiscal note attached, unanimous)
 HB 99 (fiscal note attached, unanimous)
 HB 105, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 221 (fiscal note attached, unanimous)
 HB 313 (fiscal note attached, unanimous)
 CS/HB 397 (fiscal note attached, unanimous)
 HB 2157, with 1 amendment (fiscal note attached, unanimous)

The above bills were referred to the Committee on General Appropriations.

The Committee on Judiciary recommends the following pass:
 HJR 2077 (unanimous)

The above bill was referred to the Committee on General Appropriations.

The Committee on Education Innovation recommends the following pass:

HB 2123, with 1 amendment (unanimous)

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Finance & Taxation recommends the following pass:

HB 269, with 1 amendment (fiscal note attached, unanimous)
 HB 523 (fiscal note attached, unanimous)
 HB 537, with 1 amendment (fiscal note attached, unanimous)
 HB 561, with 1 amendment (fiscal note attached, unanimous)
 HB 643, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 1083, with 1 amendment (fiscal note attached, unanimous)
 HB 1119, with 1 amendment (fiscal note attached)
 HB 1639, with 1 amendment (fiscal note attached, unanimous)
 HB 1979, with 1 amendment (fiscal note attached, unanimous)

The above bills were referred to the Committee on General Government Appropriations.

The Committee on Judiciary recommends the following pass:

HB 2131, with 1 amendment (unanimous)

The above bill was referred to the Committee on Health & Human Services Appropriations.

The Committee on Finance & Taxation recommends the following pass:

CS/HB 139 (fiscal note attached, unanimous)
 HB 195 (fiscal note attached, unanimous)
 CS/HB 545, with 1 amendment (fiscal note attached, unanimous)
 HB 1027, with 1 amendment (fiscal note attached, unanimous)

The above bills were referred to the Committee on Transportation & Economic Development Appropriations.

The Committee on Education Innovation recommends a committee substitute for the following:

HB 2147 (unanimous)

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 113(b), and, under the rule, HB 2147 was laid on the table.

The Committee on Education/K-12 recommends a committee substitute for the following:

HB 2065

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 113(b), and, under the rule, HB 2065 was laid on the table.

The Committee on Governmental Operations recommends a committee substitute for the following:

HB 1933 (unanimous)

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 113(b), and, under the rule, HB 1933 was laid on the table.

The Committee on Governmental Rules & Regulations recommends a committee substitute for the following:

HB 2069 (unanimous)

The above committee substitute was referred to the Committee on General Government Appropriations, subject to review under Rule 113(b), and, under the rule, HB 2069 was laid on the table.

The Committee on Elder Affairs & Long-Term Care recommends a committee substitute for the following:

HB 1795

The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 113(b), and, under the rule, HB 1795 was laid on the table.

The Committee on Judiciary recommends the following pass:
HB 1585

The above bill was referred to the Committee on Crime & Punishment.

The Committee on Judiciary recommends the following pass:
HB 1485, with 1 amendment (unanimous)

The above bill was referred to the Committee on Family Law & Children.

The Committee on Judiciary recommends the following pass:
CS/HB 715, with 1 amendment (unanimous)

The above bill was referred to the Committee on Financial Services.

The Committee on Judiciary recommends the following pass:
HB 2091, with 3 amendments (unanimous)

The above bill was referred to the Committee on Governmental Operations.

The Committee on Judiciary recommends the following pass:
CS/HB 1743, with 3 amendments (unanimous)

The above bill was referred to the Committee on Governmental Rules & Regulations.

The Committee on Governmental Rules & Regulations recommends a committee substitute for the following:
HB 2017 (unanimous)

The above committee substitute was referred to the Committee on Governmental Operations, subject to review under Rule 113(b), and, under the rule, HB 2017 was laid on the table.

The Committee on Education Appropriations recommends the following not pass:
CS/HB 413 (fiscal note attached)

The above bill was laid on the table under the rule.

The Committee on Governmental Operations recommends the following not pass:
HB 831

The above bill was laid on the table under the rule.

Received April 20:

The Committee on General Government Appropriations recommends the following pass:
HB 299, with 1 amendment (fiscal note attached, unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on Health & Human Services Appropriations recommends the following pass:
CS/HB 337, with 1 amendment (fiscal note attached, unanimous)
HB 481, with 1 amendment (fiscal note attached, unanimous)
HB 869, with 1 amendment (fiscal note attached, unanimous)
CS/HB 1431 (fiscal note attached, unanimous)
HB 1525, with 1 amendment (fiscal note attached, unanimous)
CS/HBs 1927 & 961, with 1 amendment (fiscal note attached, unanimous)
HB 2001 (fiscal note attached, unanimous)
HB 2119, with 2 amendments (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Insurance recommends the following pass:
HB 2247, with 3 amendments (unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on General Government Appropriations recommends a committee substitute for the following:
HB 1535 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, HB 1535 was laid on the table.

The Committee on Insurance recommends the following pass:
HB 2235, with 7 amendments (unanimous)

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Governmental Operations recommends the following pass:
HB 1625, with 1 amendment (unanimous)
HB 2153, with 2 amendments (unanimous)

The above bills were referred to the Committee on Community Affairs.

The Committee on Insurance recommends the following pass:
HB 1753, with 2 amendments

The above bill was referred to the Committee on Governmental Rules & Regulations.

The Committee on Insurance recommends the following pass:
HB 2105 (unanimous)

The above bill was referred to the Committee on Health Care Services.

The Committee on Health Care Licensing & Regulation recommends a committee substitute for the following:
HB 965 (unanimous)

The above committee substitute was referred to the Committee on Business Regulation & Consumer Affairs, subject to review under Rule 113(b), and, under the rule, HB 965 was laid on the table.

The Committee on Health Care Licensing & Regulation recommends a committee substitute for the following:
HB 1527 (unanimous)

The above committee substitute was referred to the Committee on Governmental Rules & Regulations, subject to review under Rule 113(b), and, under the rule, HB 1527 was laid on the table.

Received April 21:

The Committee on Community Affairs recommends the following pass:
HB 1621 (unanimous)
HB 1623 (unanimous)
HB 2167, with 1 amendment (unanimous)
SB 876 (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Criminal Justice Appropriations recommends the following pass:
CS/HB 379 (fiscal note attached, unanimous)
HB 627, with 1 amendment (fiscal note attached)
HB 1451, with 1 amendment (fiscal note attached, unanimous)
HB 1781, with 1 amendment (fiscal note attached, unanimous)
HB 2059, with 1 amendment (fiscal note attached, unanimous)

HB 2133 (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Education Appropriations recommends the following pass:

HB 477, with 1 amendment (fiscal note attached, unanimous)
 HB 1137 (fiscal note attached, unanimous)
 HB 1411 (fiscal note attached, unanimous)
 CS/HB 2147, with 4 amendments (fiscal note attached)

The above bills were placed on the appropriate Calendar.

The Committee on Education Innovation recommends the following pass:

HB 1145, with 1 amendment (unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on General Appropriations recommends the following pass:

HB 97, with 1 amendment
 HB 123
 HB 1885, with 1 amendment (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on General Government Appropriations recommends the following pass:

HB 671 (fiscal note attached, unanimous)
 HB 975, with 1 amendment (fiscal note attached, unanimous)
 HB 1023 (fiscal note attached, unanimous)
 HB 1061, with 2 amendments (fiscal note attached, unanimous)
 HB 1929, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 2055, with 2 amendments (fiscal note attached, unanimous)
 CS/HB 2069, with 2 amendments (fiscal note attached, unanimous)
 CS/HB 2145, with 1 amendment (fiscal note attached, unanimous)
 HB 2149, with 2 amendments (fiscal note attached, unanimous)
 HB 2151 (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Governmental Operations recommends the following pass:

HB 1139 (unanimous)
 HB 1589 (unanimous)
 HB 2109, with 1 amendment (unanimous)
 HB 2231, with 1 amendment (unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 245 (fiscal note attached, unanimous)
 HB 247 (fiscal note attached, unanimous)
 HB 369, with 1 amendment (fiscal note attached, unanimous)
 HB 385 (fiscal note attached, unanimous)
 HB 741, with 1 amendment (fiscal note attached, unanimous)
 HB 797 (fiscal note attached, unanimous)
 HB 1131 (fiscal note attached, unanimous)
 HB 1413, with 2 amendments (fiscal note attached, unanimous)
 CS/HB 1467, with 2 amendments (fiscal note attached, unanimous)
 HB 1971, with 5 amendments (fiscal note attached, unanimous)
 HB 1983 (fiscal note attached, unanimous)
 HB 2003, with 2 amendments (fiscal note attached, unanimous)
 HB 2087, with 1 amendment (fiscal note attached, unanimous)

The above bills were placed on the appropriate Calendar.

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 195, with 1 amendment (fiscal note attached, unanimous)
 CS/HB 603 (fiscal note attached, unanimous)
 HB 763 (fiscal note attached, unanimous)
 CS/CS/HB 815, with 3 amendments (fiscal note attached, unanimous)

CS/HB 881, with 1 amendment (fiscal note attached, unanimous)
 HB 1027, with 1 amendment (fiscal note attached, unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on Water & Resource Management recommends the following pass:

HB 1583, with 1 amendment (unanimous)

The above bill was placed on the appropriate Calendar.

The Committee on Education Appropriations recommends a committee substitute for the following:

HB 1697 (fiscal note attached, unanimous)

The above committee substitute was placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, HB 1697 was laid on the table.

The Committee on General Government Appropriations recommends committee substitutes for the following:

CS/HB 291 (fiscal note attached, unanimous)
 HB 1707 (fiscal note attached, unanimous)
 HB 1855 (fiscal note attached, unanimous)
 CS/HB 2021 (fiscal note attached, unanimous)
 HB 2067 (fiscal note attached, unanimous)
 HB 2115 (fiscal note attached, unanimous)

The above committee substitutes were placed on the appropriate Calendar, subject to review under Rule 113(b), and, under the rule, CS/HB 291; HBs 1707 and 1855; CS/HB 2021; HBs 2067 and 2115 were laid on the table.

The Committee on Community Affairs recommends the following pass:

HB 1471, with 1 amendment (unanimous)

The above bill was referred to the Committee on General Appropriations.

The Committee on Governmental Operations recommends the following pass:

HB 1009 (unanimous)

The above bill was referred to the Committee on General Appropriations.

The Committee on Community Affairs recommends the following pass:

HB 2023 (unanimous)
 HB 2057 (unanimous)

The above bills were referred to the Committee on General Government Appropriations.

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 2161, with 4 amendments (fiscal note attached, unanimous)

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Water & Resource Management recommends the following pass:

HB 1609 (unanimous)

The above bill was referred to the Committee on General Government Appropriations.

The Committee on Community Affairs recommends the following pass:

HB 437, with 1 amendment (unanimous)

The above bill was referred to the Committee on Health & Human Services Appropriations.

The Committee on Community Affairs recommends the following pass:

HB 2183, with 1 amendment (unanimous)
 HB 2193, with 1 amendment (unanimous)

The above bills were referred to the Committee on Transportation & Economic Development Appropriations.

The Committee on Transportation recommends the following pass:
 HB 1757, with 1 amendment

The above bill was referred to the Committee on Transportation & Economic Development Appropriations.

The Committee on Community Affairs recommends the following pass:
 CS/HB 1523, with 1 amendment

The above bill was referred to the Committee on Claims.

The Committee on Transportation recommends the following pass:
 HB 1633, with 1 amendment (unanimous)

The above bill was referred to the Committee on Community Affairs.

The Committee on Community Affairs recommends the following pass:
 HB 2079 (unanimous)

The above bill was referred to the Committee on Environmental Protection.

The Committee on Community Affairs recommends the following pass:
 HB 1551 (unanimous)
 HB 1599, with 3 amendments (unanimous)
 HB 1605, with 4 amendments (unanimous)

The above bills were referred to the Committee on Finance & Taxation.

The Committee on Community Affairs recommends the following pass:
 HB 1133 (unanimous)
 HB 1555, with 2 amendments (unanimous)
 HB 1745 (unanimous)

The above bills were referred to the Committee on Governmental Operations.

The Committee on Water & Resource Management recommends the following pass:
 CS/HB 1073, with 1 amendment (unanimous)

The above bill was referred to the Committee on Governmental Rules & Regulations.

The Committee on Transportation recommends the following pass:
 CS/CS/SB 940, with 1 amendment

The above bill was referred to the Committee on Real Property & Probate.

The Committee on Community Affairs recommends the following pass:
 HB 1421, with 1 amendment (unanimous)
 HB 1511, with 1 amendment (unanimous)
 HB 1619, with 3 amendments (unanimous)

The above bills were referred to the Committee on Water & Resource Management.

The Committee on Health Care Licensing & Regulation recommends a committee substitute for the following:
 HB 2173 (unanimous)

The above committee substitute was referred to the Committee on Governmental Rules & Regulations, subject to review under Rule 113(b), and, under the rule, HB 2173 was laid on the table.

The Committee on Community Affairs recommends the following not pass:
 HB 955

The above bill was laid on the table under the rule.

The Committee on Education Appropriations recommends the following not pass:
 HB 1821 (fiscal note attached)

The above bill was laid on the table under the rule.

The Committee on Education/K-12 recommends the following not pass:
 HB 901

The above bill was laid on the table under the rule.

The Committee on Transportation & Economic Development Appropriations recommends the following not pass:
 HB 919 (fiscal note attached)

The above bill was laid on the table under the rule.

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bills, which he approved:

April 20—CS/CS/HB 19, HB 67, and CS/HB 133

Excused

Reps. Bullard, Melvin

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

CS for CS/SB's 366 & 382 and SB 708 (school readiness): Rep. Warner (Chair), Rep. Lynn, Rep. Chestnut, Rep. Logan (alternate).

HB 775 (civil litigation reform): Rep. Feeney (Chair), Rep. Bitner, Rep. Byrd, Rep. Constantine, Rep. Minton, Rep. Bradley (alternate), Rep. Levine (alternate).

SBs 2500 and 2502 (appropriations): Rep. Pruitt (Chair), Rep. L. Miller (Vice Chair); At Large—Rep. Bloom, Rep. Bradley, Rep. Lacasa (Lead Member for SB 2502, implementing bill), Rep. Dockery, Rep. Feeney, Rep. Garcia, Rep. Jones, Rep. Logan, Rep. Bitner (alternate), Rep. Flanagan (alternate), Rep. Wasserman Schultz (alternate); Criminal Justice Appropriations—Rep. Villalobos (Chair), Rep. Crady, Rep. Ball, Rep. Cosgrove, Rep. Crist, Rep. Bush (alternate), Rep. Morroni (alternate); Education Appropriations—Rep. Wise (Chair), Rep. Chestnut, Rep. Constantine, Rep. Lynn, Rep. Turnbull, Rep. Alexander (alternate), Rep. Dennis (alternate); General Government Appropriations—Rep. Sembler (Chair), Rep. Minton, Rep. Byrd, Rep. Eggelletion, Rep. Gay, Rep. Roberts (alternate), Rep. Bense (alternate); Health & Human Services Appropriations—Rep. Sanderson (Chair), Rep. Hafner, Rep. Farkas, Rep. A. Greene, Rep. Maygarden, Rep. Casey (alternate), Rep. Hill (alternate); Transportation & Economic Development Appropriations—Rep. Fuller (Chair), Rep. Reddick, Rep. Crow, Rep. K. Smith, Rep. Valdes, Rep. Bronson (alternate), Rep. Harrington (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:58 p.m., to reconvene at 8:50 a.m., Thursday, April 22.

**Pages and Messengers
for the week of
April 19-23**

PAGES—Daniel W. Bell, Tallahassee; Jonathan Bouchlas, Royal Palm Beach; Chelsea M. Bowman, Ponte Vedra; Paula Bryant, Plant City; Joshua Bray Corcoran, Pittsfield, MA; Debra A. Faulkner, Palm Harbor; James Freeman, Waldo; Emily Gerard, Babson Park; Jordan Howlette, Valrico; Ashley E. Leland, Lantana; Olivia D. Liggio, Boynton Beach; Mykel Mabry, Gulf Breeze; Melissa Reyes, Longwood; Robert M. Sprentall, Tarpon Springs; William Strode, Tallahassee; Peter Joshua Tebow, Bryceville; Scott Tyree, Cantonment.

MESSENGERS—Lydia Boggs, Tallahassee; Michel Cockerham, Greenwood; Paige Corcoran, Pittsfield, MA; William D. Corcoran, Crystal River; Michael Anthony Cortese, Crystal River; Ashley S. Davison, Tampa; Ian Donahue-Villani, Hollywood; Kristin Garoutte, Plant City; Jerrod Wytez Holton, Havana; Eric V. Johnson, Jr., Tallahassee; Mark A. Johnson, Tallahassee; Tarji Richanda Kinsey, Tallahassee; Eboni Kirby, Tallahassee; Meredith Linley, Homosassa; Thomas McAleney, Port Charlotte; Kevin Posey, Rockledge; Melissa Posey, Rockledge; David Pulver, DeBary; Andrew Smith, Tallahassee; Sarah Ann Smith, Jacksonville; Ashley Whitmore, Madison.