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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—40:

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

PRAYER

The following prayer was offered by the Rev. Tim Patterson, Pastor, First Baptist Church, Glen St. Mary:

Father, we do thank you for the opportunity to do your business. God, we are also mindful of how we are accountable to you, as well as the constituents here around us.

God, we ask for wisdom, guidance, direction, understanding, your presence and peace in our lives. May everything we do and everything we say bring glory and honor to you and make a better place for your people. In your precious name, we pray. Amen.

PLEDGE

Senate Pages Ryan Feely of Odessa and Emily McLarty of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **SB 272**, **CS for CS for SB's 826 and 398**, **SB 1092** and **CS for SB 1660** were withdrawn from the Special Order Calendar for Monday, May 1.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 780** was deferred.

On motion by Senator Lee, the Senate resumed consideration of—

CS for HB 955—A bill to be entitled An act relating to weapons of mass destruction; creating s. 790.166, F.S.; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a first degree felony penalty for violation; providing that violation which results in death is a capital felony; prohibiting the unlawful manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a hoax weapon of mass destruction; prohibiting unlawful conspiring to use such weapon; prohibiting making such weapon readily accessible to others; providing a second degree felony penalty for violation; providing definitions for purposes of the act; providing nonapplicability of the act; amending s. 921.0022, F.S.; providing for ranking of violations on the offense severity ranking chart; providing an effective date.

—which was previously considered April 27, with a pending point of order by Senator Lee on **Amendment 1B**.

RULING ON POINT OF ORDER

On recommendation of Senator McKay, Chairman of the Committee on Rules and Calendar, the President ruled that the amendment was not germane, and therefore the point was well taken and the amendment was out of order.

Amendment 1B was withdrawn.

The question recurred on pending **Amendment 1** by Senator Lee.

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 955** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, consideration of **CS for CS for SB 940** was deferred.

CS for CS for CS for SB 2154, **CS for SB 1900** and **SB 282**—A bill to be entitled An act relating to health care; providing a short title; amending s. 395.701, F.S.; reducing an assessment against hospitals for outpatient services; amending s. 395.7015, F.S.; reducing an assessment against certain health care entities; amending s. 408.904, F.S.; increasing benefits for certain persons who receive hospital outpatient services; amending s. 408.905, F.S.; increasing benefits furnished by Medicaid providers to recipients of hospital outpatient services; amending s. 905.908, F.S.; increasing reimbursement to hospitals for outpatient care; amending s. 409.912, F.S.; providing for a contract with and reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of "exemption" and "mental health services"; revising the term "health service"; deleting the definitions of "home health agency," "institutional health service," "intermediate care

facility," "multifacility project," and "respite care"; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; reducing the allocation of funds and positions from the Health Care Trust Fund in the Agency for Health Care Administration; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; requiring physicians and hospitals to post a sign and provide a statement informing patients about the toll-free health care hotline; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross-references; defining the term "managed care"; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; amending s. 641.201, F.S.; clarifying applicability of the Florida Insurance Code to health maintenance organizations; amending s. 641.234, F.S.; providing conditions under which the Department of Insurance may order a health maintenance organization to cancel a contract; amending s. 641.27, F.S.; providing for payment by a health maintenance organization of fees to outside examiners appointed by the Department of Insurance; creating s. 641.226, F.S.; providing for

application of federal solvency requirements to provider-sponsored organizations; creating s. 641.39, F.S.; prohibiting the solicitation or acceptance of contracts by insolvent or impaired health maintenance organizations; providing a criminal penalty; creating s. 641.2011, F.S.; providing that part IV of chapter 628, F.S., applies to health maintenance organizations; creating s. 641.275, F.S.; providing legislative intent that the rights of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights; listing specified requirements for organizations that are currently required by other statutes; authorizing administrative penalties for enforcing the rights specified in s. 641.275, F.S.; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; providing a legislative declaration; providing an appropriation; amending ss. 641.31, 641.315, 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide in-patient hospital services to a subscriber; requiring payment for medically necessary in-patient hospital services; amending s. 641.51, F.S., relating to quality assurance program requirements for certain managed-care organizations; allowing the rendering of adverse determinations by physicians licensed in Florida or states with similar requirements; requiring the submission of facts and documentation pertaining to rendered adverse determinations; providing timeframe for organizations to submit facts and documentation to providers and subscribers in writing; requiring an authorized representative to sign the notification; providing effective dates.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

Amendment 1 (821362)(with title amendment)—On page 45, between lines 18 and 19, insert:

Section 22. Subsection (7) of section 430.703, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

430.703 Definitions.—As used in this act, the term:

(7) "Other qualified provider" means an entity licensed under chapter 400 that meets all the financial and quality assurance requirements for a provider service network as specified in s. 409.912 and can demonstrate a long-term care continuum.

Section 23. Subsection (1) of section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.—

(1) The department, in consultation with the agency, shall select and contract with managed care organizations and with other qualified providers to provide long-term care within community diversion pilot project areas. Other qualified providers are exempt from chapter 641 and from all licensure and authorization requirements under the Florida Insurance Code with respect to the provision of long term care under a contract with the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 4, after the semicolon (;) insert: amending s. 430.703, F.S.; defining "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements;

Senator Sebesta moved the following amendment:

Amendment 2 (300790)(with title amendment)—On page 87, between lines 20 and 21, insert:

Section 59. Effective October 1, 2000, and applicable to causes of actions accruing on or after that date, section 766.102, Florida Statutes, is amended to read:

766.102 Medical negligence; standards of recovery.—

(1) In any action for recovery of damages based on the death or personal injury of any person in which it is alleged that such death or injury resulted from the negligence of a health care provider as defined in s. 768.50(2)(b), the claimant shall have the burden of proving by the greater weight of evidence that the alleged actions of the health care provider represented a breach of the prevailing professional standard of care for that health care provider. The prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

(2) A person may not give expert testimony concerning the prevailing professional standard of care unless that person is a licensed health care provider and meets the following criteria:

(a) If the party against whom or on whose behalf the testimony is offered is a specialist, the expert witness must:

1. Specialize in the same specialty as the party against whom or on whose behalf the testimony is offered; or

2. Specialize in a similar specialty that includes the evaluation, diagnosis, or treatment of the medical condition that is the subject of the complaint and have prior experience treating similar patients.

(b) During the 3 years immediately preceding the date of the occurrence that is the basis for the action, the expert witness must have devoted professional time to:

1. The active clinical practice of, or consulting with respect to, the same or similar health profession as the health care provider against whom or on whose behalf the testimony is offered and, if that health care provider is a specialist, the active clinical practice of, or consulting with respect to, the same specialty or a similar specialty that includes the evaluation, diagnosis, or treatment of the medical condition that is the subject of the action and have prior experience treating similar patients;

2. The instruction of students in an accredited health professional school or accredited residency program in the same or similar health profession in which the health care provider against whom or on whose behalf the testimony is offered, and if that health care provider is a specialist, an accredited health professional school or accredited residency or clinical research program in the same or similar specialty; or

3. A clinical research program that is affiliated with an accredited medical school or teaching hospital and that is in the same or similar health profession as the health care provider against whom or on whose behalf the testimony is offered and, if that health care provider is a specialist, a clinical research program that is affiliated with an accredited health professional school or accredited residency or clinical research program in the same or similar specialty.

(3) Notwithstanding subsection (2), if the health care provider against whom or on whose behalf the testimony is offered is a general practitioner, the expert witness, during the 3 years immediately preceding the date of the occurrence that is the basis for the action, must have devoted his or her professional time to:

(a) Active clinical practice or consultation as a general practitioner;

(b) Instruction of students in an accredited health professional school or accredited residency program in the general practice of medicine; or

(c) A clinical research program that is affiliated with an accredited medical school or teaching hospital and that is in the general practice of medicine.

(4) Notwithstanding subsection (2), a physician licensed under chapter 458 or chapter 459 who qualifies as an expert under the section and

who by reason of active clinical practice or instruction of students has knowledge of the applicable standard of care for nurses, nurse practitioners, certified registered nurse anesthetists, certified registered nurse midwives, physician assistants, or other medical support staff may give expert testimony in a medical malpractice action with respect to the standard of care of such medical support staff.

(5) In an action alleging medical malpractice, an expert witness may not testify on a contingency fee basis.

(6) This section does not limit the power of the trial court to disqualify an expert witness on grounds other than the qualifications in this section.

(7) Notwithstanding subsection (2), in a medical malpractice action against a hospital or other health care or medical facility, a person may give expert testimony on the appropriate standard of care as to administrative and other nonclinical issues if the person has substantial knowledge, by virtue of his or her training and experience, concerning the standard of care among hospitals, or health care or medical facilities of the same type as the hospital, health facility, or medical facility whose actions or inactions are the subject of this testimony and which are located in the same or similar communities at the time of the alleged act giving rise to the cause of action.

(2)(a) If the health care provider whose negligence is claimed to have created the cause of action is not certified by the appropriate American board as being a specialist, is not trained and experienced in a medical specialty, or does not hold himself or herself out as a specialist, a "similar health care provider" is one who:

1. Is licensed by the appropriate regulatory agency of this state;

2. Is trained and experienced in the same discipline or school of practice; and

3. Practices in the same or similar medical community.

(b) If the health care provider whose negligence is claimed to have created the cause of action is certified by the appropriate American board as a specialist, is trained and experienced in a medical specialty, or holds himself or herself out as a specialist, a "similar health care provider" is one who:

1. Is trained and experienced in the same specialty; and

2. Is certified by the appropriate American board in the same specialty.

However, if any health care provider described in this paragraph is providing treatment or diagnosis for a condition which is not within his or her specialty, a specialist trained in the treatment or diagnosis for that condition shall be considered a "similar health care provider."

(c) The purpose of this subsection is to establish a relative standard of care for various categories and classifications of health care providers. Any health care provider may testify as an expert in any action if he or she:

1. Is a similar health care provider pursuant to paragraph (a) or paragraph (b); or

2. Is not a similar health care provider pursuant to paragraph (a) or paragraph (b) but, to the satisfaction of the court, possesses sufficient training, experience, and knowledge as a result of practice or teaching in the specialty of the defendant or practice or teaching in a related field of medicine, so as to be able to provide such expert testimony as to the prevailing professional standard of care in a given field of medicine. Such training, experience, or knowledge must be as a result of the active involvement in the practice or teaching of medicine within the 5-year period before the incident giving rise to the claim.

(8)(3)(a) If the injury is claimed to have resulted from the negligent affirmative medical intervention of the health care provider, the claimant must, in order to prove a breach of the prevailing professional standard of care, show that the injury was not within the necessary or reasonably foreseeable results of the surgical, medicinal, or diagnostic procedure constituting the medical intervention, if the intervention from which the injury is alleged to have resulted was carried out in accordance with the prevailing professional standard of care by a reasonably prudent similar health care provider.

(b) The provisions of this subsection shall apply only when the medical intervention was undertaken with the informed consent of the patient in compliance with the provisions of s. 766.103.

(9)(4) The existence of a medical injury shall not create any inference or presumption of negligence against a health care provider, and the claimant must maintain the burden of proving that an injury was proximately caused by a breach of the prevailing professional standard of care by the health care provider. However, the discovery of the presence of a foreign body, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or diagnostic procedures, shall be prima facie evidence of negligence on the part of the health care provider.

(10)(5) The Legislature is cognizant of the changing trends and techniques for the delivery of health care in this state and the discretion that is inherent in the diagnosis, care, and treatment of patients by different health care providers. The failure of a health care provider to order, perform, or administer supplemental diagnostic tests shall not be actionable if the health care provider acted in good faith and with due regard for the prevailing professional standard of care.

(11)(a)(6)(a) In any action for damages involving a claim of negligence against a physician licensed under chapter 458, osteopathic physician licensed under chapter 459, podiatric physician licensed under chapter 461, or chiropractic physician licensed under chapter 460 providing emergency medical services in a hospital emergency department, the court shall admit expert medical testimony only from physicians, osteopathic physicians, podiatric physicians, and chiropractic physicians who have had substantial professional experience within the preceding 5 years while assigned to provide emergency medical services in a hospital emergency department.

(b) For the purposes of this subsection:

1. The term "emergency medical services" means those medical services required for the immediate diagnosis and treatment of medical conditions which, if not immediately diagnosed and treated, could lead to serious physical or mental disability or death.

2. "Substantial professional experience" shall be determined by the custom and practice of the manner in which emergency medical coverage is provided in hospital emergency departments in the same or similar localities where the alleged negligence occurred.

(12) *However, if any health care providers described in subsection (2), subsection (3), or subsection (4) are providing treatment or diagnosis for a condition that is not within his or her specialty, a specialist trained in the treatment or diagnosis for that condition shall be considered a "similar health care provider."*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 21, after the semicolon (;) insert: amending s. 766.102, F.S.; providing requirements for expert witness testimony in actions based on medical negligence;

POINT OF ORDER

Senator Dyer raised a point of order that pursuant to Rule 7.1 **Amendment 2** was not germane to the bill.

The President referred the point of order and the amendment to Senator McKay, Chairman of the Committee on Rules and Calendar.

Senator Lee moved the following amendment which was adopted:

Amendment 3 (473548)(with title amendment)—On page 87, between lines 20 and 21, insert:

Section 59. Subsection (4) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties

authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(4) **INDIGENT CARE AND TRAUMA CENTER SURTAX.—**

(a) The governing body in each county the government of which is not consolidated with that of one or more municipalities, which has a population of at least 800,000 residents and is not authorized to levy a surtax under subsection (5) or subsection (6), may levy, pursuant to an ordinance either approved by an extraordinary vote of the governing body or conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent.

(b) If the ordinance is conditioned on a referendum, a statement that includes a brief and general description of the purposes to be funded by the surtax and that conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing body of the county. The following questions shall be placed on the ballot:

FOR THE . . .CENTS TAX
AGAINST THE . . .CENTS TAX

(c) The ordinance adopted by the governing body providing for the imposition of the surtax shall set forth a plan for providing health care services to qualified residents, as defined in paragraph (d). Such plan and subsequent amendments to it shall fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. *The plan must also address the services to be provided by the Level I trauma center.* It shall emphasize a continuity of care in the most cost-effective setting, taking into consideration both a high quality of care and geographic access. Where consistent with these objectives, it shall include, without limitation, services rendered by physicians, clinics, community hospitals, mental health centers, and alternative delivery sites, as well as at least one regional referral hospital where appropriate. It shall provide that agreements negotiated between the county and providers, *including hospitals with a Level I trauma center,* will include reimbursement methodologies that take into account the cost of services rendered to eligible patients, recognize hospitals that render a disproportionate share of indigent care, provide other incentives to promote the delivery of charity care, *promote the advancement of technology in medical services, recognize the level of responsiveness to medical needs in trauma cases,* and require cost containment including, but not limited to, case management. It must also provide that any hospitals that are owned and operated by government entities on May 21, 1991, must, as a condition of receiving funds under this subsection, afford public access equal to that provided under s. 286.011 as to meetings of the governing board, the subject of which is budgeting resources for the rendition of charity care as that term is defined in the Florida Hospital Uniform Reporting System (FHURS) manual referenced in s. 408.07. The plan shall also include innovative health care programs that provide cost-effective alternatives to traditional methods of service delivery and funding.

(d) For the purpose of this subsection, the term "qualified resident" means residents of the authorizing county who are:

1. Qualified as indigent persons as certified by the authorizing county;
2. Certified by the authorizing county as meeting the definition of the medically poor, defined as persons having insufficient income, resources, and assets to provide the needed medical care without using resources required to meet basic needs for shelter, food, clothing, and personal expenses; or not being eligible for any other state or federal program, or having medical needs that are not covered by any such program; or having insufficient third-party insurance coverage. In all cases, the authorizing county is intended to serve as the payor of last resort; or
3. Participating in innovative, cost-effective programs approved by the authorizing county.

(e) Moneys collected pursuant to this subsection remain the property of the state and shall be distributed by the Department of Revenue on

a regular and periodic basis to the clerk of the circuit court as ex officio custodian of the funds of the authorizing county. The clerk of the circuit court shall:

1. Maintain the moneys in an indigent health care trust fund;
2. Invest any funds held on deposit in the trust fund pursuant to general law; and
3. Disburse the funds, including any interest earned, to any provider of health care services, as provided in paragraphs (c) and (d), upon directive from the authorizing county. *However, if a county has a population of at least 800,000 residents and has levied the surtax authorized in this subsection, notwithstanding any directive from the authorizing county, on October 1 of each calendar year, the clerk of the court shall issue a check in the amount of \$6.5 million to a hospital in its jurisdiction that has a Level I trauma center or shall issue a check in the amount of \$3.5 million to a hospital in its jurisdiction that has a Level I trauma center if that county enacts and implements a hospital lien law in accordance with chapter 98-499, Laws of Florida. The issuance of the checks on October 1 of each year is provided in recognition of the Level I trauma center status and shall be in addition to the base contract amount received during fiscal year 1999-2000 and any additional amount negotiated to the base contract. If the hospital receiving funds for its Level I trauma center status requests such funds to be used to generate federal matching funds under Medicaid, the clerk of the court shall instead issue a check to the Agency for Health Care Administration to accomplish that purpose to the extent that it is allowed through the General Appropriations Act.*

(f) Notwithstanding any other provision of this section, a county shall not levy local option sales surtaxes authorized in this subsection and subsections (2) and (3) in excess of a combined rate of 1 percent.

(g) This subsection expires October 1, 2005.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 21, after the semicolon (;) insert: amending s. 212.055, F.S.; expanding the authorized use of the indigent care surtax to include trauma centers; renaming the surtax; requiring the plan set out in the ordinance to include additional provisions concerning Level I trauma centers; providing requirements for annual disbursements to hospitals on October 1 to be in recognition of the Level I trauma center status and to be in addition to a base contract amount, plus any negotiated additions to indigent care funding; authorizing funds received to be used to generate federal matching funds under certain conditions and authorizing payment by the clerk of the court;

Senators Scott and Holzendorf offered the following amendment which was moved by Senator Scott and adopted:

Amendment 4 (683378)—On page 68, delete line 23 and insert:

2. *Beginning July 1, 2000, and until July 31, 2001, offer and issue basic and standard small employer health benefit plans on a guaranteed-issue basis to every eligible small employer which is eligible for guaranteed renewal, has less than two eligible employees, is not formed primarily for the purpose of buying health insurance, elects to be covered under such plan, agrees to make the required premium payments, and satisfies the other provisions of the plan. A rider for additional or increased benefits may be medically underwritten and may be added only to the standard benefit plan. The increased rate charged for the additional or increased benefit must be rated in accordance with this section. For purposes of this subparagraph, a person, his or her spouse, and his or her dependent children shall constitute a single eligible employee if that person and spouse are employed by the same small employer and either one has a normal work week of less than 25 hours.*

3.2. ~~Beginning August 1, 2001~~ ~~April 15, 1994~~, offer and

(Redesignate subsequent subparagraph.)

Senator Diaz-Balart moved the following amendment:

Amendment 5 (401444)(with title amendment)—On page 87, between lines 20 and 21, insert:

Section 56. *Florida Commission on Excellence in Health Care.*—

(1) *LEGISLATIVE FINDINGS AND INTENT.*—*The Legislature finds that the health care delivery industry is one of the largest and most complex industries in Florida. The Legislature finds that additional focus on strengthening health care delivery systems by eliminating avoidable mistakes in the diagnosis and treatment of Floridians holds tremendous promise to increase the quality of health care services available to Floridians. To achieve this enhanced focus, it is the intent of the Legislature to create the Florida Commission on Excellence in Health Care to facilitate the development of a comprehensive statewide strategy for improving health care delivery systems through meaningful reporting standards, data collection and review, and quality measurement.*

(2) *DEFINITIONS.*—*As used in this act, the term:*

(a) “Agency” means the Agency for Health Care Administration.

(b) “Commission” means the Florida Commission on Excellence in Health Care.

(c) “Department” means the Department of Health.

(d) “Error,” with respect to health care, means an unintended act, by omission or commission.

(e) “Health care practitioner” means any person licensed under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter 464; chapter 465; chapter 466; chapter 467; part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468; chapter 478; chapter 480; part III or part IV of chapter 483; chapter 484; chapter 486; chapter 490; or chapter 491, Florida Statutes.

(f) “Health care provider” means any health care facility or other health care organization licensed or certified to provide approved medical and allied health services in this state, or any entity licensed by the Department of Insurance as a prepaid health care plan or health maintenance organization or as an insurer to provide coverage for health care services through a network of providers.

(3) *COMMISSION; DUTIES AND RESPONSIBILITIES.*—*There is created the Florida Commission on Excellence in Health Care. The commission shall:*

(a) *Identify existing data sources that evaluate quality of care in Florida and collect, analyze, and evaluate this data.*

(b) *Establish guidelines for data sharing and coordination.*

(c) *Identify core sets of quality measures for standardized reporting by appropriate components of the health care continuum.*

(d) *Recommend a framework for quality measurement and outcome reporting.*

(e) *Develop quality measures that enhance and improve the ability to evaluate and improve care.*

(f) *Make recommendations regarding research and development needed to advance quality measurement and reporting.*

(g) *Evaluate regulatory issues relating to the pharmacy profession and recommend changes necessary to optimize patient safety.*

(h) *Facilitate open discussion of a process to ensure that comparative information on health care quality is valid, reliable, comprehensive, understandable, and widely available in the public domain.*

(i) *Sponsor public hearings to share information and expertise, identify “best practices,” and recommend methods to promote their acceptance.*

(j) *Evaluate current regulatory programs to determine what changes, if any, need to be made to facilitate patient safety.*

(k) *Review public and private health care purchasing systems to determine if there are sufficient mandates and incentives to facilitate continuous improvement in patient safety.*

(l) *Analyze how effective existing regulatory systems are in ensuring continuous competence and knowledge of effective safety practices.*

(m) Develop a framework for organizations that license, accredit, or credential health care practitioners and health care providers to more quickly and effectively identify unsafe providers and practitioners and to take action necessary to remove the unsafe provider or practitioner from practice or operation until such time as the practitioner or provider has proven safe to practice or operate.

(n) Recommend procedures for development of a curriculum on patient safety and methods of incorporating such curriculum into training, licensure, and certification requirements.

(o) Develop a framework for regulatory bodies to disseminate information on patient safety to health care practitioners, health care providers, and consumers through conferences, journal articles and editorials, newsletters, publications, and Internet websites.

(p) Recommend procedures to incorporate recognized patient safety considerations into practice guidelines and into standards related to the introduction and diffusion of new technologies, therapies, and drugs.

(q) Recommend a framework for development of community-based collaborative initiatives for error reporting and analysis and implementation of patient safety improvements.

(r) Evaluate the role of advertising in promoting or adversely affecting patient safety.

(4) MEMBERSHIP, ORGANIZATION, MEETINGS, PROCEDURES, STAFF.—

(a) The commission shall consist of:

1. The Secretary of Health and the Director of Health Care Administration;

2. One representative each from the following agencies or organizations: the Board of Medicine, the Board of Osteopathic Medicine, the Board of Pharmacy, the Board of Dentistry, the Board of Nursing, the Florida Dental Association, the Florida Medical Association, the Florida Osteopathic Medical Association, the Florida Chiropractic Association, the Florida Podiatric Medical Association, the Florida Nurses Association, the Florida Organization of Nursing Executives, the Florida Pharmacy Association, the Florida Society of Health System Pharmacists, Inc., the Florida Hospital Association, the Association of Community Hospitals and Health Systems of Florida, Inc., the Florida League of Health Systems, the Florida Health Care Risk Management Advisory Council, the Florida Health Care Association, the Florida Statutory Teaching Hospital Council, Inc., the Florida Statutory Rural Hospital Council, and the Florida Association of Homes for the Aging;

3. Two health lawyers, appointed by the Secretary of Health, one of whom must be a member of the Health Law Section of The Florida Bar who defends physicians and one of whom must be a member of the Academy of Florida Trial Lawyers;

4. Two representatives of the health insurance industry, appointed by the Director of Health Care Administration, one of whom shall represent indemnity plans and one of whom shall represent managed care;

5. Five consumer advocates, consisting of one from the Association for Responsible Medicine, two appointed by the Governor, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;

6. Two legislators, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives; and

7. One representative of a Florida medical school appointed by the Secretary of Health.

Commission membership shall reflect the geographic and demographic diversity of the state.

(b) The Secretary of Health and the Director of Health Care Administration shall jointly chair the commission. Subcommittees shall be formed by the joint chairs, as needed, to make recommendations to the full commission on the subjects assigned. However, all votes on work products of the commission shall be at the full commission level, and all recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives must pass by a two-thirds vote

of the full commission. Sponsoring agencies and organizations may designate an alternative member who may attend and vote on behalf of the sponsoring agency or organization in the event the appointed member is unable to attend a meeting of the commission or any subcommittee. The commission shall be staffed by employees of the Department of Health and the Agency for Health Care Administration. Sponsoring agencies or organizations must fund the travel and related expenses of their appointed members on the commission. Travel and related expenses for the consumer members of the commission shall be reimbursed by the state pursuant to section 112.061, Florida Statutes. The commission shall hold its first meeting no later than July 15, 2000.

(5) EVIDENTIARY PROHIBITIONS.—

(a) The findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission shall be available to the public, but may not be introduced into evidence at any civil, criminal, special, or administrative proceeding against a health care practitioner or health care provider arising out of the matters which are the subject of the findings of the commission. Moreover, no member of the commission shall be examined in any civil, criminal, special, or administrative proceeding against a health care practitioner or health care provider as to any evidence or other matters produced or presented during the proceedings of this commission or as to any findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, or other actions of the commission or any members thereof. However, nothing in this section shall be construed to mean that information, documents, or records otherwise available and obtained from original sources are immune from discovery or use in any civil, criminal, special, or administrative proceeding merely because they were presented during proceedings of the commission. Nor shall any person who testifies before the commission or who is a member of the commission be prevented from testifying as to matters within his or her knowledge in a subsequent civil, criminal, special, or administrative proceeding merely because such person testified in front of the commission.

(b) The findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission shall be used as a guide and resource and shall not be construed as establishing or advocating the standard of care for health care practitioners or health care providers unless subsequently enacted into law or adopted in rule. Nor shall any findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, or actions of the commission be admissible as evidence in any way, directly or indirectly, by introduction of documents or as a basis of an expert opinion as to the standard of care applicable to health care practitioners or health care providers in any civil, criminal, special, or administrative proceeding unless subsequently enacted into law or adopted in rule.

(c) No person who testifies before the commission or who is a member of the commission may specifically identify any patient, health care practitioner, or health care provider by name. Moreover, the findings, recommendations, evaluations, opinions, investigations, proceedings, records, reports, minutes, testimony, correspondence, work product, and actions of the commission may not specifically identify any patient, health care practitioner, or health care provider by name.

(6) REPORT; TERMINATION.—The commission shall provide a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than February 1, 2001. After submission of the report, the commission shall continue to exist for the purpose of assisting the Department of Health, the Agency for Health Care Administration, and the regulatory boards in their drafting of proposed legislation and rules to implement its recommendations and for the purpose of providing information to the health care industry on its recommendations. The commission shall be terminated June 1, 2001.

Section 57. The sum of \$91,000 in nonrecurring general revenue is hereby appropriated from the General Revenue Fund to the Department of Health to cover costs of the Florida Commission on Excellence in Health Care relating to the travel and related expenses of staff and consumer members and the reproduction and dissemination of documents.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 21, after the semicolon (;) insert: creating the Florida Commission on Excellence in Health Care; providing legislative findings and intent; providing definitions; providing duties and responsibilities; providing for membership, organization, meetings, procedures, and staff; providing for reimbursement of travel and related expenses of certain members; providing certain evidentiary prohibitions; requiring a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives; providing for termination of the commission; providing an appropriation;

Senator Silver moved the following amendments to **Amendment 5** which were adopted:

Amendment 5A (800244)—On page 2, lines 20-24, delete those lines and insert: *services in this state.*

Amendment 5B (374206)—On page 5, lines 16 and 17, delete those lines and insert: *Inc., the Florida Statutory Rural Hospital Council, the Florida Association of Homes for the Aging, and the Florida Society for Respiratory Care;*

Amendment 5 as amended was adopted.

Senator Forman moved the following amendment which was adopted:

Amendment 6 (940732)(with title amendment)—On page 87, between lines 20 and 21, insert:

Section 59. Subsections (1) and (2) of section 400.408, Florida Statutes, are amended to read:

400.408 Unlicensed facilities; referral of person for residency to unlicensed facility; penalties; verification of licensure status.—

(1)(a) It is unlawful to own, operate, or maintain an assisted living facility without obtaining a license under this part.

(b) Except as provided under paragraph (d), any person who owns, operates, or maintains an unlicensed assisted living facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(c) Any person found guilty of violating paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(d) Any person who owns, operates, or maintains an unlicensed assisted living facility due to a change in this part or a modification in department rule within 6 months after the effective date of such change and who, within 10 working days after receiving notification from the agency, fails to cease operation or apply for a license under this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(e) Any facility that fails to cease operation after agency notification may be fined for each day of noncompliance pursuant to s. 400.419.

(f) When a licensee has an interest in more than one assisted living facility, and fails to license any one of these facilities, the agency may revoke the license, impose a moratorium, or impose a fine pursuant to s. 400.419, on any or all of the licensed facilities until such time as the unlicensed facility is licensed or ceases operation.

(g) If the agency determines that an owner is operating or maintaining an assisted living facility without obtaining a license and determines that a condition exists in the facility that poses a threat to the health, safety, or welfare of a resident of the facility, the owner is subject to the same actions and fines imposed against a licensed facility as specified in ss. 400.414 and 400.419.

(h) Any person aware of the operation of an unlicensed assisted living facility must report that facility to the agency. The agency shall provide to the department's elder information and referral providers a

list, by county, of licensed assisted living facilities, to assist persons who are considering an assisted living facility placement in locating a licensed facility.

(i) *Each field office of the Agency for Health Care Administration shall establish a local coordinating workgroup which includes representatives of local law enforcement agencies, state attorneys, local fire authorities, the Department of Children and Family Services, the district long-term care ombudsman council, and the district human rights advocacy committee to assist in identifying the operation of unlicensed assisted living facilities and to develop and implement a plan to ensure effective enforcement of state laws relating to such facilities. The workgroup shall report its findings, actions, and recommendations semi-annually to the Director of Health Facility Regulation of the agency.*

(2) It is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility; to an assisted living facility the license of which is under denial or has been suspended or revoked; or to an assisted living facility that has a moratorium on admissions. Any person who violates this subsection commits a noncriminal violation, punishable by a fine not exceeding \$500 as provided in s. 775.083.

(a) *Any health care practitioner, as defined in s. 455.501, which is aware of the operation of an unlicensed assisted living facility shall report that facility to the agency. Failure to report a facility that the practitioner knows or has reasonable cause to suspect is unlicensed shall be reported to the practitioner's licensing board.*

(b) *Any hospital or community mental health center licensed under chapter 395 or chapter 394 which knowingly discharges a patient or client to an unlicensed assisted living facility is subject to sanction by the agency.*

(c)(a) Any employee of the agency or department, or the Department of Children and Family Services, who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions is subject to disciplinary action by the agency or department, or the Department of Children and Family Services.

(d)(b) The employer of any person who is under contract with the agency or department, or the Department of Children and Family Services, and who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions shall be fined and required to prepare a corrective action plan designed to prevent such referrals.

(e)(e) The agency shall provide the department and the Department of Children and Family Services with a list of licensed facilities within each county and shall update the list at least quarterly.

(f)(d) At least annually, the agency shall notify, in appropriate trade publications, physicians licensed under chapter 458 or chapter 459, hospitals licensed under chapter 395, nursing home facilities licensed under part II of this chapter, and employees of the agency or the department, or the Department of Children and Family Services, who are responsible for referring persons for residency, that it is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility and shall notify them of the penalty for violating such prohibition. The department and the Department of Children and Family Services shall, in turn, notify service providers under contract to the respective departments who have responsibility for resident referrals to facilities. Further, the notice must direct each noticed facility and individual to contact the appropriate agency office in order to verify the licensure status of any facility prior to referring any person for residency. Each notice must include the name, telephone number, and mailing address of the appropriate office to contact.

Section 60. Subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, *paramedic*, *emergency medical technician*, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. *An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;*

7.6. Human rights advocacy committee or long-term care ombudsman council member; or

8.7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:

1. Name, age, race, sex, physical description, and location of each disabled adult or an elderly person alleged to have been abused, neglected, or exploited.

2. Names, addresses, and telephone numbers of the disabled adult's or elderly person's family members.

3. Name, address, and telephone number of each alleged perpetrator.

4. Name, address, and telephone number of the caregiver of the disabled adult or elderly person, if different from the alleged perpetrator.

5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.

6. Description of the physical or psychological injuries sustained.

7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.

8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 21, after the semicolon (;) insert: amending s. 400.408, F.S.; requiring field offices of the Agency for Health Care Administration to establish local coordinating workgroups to identify the operation of unlicensed assisted living facilities and to develop a plan to enforce state laws relating to unlicensed assisted living facilities; requiring a report to the agency of the workgroup's findings and recommendations; requiring health care practitioners to report known operations of unlicensed facilities; prohibiting hospitals and community mental health centers from discharging a patient or client to an unlicensed facility; amending s. 415.1034, F.S.; requiring paramedics and emergency medical technicians to report acts of abuse committed against a disabled adult or elderly person;

On motion by Senator Latvala, further consideration of **CS for CS for CS for SB 2154, CS for SB 1900 and SB 282** with pending point of order and **Amendment 2** was deferred.

On motion by Senator Brown-Waite—

CS for CS for CS for SB 1508 and CS for SB's 706 and 2234—A bill to be entitled An act relating to managed care organizations; amending s. 641.315, F.S.; deleting provisions relating to provider billings; revising provisions relating to provider contracts; requiring a health maintenance organization to make certain disclosures to a provider; providing procedures for requesting and granting authorization for utilization of services; creating s. 641.3154, F.S.; providing that a health maintenance organization is liable for payment for services rendered to subscribers; prohibiting a provider from billing a subscriber under specified circumstances; requiring a health maintenance organization and the Department of Insurance to report violations to the Department of Health or the Agency for Health Care Administration; amending s. 641.3155, F.S.; defining the term "clean claim"; specifying the basis for determining when a claim is to be considered clean or not clean; requiring the Department of Insurance to adopt rules to establish a claim form; providing requirements; authorizing the Department of Insurance to adopt rules for coding standards; providing requirements for paying clean claims; providing requirements for denying or contesting a portion of a claim; providing for interest accrual and payment of interest; providing an uncontestable obligation to pay a claim; requiring a health maintenance organization to make a claim for overpayment; prohibiting an organization from reducing payment for other services; providing exceptions; requiring a provider to pay a claim for overpayment within a specified time; providing a procedure and timeframes for a provider to notify a health maintenance organization that it is denying or contesting a claim for overpayment; specifying when a provider payment of a claim for overpayment is to be considered made; providing for assessment of simple interest against overdue payment of a claim; specifying when interest on overdue payments of claims for overpayment begins to accrue; specifying a timeframe for a provider to deny or contest a claim for overpayment; providing an uncontestable obligation to pay a claim; specifying when a provider claim that is electronically transmitted or mailed is considered received; specifying when a health maintenance organization claim for overpayment is considered received; mandating acknowledgment of receipts for electronically submitted provider claims; prescribing a timeframe for a health maintenance organization to retroactively deny a claim for services provided to an ineligible subscriber; creating s. 641.3156, F.S.; providing for treatment authorization and payment of claims by a health maintenance organization; clarifying that treatment authorization and payment of a claim for emergency services is subject to specified provisions of law; amending s. 641.3903, F.S.; providing that downcoding with intent to deny reimbursement by a health maintenance organization is an unfair method of competition and an unfair or deceptive act or practice; amending s. 641.3909, F.S.; authorizing the Department of Insurance to issue a cease and desist order for a violation of s. 641.3155, F.S., relating to payment of claims; amending s. 641.495, F.S.; revising provisions relating to treatment-authorization capabilities; requiring agreement to pending authorizations and tracking numbers as a precondition to such an authorization; creating s. 408.7057, F.S.; providing for the establishment of a statewide claim-dispute-resolution program for providers and managed care organizations; providing rulemaking authority to the Agency for Health Care Administration; amending s. 395.1065, F.S., relating to criminal and administrative penalties for health care providers; authorizing administrative sanctions against a hospital's license for improper subscriber billing and violations of requirements relating to claims payment; amending s. 631.818, F.S., relating to the health maintenance organization consumer assistance plan; conforming provisions to changes made by the act; amending s. 817.234, F.S.; providing that certain actions by a provider are punishable under s. 641.52, F.S., in addition to any other provision of law; amending s. 817.50, F.S., relating to fraud against hospitals; expanding applicability to health care providers; amending s. 641.31, F.S., relating to health maintenance contracts; conforming a cross-reference to changes made by the act; providing applicability; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1508 and CS for SB's 706 and 2234** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

CS for CS for SB 2242—A bill to be entitled An act relating to health care; amending s. 409.212, F.S.; providing for periodic increase in the

optional state supplementation rate; amending s. 409.901, F.S.; amending definitions of terms used in ss. 409.910-409.920, F.S.; amending s. 409.902, F.S.; providing that the Department of Children and Family Services is responsible for Medicaid eligibility determinations; amending s. 409.903, F.S.; providing responsibility for determinations of eligibility for payments for medical assistance and related services; amending s. 409.905, F.S.; increasing the maximum amount that may be paid under Medicaid for hospital outpatient services; amending s. 409.906, F.S.; allowing the Department of Children and Family Services to transfer funds to the Agency for Health Care Administration to cover state match requirements as specified; amending s. 409.907, F.S.; revising requirements relating to the minimum amount of the surety bond which each provider is required to maintain; specifying grounds on which provider applications may be denied; amending s. 409.908, F.S.; increasing the maximum amount of reimbursement allowable to Medicaid providers for hospital inpatient care; creating s. 409.9119, F.S.; creating a disproportionate share program for children's hospitals; providing formulas governing payments made to hospitals under the program; providing for withholding payments from a hospital that is not complying with agency rules; amending s. 409.912, F.S.; providing for the transfer of certain unexpended Medicaid funds from the Department of Elderly Affairs to the Agency for Health Care Administration; providing for renewal of contracts for fiscal intermediary services; amending s. 409.919, F.S.; providing for the adoption and the transfer of certain rules relating to the determination of Medicaid eligibility; authorizing developmental research schools to participate in Medicaid certified school match program; providing for the Agency for Health Care Administration to seek a federal waiver allowing the agency to undertake a pilot project that involves contracting with skilled nursing facilities for the provision of rehabilitation services to adult ventilator dependent patients; providing for evaluation of the pilot program; amending s. 430.703, F.S.; defining "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements; repealing s. 409.912(4)(b), F.S., relating to the authorization of the agency to contract with certain prepaid health care services providers; providing an effective date.

—was read the second time by title.

Senator Silver moved the following amendment which was adopted:

Amendment 1 (891000)(with title amendment)—On page 15, line 25 through page 17, line 8, delete those lines and insert:

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

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

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

Where:

TAE = total amount earned by a licensed specialty children's hospital.

DSR = disproportionate share rate.

BMPD = base Medicaid per diem.

MD = Medicaid days.

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

$$TAP = (TAE \times TA)$$

$$STAE$$

Where:

TAP = total additional payment for a licensed specialty children's hospital.

TAE = total amount earned by a licensed specialty children's hospital.

STAE = sum of total amount earned by each hospital that participates in the licensed specialty children's hospital disproportionate share program.

TA = total appropriation for the licensed specialty children's hospital disproportionate share program.

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

And the title is amended as follows:

On page 1, delete line 29 and insert: *disproportionate share program for licensed specialty children's*

Senator Saunders moved the following amendment which was adopted:

Amendment 2 (291948)(with title amendment)—On page 20, between lines 22 and 23, insert:

Section 18. *February 6th of each year is designated Florida Alzheimer's Disease Day.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, following the semicolon (;) insert: *designating Florida Alzheimer's Disease Day;*

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 3 (812016)(with title amendment)—On page 20, between lines 22 and 23, insert:

Section 18. Present subsections (6) through (10) of section 394.4615, Florida Statutes, are redesignated as subsections (7) through (11), respectively, and a new subsection (6) is added to that section to read:

394.4615 Clinical records; confidentiality.—

(6) *Clinical records relating to a Medicaid recipient shall be furnished to the Medicaid Fraud Control Unit in the Department of Legal Affairs, upon request.*

Section 19. Paragraph (k) is added to subsection (4) of section 395.3025, Florida Statutes, to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(k) *The Medicaid Fraud Control Unit in the Department of Legal Affairs pursuant to s. 409.920.*

Section 20. Subsection (6) is added to section 400.0077, Florida Statutes, to read:

400.0077 Confidentiality.—

(6) *This section does not limit the subpoena power of the Attorney General pursuant to s. 409.920(8)(b).*

Section 21. Section 400.494, Florida Statutes, is amended to read:

400.494 Information about patients confidential.—

(1) Information about patients received by persons employed by, or providing services to, a home health agency or received by the licensing agency through reports or inspection shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed to any person other than the patient without the written consent of that patient or the patient's guardian.

(2) This section does not apply to information lawfully requested by the Medicaid Fraud Control Unit of the Department of Legal Affairs.

Section 22. Subsection (7) is added to section 409.9071, Florida Statutes, to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(7) The agency's and school districts' confidentiality is waived. They shall provide any information or documents relating to this section to the Medicaid Fraud Control Unit in the Department of Legal Affairs, upon request pursuant to its authority under s. 409.920.

Section 23. Paragraph (b) of subsection (8) of section 409.920, Florida Statutes, is amended to read:

409.920 Medicaid provider fraud.—

(8) In carrying out the duties and responsibilities under this subsection, the Attorney General may:

(b) Subpoena witnesses or materials, including medical records relating to Medicaid recipients, within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

Section 24. Section 409.9205, Florida Statutes, is amended to read:

409.9205 Medicaid Fraud Control Unit; law enforcement officers.—All investigators employed by the Medicaid Fraud Control Unit who have been certified under s. 943.1395 are law enforcement officers of the state. Such investigators have the authority to conduct criminal investigations, bear arms, make arrests, and apply for, serve, and execute search warrants, arrest warrants, and capias, and other process throughout the state pertaining to Medicaid fraud as described in this chapter. The Attorney General shall provide reasonable notice of criminal investigations conducted by the Medicaid Fraud Control Unit to, and coordinate those investigations with, the sheriffs of the respective counties. Investigators employed by the Medicaid Fraud Control Unit are not eligible for membership in the Special Risk Class of the Florida Retirement System under s. 121.0515.

Section 25. Section 430.608, Florida Statutes, is amended to read:

430.608 Confidentiality of information.—Identifying information about elderly persons who receive services under ss. 430.601-430.606, which is received through files, reports, inspection, or otherwise by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to elderly persons under ss. 430.601-430.606 through contracts with the department, is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may not be disclosed publicly in such a manner as to identify an elderly person, unless that person or the person's legal guardian provides written consent.

(2) This section does not, however, limit the subpoena authority of the Medicaid Fraud Control Unit of the Department of Legal Affairs pursuant to s. 409.920(8)(b).

Section 26. Subsection (8) of subsection 455.667, Florida Statutes, is amended to read:

455.667 Ownership and control of patient records; report or copies of records to be furnished.—

(8)(a) All patient records obtained by the department and any other documents maintained by the department which identify the patient by

name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate board.

(b) Notwithstanding paragraph (a), all patient records obtained by the department and any other documents maintained by the department which relate to a current or former Medicaid recipient shall be provided to the Medicaid Fraud Control Unit in the Department of Legal Affairs, upon request.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 1, after the semicolon (;) insert: amending s. 394.4615, F.S.; requiring that clinical records be furnished to the unit upon request; amending s. 395.3025, F.S.; allowing patient records to be furnished to the unit; amending s. 400.0077, F.S.; providing that certain confidentiality provisions do not limit the subpoena power of the Attorney General; amending s. 400.494, F.S.; providing that certain confidentiality provisions relating to home health agencies do not apply to information requested by the unit; amending s. 409.9071, F.S.; waiving confidentiality and requiring that certain information regarding Medicaid provider agreements with school districts be provided to the unit; amending s. 409.920, F.S.; clarifying the Attorney General's power to subpoena medical records relating to Medicaid recipients; amending s. 409.9205, F.S.; authorizing investigators employed by the unit to serve process; amending s. 430.608, F.S.; providing that certain confidentiality provisions pertaining to the Department of Elderly Affairs do not limit the subpoena authority of the unit; amending s. 455.667, F.S.; providing that certain confidential records held by the Department of Business and Professional Regulation must be provided to the unit;

Senator Saunders moved the following amendments which were adopted:

Amendment 4 (190382)(with title amendment)—On page 14, line 4 through page 15, line 22, delete those lines and insert:

Section 8. Paragraph (a) of subsection (1) and paragraph (c) of subsection (13) of section 409.908, Florida Statutes, are amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(1) Reimbursement to hospitals licensed under part I of chapter 395 must be made prospectively or on the basis of negotiation.

(a) Reimbursement for inpatient care is limited as provided for in s. 409.905(5). Reimbursement for hospital outpatient care is limited to \$1,500 ~~\$4,000~~ per state fiscal year per recipient, except for:

1. Such care provided to a Medicaid recipient under age 21, in which case the only limitation is medical necessity;
2. Renal dialysis services; and
3. Other exceptions made by the agency.

(b) Hospitals that provide services to a disproportionate share of low-income Medicaid recipients, or that participate in the regional perinatal

intensive care center program under chapter 383, or that participate in the statutory teaching hospital disproportionate share program, or that participate in the extraordinary disproportionate share program, may receive additional reimbursement. The total amount of payment for disproportionate share hospitals shall be fixed by the General Appropriations Act. The computation of these payments must be made in compliance with all federal regulations and the methodologies described in ss. 409.911, 409.9112, and 409.9113.

(c) The agency is authorized to limit inflationary increases for outpatient hospital services as directed by the General Appropriations Act.

(13) Medicare premiums for persons eligible for both Medicare and Medicaid coverage shall be paid at the rates established by Title XVIII of the Social Security Act. For Medicare services rendered to Medicaid-eligible persons, Medicaid shall pay Medicare deductibles and coinsurance as follows:

(c) Medicaid will pay no portion of Medicare deductibles and coinsurance when payment that Medicare has made for the service equals or exceeds what Medicaid would have paid if it had been the sole payor. The combined payment of Medicare and Medicaid shall not exceed the amount Medicaid would have paid had it been the sole payor. *The Legislature finds that there has been confusion regarding the reimbursement for services rendered to dually eligible Medicare beneficiaries. Accordingly, the Legislature clarifies that it has always been the intent of the legislature before and after 1991 that, in reimbursing in accordance with fees established by Title XVIII for premiums, deductibles, and coinsurance for Medicare services rendered by physicians to Medicaid eligible persons, that physicians be reimbursed at the lesser of the amount billed by the physician or the Medicaid maximum allowable fee established by the Agency for Health Care Administration, as is permitted by federal law. It has never been the intent of the Legislature with regard to such services rendered by physicians that Medicaid be required to provide any payment for deductibles, coinsurance, or copayments for Medicare cost-sharing, or any expenses incurred relating thereto, in excess of the payment amount provided for under the State Medicaid plan for such service. This payment methodology is applicable even in those situations in which the payment for Medicare cost-sharing for a qualified Medicare beneficiary with respect to an item or service is reduced or eliminated. This expression of the Legislature is in clarification of existing law and shall apply to payment for, and with respect to provider agreements with respect to, items or services furnished on or after the effective date of this act. This paragraph applies to payment by Medicaid for items and services furnished before the effective date of this act if such payment is the subject of a lawsuit that is based on the provisions of s. 409.908, and that is pending as of, or is initiated after, the effective date of this act.*

And the title is amended as follows:

On page 1, line 28, after "care;" insert: providing legislative findings, intent, and clarification; relating to reimbursement for services to dually eligible Medicare beneficiaries; providing applicability;

Amendment 5 (510798)—On page 20, lines 1-20, delete those lines and insert:

Section 15. Subsection (7) of section 430.703, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

430.703 Definitions.—As used in this act, the term:

(7) "Other qualified provider" means an entity licensed under chapter 400 that meets all the financial and quality assurance requirements for a provider service network as specified in s. 409.912 and can demonstrate a long-term care continuum.

Section 16. Subsection (1) of section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.—

(1) The department, in consultation with the agency, shall select and contract with managed care organizations and with other qualified providers to provide long-term care within community diversion pilot project areas. *Other qualified providers are exempt from all licensure and authorization requirements under the Florida Insurance Code with respect to the provision of long term care under a contract with the department.*

(Redesignate subsequent sections.)

Pursuant to Rule 4.19, **CS for CS for SB 2242** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala, the Senate resumed consideration of—

CS for CS for CS for SB 2154, CS for SB 1900 and SB 282—A bill to be entitled An act relating to health care; providing a short title; amending s. 395.701, F.S.; reducing an assessment against hospitals for outpatient services; amending s. 395.7015, F.S.; reducing an assessment against certain health care entities; amending s. 408.904, F.S.; increasing benefits for certain persons who receive hospital outpatient services; amending s. 408.905, F.S.; increasing benefits furnished by Medicaid providers to recipients of hospital outpatient services; amending s. 905.908, F.S.; increasing reimbursement to hospitals for outpatient care; amending s. 409.912, F.S.; providing for a contract with and reimbursement of an entity in Pasco or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases; providing for future repeal; providing appropriations; amending s. 400.471, F.S.; deleting the certificate-of-need requirement for licensure of Medicare-certified home health agencies; amending s. 408.032, F.S.; adding definitions of "exemption" and "mental health services"; revising the term "health service"; deleting the definitions of "home health agency," "institutional health service," "intermediate care facility," "multifacility project," and "respite care"; amending s. 408.033, F.S.; deleting references to the state health plan; amending s. 408.034, F.S.; deleting a reference to licensing of home health agencies by the Agency for Health Care Administration; amending s. 408.035, F.S.; deleting obsolete certificate-of-need review criteria and revising other criteria; amending s. 408.036, F.S.; revising provisions relating to projects subject to review; deleting references to Medicare-certified home health agencies; deleting the review of certain acquisitions; specifying the types of bed increases subject to review; deleting cost overruns from review; deleting review of combinations or division of nursing home certificates of need; providing for expedited review of certain conversions of licensed hospital beds; deleting the requirement for an exemption for initiation or expansion of obstetric services, provision of respite care services, establishment of a Medicare-certified home health agency, or provision of a health service exclusively on an outpatient basis; providing exemptions for combinations or divisions of nursing home certificates of need and additions of certain hospital beds and nursing home beds within specified limitations; requiring a fee for each request for exemption; amending s. 408.037, F.S.; deleting reference to the state health plan; amending ss. 408.038, 408.039, 408.044, and 408.045, F.S.; replacing "department" with "agency"; clarifying the opportunity to challenge an intended award of a certificate of need; amending s. 408.040, F.S.; deleting an obsolete reference; revising the format of conditions related to Medicaid; creating a certificate-of-need workgroup within the Agency for Health Care Administration; providing for expenses; providing membership, duties, and meetings; providing for termination; amending s. 651.118, F.S.; excluding a specified number of beds from a time limit imposed on extension of authorization for continuing care residential community providers to use sheltered beds for nonresidents; requiring a facility to report such use after the expiration of the extension; repealing s. 400.464(3), F.S., relating to home health agency licenses provided to certificate-of-need exempt entities; providing applicability; reducing the allocation of funds and positions from the Health Care Trust Fund in the Agency for Health Care Administration; amending s. 216.136, F.S.; creating the Mandated Health Insurance Benefits and Providers Estimating Conference; providing for membership and duties of the conference; providing duties of legislative committees that have jurisdiction over health insurance matters; amending s. 624.215, F.S.; providing that certain legislative proposals must be submitted to and assessed by the conference, rather than the Agency for Health Care Administration; amending guidelines for assessing the impact of a proposal to legislatively mandate certain health coverage; providing prerequisites to legislative consideration of such proposals; requiring physicians and hospitals to post a sign and provide a statement informing patients about the toll-free health care hotline; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing

a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross-references; defining the term "managed care"; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; amending s. 641.201, F.S.; clarifying applicability of the Florida Insurance Code to health maintenance organizations; amending s. 641.234, F.S.; providing conditions under which the Department of Insurance may order a health maintenance organization to cancel a contract; amending s. 641.27, F.S.; providing for payment by a health maintenance organization of fees to outside examiners appointed by the Department of Insurance; creating s. 641.226, F.S.; providing for application of federal solvency requirements to provider-sponsored organizations; creating s. 641.39, F.S.; prohibiting the solicitation or acceptance of contracts by insolvent or impaired health maintenance organizations; providing a criminal penalty; creating s. 641.2011, F.S.; providing that part IV of chapter 628, F.S., applies to health maintenance organizations; creating s. 641.275, F.S.; providing legislative intent that the rights of subscribers who are covered under health maintenance organization contracts be recognized and summarized; requiring health maintenance organizations to operate in conformity with such rights; requiring organizations to provide subscribers with a copy of their rights; listing specified requirements for organizations that are currently required by other statutes; authorizing administrative penalties for enforcing the rights specified in s. 641.275, F.S.; amending s. 641.28, F.S.; revising award of attorney's fees in civil actions under certain circumstances; amending s. 641.3917, F.S.; authorizing civil actions against health maintenance organizations by certain persons under certain circumstances; providing requirements and procedures; providing for liability for damages and attorney's fees; prohibiting punitive damages under certain circumstances; requiring the advance posting of discovery costs; amending s. 440.11, F.S.; establishing exclusive liability of health maintenance organizations; providing application; providing a legislative declaration; providing an appropriation; amending ss. 641.31, 641.315, 641.3155, F.S.; prohibiting a health maintenance organization from restricting a provider's ability to provide in-patient hospital services to a subscriber; requiring payment for medically necessary in-patient hospital services; amending s. 641.51, F.S., relating to quality assurance program requirements for certain managed-care organizations; allowing the rendering of adverse determinations by physicians licensed in Florida or states with similar requirements; requiring the submission of facts and documentation pertaining to rendered adverse determinations; providing timeframe for organizations to submit facts and documentation to providers and subscribers in writing; requiring an authorized representative to sign the notification; providing effective dates.

—which was previously considered and amended this day. Consideration of the pending point of order on **Amendment 2** was deferred.

RECONSIDERATION OF AMENDMENT

On motion by Senator Latvala, the Senate reconsidered the vote by which **Amendment 6** was adopted. **Amendment 6** was withdrawn.

Senator Forman moved the following amendment which was adopted:

Amendment 7 (082106)(with title amendment)—On page 87, between lines 20 and 21, insert:

Section 59. Subsections (1) and (2) of section 400.408, Florida Statutes, are amended to read:

400.408 Unlicensed facilities; referral of person for residency to unlicensed facility; penalties; verification of licensure status.—

(1)(a) It is unlawful to own, operate, or maintain an assisted living facility without obtaining a license under this part.

(b) Except as provided under paragraph (d), any person who owns, operates, or maintains an unlicensed assisted living facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(c) Any person found guilty of violating paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(d) Any person who owns, operates, or maintains an unlicensed assisted living facility due to a change in this part or a modification in department rule within 6 months after the effective date of such change and who, within 10 working days after receiving notification from the agency, fails to cease operation or apply for a license under this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(e) Any facility that fails to cease operation after agency notification may be fined for each day of noncompliance pursuant to s. 400.419.

(f) When a licensee has an interest in more than one assisted living facility, and fails to license any one of these facilities, the agency may revoke the license, impose a moratorium, or impose a fine pursuant to s. 400.419, on any or all of the licensed facilities until such time as the unlicensed facility is licensed or ceases operation.

(g) If the agency determines that an owner is operating or maintaining an assisted living facility without obtaining a license and determines that a condition exists in the facility that poses a threat to the health, safety, or welfare of a resident of the facility, the owner is subject to the same actions and fines imposed against a licensed facility as specified in ss. 400.414 and 400.419.

(h) Any person aware of the operation of an unlicensed assisted living facility must report that facility to the agency. The agency shall provide to the department's elder information and referral providers a list, by county, of licensed assisted living facilities, to assist persons who are considering an assisted living facility placement in locating a licensed facility.

(i) *Each field office of the Agency for Health Care Administration shall establish a local coordinating workgroup which includes representatives of local law enforcement agencies, state attorneys, local fire authorities, the Department of Children and Family Services, the district long-term care ombudsman council, and the district human rights advocacy committee to assist in identifying the operation of unlicensed facilities and to develop and implement a plan to ensure effective enforcement of state laws relating to such facilities. The workgroup shall report its findings, actions, and recommendations semi-annually to the Director of Health Facility Regulation of the agency.*

(2) It is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility; to an assisted living facility the license of which is under denial or has been suspended or revoked; or to an assisted living facility that has a moratorium on admissions. Any person who violates this subsection commits a noncriminal violation, punishable by a fine not exceeding \$500 as provided in s. 775.083.

(a) *Any health care practitioner, as defined in s. 455.501, which is aware of the operation of an unlicensed facility shall report that facility to the agency. Failure to report a facility that the practitioner knows or has reasonable cause to suspect is unlicensed shall be reported to the practitioner's licensing board.*

(b) *Any hospital or community mental health center licensed under chapter 395 or chapter 394 which knowingly discharges a patient or client to an unlicensed facility is subject to sanction by the agency.*

(c)(a) Any employee of the agency or department, or the Department of Children and Family Services, who knowingly refers a person for

residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions is subject to disciplinary action by the agency or department, or the Department of Children and Family Services.

(d)(b) The employer of any person who is under contract with the agency or department, or the Department of Children and Family Services, and who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium on admissions shall be fined and required to prepare a corrective action plan designed to prevent such referrals.

(e)(e) The agency shall provide the department and the Department of Children and Family Services with a list of licensed facilities within each county and shall update the list at least quarterly.

(f)(d) At least annually, the agency shall notify, in appropriate trade publications, physicians licensed under chapter 458 or chapter 459, hospitals licensed under chapter 395, nursing home facilities licensed under part II of this chapter, and employees of the agency or the department, or the Department of Children and Family Services, who are responsible for referring persons for residency, that it is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility and shall notify them of the penalty for violating such prohibition. The department and the Department of Children and Family Services shall, in turn, notify service providers under contract to the respective departments who have responsibility for resident referrals to facilities. Further, the notice must direct each noticed facility and individual to contact the appropriate agency office in order to verify the licensure status of any facility prior to referring any person for residency. Each notice must include the name, telephone number, and mailing address of the appropriate office to contact.

Section 60. Subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, *paramedic*, *emergency medical technician*, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. *An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments under s. 509.032;*

7. Human rights advocacy committee or long-term care ombudsman council member; or

8. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

(b) To the extent possible, a report made pursuant to paragraph (a) must contain, but need not be limited to, the following information:

1. Name, age, race, sex, physical description, and location of each disabled adult or an elderly person alleged to have been abused, neglected, or exploited.

2. Names, addresses, and telephone numbers of the disabled adult's or elderly person's family members.

3. Name, address, and telephone number of each alleged perpetrator.

4. Name, address, and telephone number of the caregiver of the disabled adult or elderly person, if different from the alleged perpetrator.

5. Name, address, and telephone number of the person reporting the alleged abuse, neglect, or exploitation.

6. Description of the physical or psychological injuries sustained.

7. Actions taken by the reporter, if any, such as notification of the criminal justice agency.

8. Any other information available to the reporting person which may establish the cause of abuse, neglect, or exploitation that occurred or is occurring.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 7, line 21, after the semicolon (;) insert: amending s. 400.408, F.S.; requiring field offices of the Agency for Health Care Administration to establish local coordinating workgroups to identify the operation of unlicensed assisted living facilities and to develop a plan to enforce state laws relating to unlicensed assisted living facilities; requiring a report to the agency of the workgroup's findings and recommendations; requiring health care practitioners to report known operations of unlicensed facilities; prohibiting hospitals and community mental health centers from discharging a patient or client to an unlicensed facility; amending s. 415.1034, F.S.; requiring paramedics and emergency medical technicians to report acts of abuse committed against a disabled adult or elderly person;

POINT OF ORDER DISPOSITION

On motion by Senator Dyer, the pending point of order on **Amendment 2** by Senator Sebesta was withdrawn.

The question recurred on **Amendment 2** which failed. The vote was:

Yeas—12

Madam President	Horne	Laurent	Sebesta
Cowin	Kirkpatrick	McKay	Sullivan
Grant	Latvala	Myers	Webster

Nays—25

Brown-Waite	Diaz de la Portilla	Jones	Rossin
Campbell	Diaz-Balart	King	Saunders
Carlton	Dyer	Klein	Scott
Casas	Forman	Kurth	Thomas
Childers	Geller	Lee	
Clary	Hargrett	Meek	
Dawson	Holzendorf	Mitchell	

RECONSIDERATION OF AMENDMENT

On motion by Senator Saunders, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

Senator Saunders moved the following amendment which was adopted:

Amendment 8 (671096)(with title amendment)—On page 45, between lines 18 and 19, insert:

Section 22. Subsection (7) of section 430.703, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

430.703 Definitions.—As used in this act, the term:

(7) "Other qualified provider" means an entity licensed under chapter 400 that meets all the financial and quality assurance requirements for a provider service network as specified in s. 409.912 and can demonstrate a long-term care continuum.

Section 23. Subsection (1) of section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.—

(1) The department, in consultation with the agency, shall select and contract with managed care organizations and with other qualified providers to provide long-term care within community diversion pilot project areas. Other qualified providers are exempt from all licensure and authorization requirements under the Florida Insurance Code with respect to the provision of long term care under a contract with the department.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 4, after the semicolon (;) insert: amending s. 430.703, F.S.; defining "other qualified provider"; amending s. 430.707, F.S.; authorizing the Department of Elderly Affairs to contract with other qualified providers to provide long-term care within the pilot project areas; exempting other qualified providers from specified licensing requirements;

Pursuant to Rule 4.19, **CS for CS for CS for SB 2154, CS for SB 1900 and SB 282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

CS for CS for SB 940—A bill to be entitled An act relating to delivery of health care services; creating a pharmaceutical expense assistance program; providing eligibility; prescribing duties of the Agency for Health Care Administration and other entities; providing for rules; requiring a report; prescribing prerequisites that drug manufacturers must meet in order for their drug products to be covered under the program; requiring pharmacies that participate in the program or in Medicaid to agree to limitations on compensation; providing for certain professional regulatory boards to adopt rules to discourage their respective practitioners from accepting certain types of compensation from pharmaceutical manufacturers; requiring disclosure of certain information relating to such compensation; providing legislative intent; providing appropriations; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (254264)(with title amendment)—On page 3, line 13 through page 5, line 14, delete those lines and insert: *order for a drug product to be covered under Medicaid or this program, the product's manufacturer shall:*

(a) *Provide a rebate to the state equal to the rebate required by the Medicaid program; and*

(b) *Make the drug product available to the program for the best price that the manufacturer makes the drug product available in the Medicaid program.*

(c) *File an annual report with the Agency for Health Care Administration which discloses the amount the manufacturer spent on gifts, payments, subsidies, or other financial inducements, other than complimentary samples of medicinal drugs, to physicians licensed under the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, and the Board of Dentistry in this state that do not primarily and directly entail a benefit to patients and are of a substantial value. The manufacturer must also disclose any gifts, payments, subsidies, or other financial inducements that exceed \$100 per single practitioner per instance and any cumulative gifts, payments, subsidies, or other financial inducements that exceed \$250 per single practitioner per year.*

(7) *REIMBURSEMENT.*—*Reimbursements to pharmacies participating in the pharmaceutical expense assistance program established under this section shall be equivalent to reimbursements under the Medicaid program.*

Section 2. *Medicare prescription discount program.*—*As a condition of participation in the Medicaid program or the pharmacy benefit program, a pharmacy must charge a price no greater than the average wholesale price minus 9 percent, plus a dispensing fee of \$4.50, when any Florida resident, who is a Medicare beneficiary, shows a Medicare card when presenting a prescription. However, this section does not prohibit a pharmacy from offering its own senior-citizen prescription-drug discount program that provides a greater discount.*

Section 3. *For fiscal year 2000-2001, the sum of \$15 million is appropriated from the General Revenue Fund to the Agency for Health Care Administration for the purpose of implementing the pharmaceutical expense assistance program effective January 1, 2001. Rebates collected under subsection (6) of section 1 of this act shall be used to provide additional benefits or serve additional people in the program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 10-20, delete those lines and insert: products to be covered under the program or Medicaid; requiring pharmaceutical manufacturers to file disclosure reports to the Agency for Health Care Administration for certain expenditures on certain licensed health care professionals; requiring reimbursements under the program to be the same as those for Medicaid; requiring pharmacies that participate in the program or in Medicaid to agree to limitations on compensation for Medicare beneficiaries; providing appropriations; directing the use of rebates received; providing an

Pursuant to Rule 4.19, **CS for CS for SB 940** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1352** and **CS for CS for CS for SB 1406** was deferred.

On motion by Senator Brown-Waite—

CS for SB 1194—A bill to be entitled An act implementing recommendations of the Constitutional Transition Task Force appointed by the Secretary of State with respect to governmental reorganization; amending s. 15.01, F.S.; striking a reference to performance by the Secretary of State of constitutional duties; amending s. 20.03, F.S.; redefining the term "cabinet" as used in provisions relating to the structure of the executive branch to conform to changes made to the State Constitution; amending s. 20.10, F.S.; providing for the structure of the Department of State and providing for the appointment, term of office, and duties of the head of the department; amending ss. 112.3144, 112.3145, F.S.; transferring certain functions relating to the disclosure of financial interests by public officers and employees from the Department of State to the Florida Commission on Ethics; amending s. 257.36, F.S.; requiring district officers and agencies to comply with certain laws relating to the management of records and revising provisions governing the destruction or disposition of agency records; amending s. 267.072, F.S.; revising programs administered by the Division of Historical Resources of the Department of State; amending s. 288.8175, F.S.; transferring from the Department of Education to the Department of State certain functions relating to linkage institutes between certain educational institutions and foreign countries; amending s. 403.7145, F.S.; conforming provisions relating to the recycling programs for the capitol to changes made in the structure of the executive branch by the State Constitution; transferring, renumbering, and amending ss. 617.301-617.312, F.S., relating to homeowners' associations, to clarify that such provisions are not administered by the Division of Corporations of the Department of State; amending ss. 617.0601, 617.0701, 617.0721, 617.0831, 712.01, 723.0751, 849.085, 849.0931, F.S.; conforming cross-references; amending s. 849.094, F.S.; transferring from the Division of Licensing of the Department of State to the Department of Agriculture and Consumer Services certain functions relating to the regulation of game promotions; requiring the Secretary of State to make a report to the Legislature on recommended statutory changes; providing effective dates.

—was read the second time by title.

Senator Brown-Waite moved the following amendments which were adopted:

Amendment 1 (410818)—On page 9, delete line 2 and insert: Ethics to the Secretary of State and to each supervisor of

Amendment 2 (345608)(with title amendment)—On page 11, between lines 3 and 4, insert:

Section 6. Paragraph (b) of subsection (5), paragraph (d) of subsection (6), and paragraph (a) of subsection (8) of section 112.3148, Florida Statutes, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—

(5)

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the *Commission on Ethics Secretary of State*, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Division of Legislative Information Services in the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the *Commission on Ethics Department of State*.

(8)(a) Each reporting individual or procurement employee shall file a statement with the *Commission on Ethics Secretary of State* on the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

Section 7. Subsection (6) of section 112.3149, Florida Statutes, is amended to read:

112.3149 Solicitation and disclosure of honoraria.—

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the *Commission on Ethics Department of State*.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the first semicolon (;) insert: amending ss. 112.3148, 112.3149, F.S.; requiring that reports of certain gifts and honoraria be filed with the Commission on Ethics rather than the Secretary of State or Department of State;

Amendment 3 (365690)(with title amendment)—On page 22, between lines 16 and 17, insert:

Section 10. Subsection (8) of section 415.1065, Florida Statutes, is amended to read:

415.1065 Records management.—All records must be maintained in their entirety for their full retention period, except as otherwise provided in this section:

(8) MANNER OF STORAGE AND DISPOSAL.—All reports, regardless of classification, shall be stored and disposed of in a manner deemed appropriate to the department and in accordance with ss. 119.041 and 257.36(6) 257.36(7).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 6, after the semicolon (;) insert: amending s. 415.1065, F.S., relating to records management; conforming a cross-reference to changes made by the act;

Senator Bronson moved the following amendment which was adopted:

Amendment 4 (282334)(with title amendment)—On page 47, between lines 25 and 26, insert:

Section 27. Subsection (2) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(2) The Department of State shall issue a license if the applicant:

(a) Is a resident of the United States or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;
2. Completion of any National Rifle Association firearms safety or training course;
3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of State;
4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or
7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged; and

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

(m) *Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 19, following the semicolon (;) insert: amending s. 790.06, F.S.; prescribing additional standards for the Department of State to consider in issuing a license for a concealed weapon or firearm;

Senator Horne moved the following amendment which was adopted:

Amendment 5 (690856)(with title amendment)—On page 47, between lines 25 and 26, insert:

Section 27. Effective January 1, 2002, present subsection (3) of section 607.1901, Florida Statutes, is redesignated as subsection (4) and a new subsection (3) is added to that section to read:

607.1901 Corporations Trust Fund creation; transfer of funds.—

(3) *From the funds collected for annual-report fees not otherwise transferred by subsection (2), the following transfers are made:*

(a) *To the Cultural Institutions Trust Fund, for use by the Legislature in the following fiscal year in funding recommendations with respect to the cultural facilities grants and aid, an amount not to exceed \$10 million each fiscal year.*

(b) *To the Historical Resources Operating Trust Fund, for use by the Legislature in the following fiscal year in funding recommendations with respect to the acquisition and restoration or historic properties, an amount not to exceed \$13 million each fiscal year.*

(c) *To the Library Services Trust Fund, for use by the Legislature in the following fiscal year in funding library cooperative grants, literacy grants, and library construction grants, an amount not to exceed \$10 million each fiscal year.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 19, after the semicolon (;) insert: amending s. 307.1901, F.S.; providing for the transfer of specified funds in the Corporations Trust Fund to be used for specified programs administered by the Department of State;

Senator McKay moved the following amendment which was adopted:

Amendment 6 (150974)(with title amendment)—On page 48, before line 1, insert:

Section 28. *The John and Mable Ringling Museum of Art is transferred from the Board of Trustees of the John and Mable Ringling Museum of Art in the Department of State to the Florida State University.*

Section 29. Section 240.711, Florida Statutes, is created to read:

240.711 *Ringling Center for Cultural Arts.—*

(1) *The Florida State University Ringling Center for Cultural Arts is created. The center consists of the following properties located in Sarasota County:*

(a) *The John and Mable Ringling Museum of Art composed of:*

1. *The art museum;*
2. *The Ca' d'Zan (the Ringling residence); and*
3. *The Ringling Museum of the Circus.*

(b) *The Florida State University Center for the Fine and Performing Arts, including the Asolo Theater and the Florida State University Center for the Performing Arts, both of which shall provide for academic programs in theatre, dance, art, art history, and museum management.*

The center shall be operated by the Florida State University, which shall be charged with encouraging participation by K-12 schools and by other colleges and universities, public and private, in the educational and cultural enrichment programs of the center.

(2)(a) The John and Mable Ringling Museum of Arts is designated as the official Art Museum of the State of Florida. The purpose and function of the museum is to maintain and preserve all objects of art and artifacts donated to the state through the will of John Ringling; to acquire and preserve objects of art or artifacts of historical or cultural significance; to exhibit such objects to the public; to undertake scholarly research and publication, including that relating to the collection; to provide educational programs for students at K-12 schools and those in college and graduate school and enrichment programs for children and adults; to assist other museums in the state and nation through education programs and through loaning objects from the collection when such loans do not threaten the safety and security of the objects; to enhance knowledge and appreciation of the collection; and to engage in other activities related to visual arts which benefit the public. The museum shall also engage in programs on the national and international level to enhance further the cultural resources of the state.

(b) The Florida State University shall approve a John and Mable Ringling Museum of Art direct-support organization. Such direct-support organization shall consist of no more than 31 members appointed by the president of the university from a list of nominees provided by the Ringling direct-support organization. No fewer than one-third of the members must be residents of Sarasota and Manatee Counties, and the remaining members may reside elsewhere. The current members of the Board of Trustees of the John and Mable Ringling Museum of Art may be members of the direct-support organization. They shall develop a charter and by-laws to govern their operation, and these shall be subject to approval by the Florida State University.

(c) The John and Mable Ringling Museum of Art direct-support organization, operating under the charter and by-laws and such contracts as are approved by the university, shall set policies to maintain and preserve the collections of the Art Museum; the Circus Museum; the furnishings and objects in the Ringling home, referred as the Ca' d'Zan; and other objects of art and artifacts in the custody of the museum. Title to all such collections, art objects, and artifacts of the museums and its facilities shall remain with the Florida State University, which shall assign state registration numbers to, and conduct annual inventories of, all such properties. The direct-support organization shall develop policy for the museum, subject to the provisions of the John Ringling will and the overall direction of the president of the university; and it is invested with power and authority to nominate a museum director who is appointed by and serves at the pleasure of the president of the university and shall report to the provost of the university or his or her designee. The museum director, with the approval of the provost or his or her designee, shall appoint other employees in accordance with Florida Statutes and rules; remove the same in accordance with Florida Statutes and rules; provide for the proper keeping of accounts and records and budgeting of funds; enter into contracts for professional programs of the museum and for the support and maintenance of the museum; secure public liability insurance; and do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the museum at the highest efficiency economically possible, while taking into consideration the purposes of the museum.

(d) Notwithstanding the provision of s. 287.057, the John and Mable Ringling Museum of Art direct-support organization may enter into contracts or agreements with or without competitive bidding, in its discretion, for the restoration of objects of art in the museum collection or for the purchase of objects of art that are to be added to the collection.

(e) Notwithstanding s. 273.055, the university may sell any art object in the museum collection, which object has been acquired after 1936, if the director and the direct-support organization recommend such sale to the president of the university and if they first determine that the object is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Ringling Museum Art Acquisition, Restoration, and Conservation Trust Fund. The university also may exchange any art object in the collection, which object has been acquired after 1936, for an art object or objects that the director and the museum direct-support organization recommend to the university after judging these to be of equivalent or greater value to the museum.

(f) An employee or member of the museum direct-support organization may not receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art and may not be a business associate of any individual, firm, or organization involved in the sale or exchange.

(g) The university, in consultation with the direct-support organization, shall establish policies and may adopt rules for the sale or exchange of works of art.

(h) The John and Mable Ringling Museum of Art direct-support organization shall cause an annual audit of its financial accounts to be conducted by an independent certified public accountant, performed in accordance with generally accepted accounting standards. Florida State University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

(i) The direct-support organization is given authority to make temporary loans of paintings and other objects of art or artifacts belonging to the John and Mable Ringling Museum of Art for the purpose of public exhibition in art museums, other museums, or institutions of higher learning wherever located, including such museums or institutions in other states or countries. Temporary loans may also be made to the executive mansion in Tallahassee, chapters and affiliates of the John and Mable Ringling Museum of Art, and, for education purposes, to schools, public libraries, or other institutions in the state, if such exhibition will benefit the general public as the university deems wise and for the best interest of the John and Mable Ringling Museum of Art and under policies established by Florida State University for the protection of the paintings and other objects of art and artifacts. In making temporary loans, the direct-support organization shall give first preference to art museums, other museums, and institutions of higher learning.

(j) Notwithstanding any other provision of law, the John and Mable Ringling Museum of Art direct-support organization is eligible to match state funds in the Major Gifts Trust Fund established pursuant to s. 240.2605 as follows:

1. For the first \$1,353,750, matching shall be on the basis of 75 cents in state matching for each dollar of private funds.
2. For additional funds, matching shall be provided on the same basis as is authorized in s. 240.2605.

Section 30. Sections 265.26 and 265.261, Florida Statutes, are repealed.

Section 31. Paragraph (e) of subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.—

(1) CULTURAL INSTITUTIONS TRUST FUND.—There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(e) For the officially designated Art Museum of the State of Florida described in s. 240.711 ~~state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, not less than \$2.2 million.~~

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 32. Subsection (11) of section 565.02, Florida Statutes, is amended to read:

565.02 License fees; vendors; clubs; caterers; and others.—

(11) ~~The Board of Trustees of the~~ John and Mable Ringling Museum of Art *direct-support organization* may obtain a license upon the payment of an annual license tax of \$400. Such license shall permit sales for consumption on the premises of the museum in conjunction with artistic, educational, cultural, civic, or charitable events held on the premises of the museum under the auspices or authorization of the licensee. The issuing of a license under this subsection is not subject to any quota or limitation, except that the license shall be issued only to the *direct-support organization* ~~board of trustees~~ of the museum or *its* ~~the board's~~ designee. Except as otherwise provided in this subsection, the entity licensed hereunder shall be treated as a vendor licensed to sell by the drink the beverages mentioned herein and shall be subject to all provisions relating to such vendors.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 21, after the semicolon (;) insert: transferring the John and Mable Ringling Museum of Art to Florida State University; creating s. 240.711, F.S.; creating the Ringling Center for Cultural Arts; providing for its governance, for a direct-support organization, and for operations; providing powers of the university and its agents and employees; repealing s. 265.26, F.S., relating to the Trustees of the John and Mable Ringling Museum of Art; repealing s. 265.261, F.S., relating to that museum's direct-support organization; amending s. 265.2861, F.S.; revising distributions from the Cultural Institutions Trust Fund; amending s. 565.02, F.S.; transferring the beverage license of the museum board of trustees to the direct-support organization;

Senator Childers moved the following amendment which was adopted:

Amendment 7 (082386)(with title amendment)—On page 47, between lines 25 and 26, insert:

Section 27. Present subsections (14) through (18) of section 266.0016, Florida Statutes, are renumbered as subsections (15) through (19), respectively, subsection (15) is amended, and a new subsection (14) is added to said section, to read:

266.0016 Powers of the board.—The department shall monitor the effectiveness of all programs of the board and oversee the board to ensure that it complies with state laws and rules. The board is the governing body and shall exercise those powers delegated to it by the department. These delegated powers shall include, but not be limited to, the power to:

(14) *Enter into agreements to accept credit card payments as compensation, and establish accounts in credit card banks for the deposit of credit card sales invoices.*

(15)(a)(14) Fix and collect charges for admission to any of the facilities operated and maintained by the board under the provisions of ss. 266.0011-266.0018. ~~and~~

(b) *Permit the acceptance of tour vouchers issued by tour organizations or travel agents for payment of admissions.*

(c) Adopt and enforce reasonable rules to govern the conduct of the visiting public.

Any power delegated by the department pursuant to this section may be revoked by the department at any time if, in the department's determination, the board is not exercising a delegated power in accordance with department rules and policies or in the best interest of the state.

Section 28. (1) *The Division of Historical Resources of the Department of State and the Historic Pensacola Preservation Board of Trustees, in conjunction with representatives from West Florida counties, municipalities, and postsecondary educational institutions, shall develop a regionally based plan for the protection, preservation, restoration, and promotion of sites, objects, and landmarks of historical significance to West Florida and to the state. The plan shall include, but not be limited to, the following:*

(a) *Identification of the needs, including financial needs, of the region for the protection, preservation, restoration, and promotion of historically significant sites, objects, and landmarks.*

(b) *Consideration and evaluation of and recommendations regarding the long-term management of those historic resources currently under the Historic Pensacola Preservation Board of Trustees.*

(c) *Consideration and evaluation of and recommendations regarding the establishment of a West Florida Museum of History to serve as the center for historic protection, preservation, restoration, and promotion in the region.*

(d) *Recommendations for local and regional initiatives.*

(e) *Recommendations for statutory changes and budget considerations.*

(2) *The plan shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2001.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-5, delete those lines and insert: An act relating to the Department of State; amending s. 266.0016, F.S.; providing additional powers of the Historic Pensacola Preservation Board of Trustees; requiring the Division of Historical Resources and the Historic Pensacola Preservation Board of Trustees, in conjunction with specified entities, to develop a regionally based historic preservation plan for West Florida; providing elements of the plan; requiring submission of the plan to the Legislature by a specified date; amending s. 15.01,

Pursuant to Rule 4.19, **CS for SB 1194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator McKay, the Senate recessed at 12:03 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:24 p.m. A quorum present—38:

Madam President	Dawson	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Thomas
Childers	Holzendorf	McKay	Webster
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

SPECIAL ORDER CALENDAR, continued

CONSENT CALENDAR

CS for SB 324—A bill to be entitled An act relating to affordable housing; amending s. 163.3187, F.S.; allowing small scale development amendments involving affordable housing within an area of critical state concern; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 324** to **HB 2095**.

Pending further consideration of **CS for SB 324** as amended, on motion by Senator Jones, by two-thirds vote **HB 2095** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

On motion by Senator Jones—

HB 2095—A bill to be entitled An act relating to local government comprehensive planning; amending s. 163.3187, F.S.; providing that certain plan amendments that involve construction of affordable housing in certain areas of critical state concern are eligible as small scale

development amendments that are exempt from the limits on the frequency of amendments to a local comprehensive plan; providing an effective date.

—a companion measure, was substituted for **CS for SB 324** as amended and read the second time by title. On motions by Senator Jones, by two-thirds vote **HB 2095** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	King	Myers
Bronson	Diaz-Balart	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Thomas
Childers	Holzendorf	McKay	Webster
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

Nays—None

CS for SB 1236—A bill to be entitled An act relating to the disposition of traffic fines; amending s. 318.21, F.S.; revising requirements for the use of funds collected from moving traffic violations; providing an effective date.

—was read the second time by title. On motions by Senator Silver, by two-thirds vote **CS for SB 1236** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	King	Rossin
Bronson	Diaz-Balart	Kirkpatrick	Saunders
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Sebesta
Campbell	Geller	Latvala	Silver
Carlton	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	Meek	
Clary	Horne	Mitchell	
Cowin	Jones	Myers	

Nays—None

On motion by Senator Diaz-Balart, consideration of **CS for SB 2220** was deferred.

CS for CS for SB 2276—A bill to be entitled An act relating to the Voting System Technology Task Force; creating a Voting System Technology Task Force; providing for membership, officers, organization, per diem, and staffing; providing duties; providing for a report and termination of the task force upon submission of the report; providing an effective date.

—was read the second time by title. On motions by Senator Meek, by two-thirds vote **CS for CS for SB 2276** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Clary	Grant	Kurth
Bronson	Cowin	Hargrett	Latvala
Brown-Waite	Dawson	Holzendorf	Laurent
Burt	Diaz de la Portilla	Horne	Lee
Campbell	Diaz-Balart	Jones	Meek
Carlton	Dyer	King	Mitchell
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Rossin

Saunders	Sebesta	Thomas	Webster
Scott	Silver		
Nays—None			

CS for SB 314—A bill to be entitled An act relating to insurance agencies; amending s. 626.592, F.S.; applying the requirements for insurance agencies to designate a primary agent to foreign insurance agencies, under certain circumstances; amending s. 626.753, F.S.; prohibiting the sharing of insurance commissions with unlicensed persons under certain circumstances; providing an application exception; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 314** to **CS for HB 785**.

Pending further consideration of **CS for SB 314** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 785** was withdrawn from the Committee on Banking and Insurance.

On motion by Senator Rossin, the rules were waived and—

CS for HB 785—A bill to be entitled An act relating to insurance commission sharing; amending s. 320.771, F.S.; prohibiting the sharing of insurance commissions with certain unlicensed persons under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 314** as amended and read the second time by title. On motions by Senator Rossin, by two-thirds vote **CS for HB 785** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Thomas
Clary	Holzendorf	McKay	Webster
Cowin	Horne	Meek	

Nays—None

On motion by Senator Diaz de la Portilla, by two-thirds vote **HB 1481** was withdrawn from the Committee on Criminal Justice.

On motion by Senator Diaz de la Portilla—

HB 1481—A bill to be entitled An act relating to law enforcement academies; amending s. 943.14, F.S.; requiring a criminal history background check prior to entrance into a basic recruit class; amending s. 943.17, F.S.; requiring basic recruit candidates pass a basic skills examination; providing an effective date.

—a companion measure, was substituted for **SB 2516** and read the second time by title. On motions by Senator Diaz de la Portilla, by two-thirds vote **HB 1481** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Latvala
Bronson	Cowin	Hargrett	Laurent
Brown-Waite	Dawson	Holzendorf	Lee
Burt	Diaz de la Portilla	Horne	McKay
Campbell	Diaz-Balart	Jones	Meek
Carlton	Dyer	King	Mitchell
Casas	Forman	Klein	Myers
Childers	Geller	Kurth	Rossin

Saunders Sebesta Sullivan Webster
 Scott Silver Thomas
 Nays—None

Rossin Scott Silver Thomas
 Saunders Sebesta Sullivan Webster
 Nays—None

On motion by Senator Campbell, by two-thirds vote **HB 937** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

INTRODUCTION OF FORMER SENATOR

The President introduced former Senator Karen Johnson who was present in the chamber.

On motion by Senator Campbell—

HB 937—A bill to be entitled An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; providing that a law enforcement or correctional agency may discipline or pursue criminal charges against an officer; amending s. 112.533, F.S.; providing that the subject of a complaint may review oral statements made by or on behalf of the complainant and witnesses; amending s. 112.534, F.S.; providing a penalty for failure to comply with pt. VI of ch. 112, F.S.; providing an effective date.

SB 164—A bill to be entitled An act relating to health insurance coverage for autism spectrum disorder; requiring a health insurer or health maintenance organization that offers major medical coverage to include coverage for treating autism spectrum disorder; defining the term “autism spectrum disorder”; authorizing an insurer or health maintenance organization to confirm a diagnosis or review the appropriateness of a treatment plan; providing that the act does not affect the licensure of a health care professional or impair the right to reimbursement of a health care provider; making a legislative finding that the act fulfills an important state interest; providing an effective date.

—a companion measure, was substituted for **CS for SB 1174** and read the second time by title. On motions by Senator Campbell, by two-thirds vote **HB 937** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

—was read the second time by title. On motions by Senator Scott, by two-thirds vote **SB 164** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40
 Madam President Dawson Jones Mitchell
 Bronson Diaz de la Portilla King Myers
 Brown-Waite Diaz-Balart Kirkpatrick Rossin
 Burt Dyer Klein Saunders
 Campbell Forman Kurth Scott
 Carlton Geller Latvala Sebesta
 Casas Grant Laurent Silver
 Childers Hargrett Lee Sullivan
 Clary Holzendorf McKay Thomas
 Cowin Horne Meek Webster
 Nays—None

Yeas—39
 Madam President Dawson Jones Myers
 Bronson Diaz de la Portilla King Rossin
 Brown-Waite Diaz-Balart Kirkpatrick Saunders
 Burt Dyer Klein Scott
 Campbell Forman Kurth Sebesta
 Carlton Geller Latvala Silver
 Casas Grant Laurent Sullivan
 Childers Hargrett Lee Thomas
 Clary Holzendorf Meek Webster
 Cowin Horne Mitchell
 Nays—None

CS for CS for SB 340—A bill to be entitled An act relating to human rights; creating s. 402.164, F.S., and amending ss. 402.165, 402.166, 402.167, F.S.; renaming the statewide and district human rights advocacy committees as the Florida statewide and local advocacy councils; providing legislative intent with respect to the duties and powers of the councils; defining the terms “client” and “client services” as used in ss. 402.164-402.167, F.S.; providing for the duties of the councils with respect to monitoring the activities of, and investigating complaints against, state agencies that provide client services; revising council membership, appointment, officers, and terms of service; providing for revision of local council service areas; providing statewide council staff with select exempt service status; providing for access to records of the state agencies subject to council investigations; providing rulemaking authority to such state agencies; amending ss. 39.001, 39.202, 39.302, 393.13, 394.459, 394.4595, 394.4597, 394.4598, 394.4599, 394.4615, 400.0067, 400.0089, 400.118, 400.141, 400.419, 400.428, 415.1034, 415.104, 415.1055, 415.106, 415.107, 430.04, F.S.; conforming references; providing an effective date.

CS for SB 2318—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring district school boards to establish emergency preparedness procedures for certain life-threatening emergencies; amending s. 232.465, F.S.; clarifying the requirement that procedures for life-threatening medical emergencies be adopted; amending s. 235.14, F.S.; requiring each district school board to adopt emergency management and emergency preparedness procedures according to minimum standards and model procedures established by the Department of Education; providing guidelines for the minimum standards and model procedures adopted by the department; providing an effective date.

—was read the second time by title. On motions by Senator Forman, by two-thirds vote **CS for CS for SB 340** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

—was read the second time by title. On motions by Senator Dawson, by two-thirds vote **CS for SB 2318** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40
 Madam President Clary Grant Kurth
 Bronson Cowin Hargrett Latvala
 Brown-Waite Dawson Holzendorf Laurent
 Burt Diaz de la Portilla Horne Lee
 Campbell Diaz-Balart Jones McKay
 Carlton Dyer King Meek
 Casas Forman Kirkpatrick Mitchell
 Childers Geller Klein Myers

Yeas—39
 Madam President Dawson Jones Myers
 Bronson Diaz de la Portilla King Rossin
 Brown-Waite Diaz-Balart Klein Saunders
 Burt Dyer Kurth Scott
 Campbell Forman Latvala Sebesta
 Carlton Geller Laurent Silver
 Casas Grant Lee Sullivan
 Childers Hargrett McKay Thomas
 Clary Holzendorf Meek Webster
 Cowin Horne Mitchell
 Nays—None

On motion by Senator Geller, by two-thirds vote **HB 1529** was withdrawn from the Committee on Natural Resources.

On motion by Senator Geller—

HB 1529—A bill to be entitled An act relating to resource recovery and management; amending s. 403.703, F.S.; redefining the term “source separated;” providing an effective date.

—a companion measure, was substituted for **CS for SB 2134** and read the second time by title. On motions by Senator Geller, by two-thirds vote **HB 1529** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Dawson	King	Rossin
Bronson	Diaz de la Portilla	Klein	Saunders
Brown-Waite	Diaz-Balart	Kurth	Scott
Burt	Dyer	Latvala	Sebesta
Campbell	Forman	Laurent	Silver
Carlton	Geller	Lee	Sullivan
Casas	Grant	McKay	Thomas
Childers	Hargrett	Meek	Webster
Clary	Holzendorf	Mitchell	
Cowin	Horne	Myers	

Nays—None

CS for CS for SB 1890—A bill to be entitled An act relating to end-of-life care; amending s. 395.1041, F.S.; specifying conditions under which hospital personnel may withhold resuscitation; clarifying intent regarding orders not to resuscitate; amending ss. 400.142, 400.4255, 400.6095, F.S.; clarifying intent regarding orders not to resuscitate issued and acted upon by a physician in a nursing home, assisted living facility, or hospice; amending s. 401.45, F.S.; relating to emergency treatment, requiring use of official form for valid do-not-resuscitate order; specifying required signatures; specifying authorized substitute signatures; amending s. 455.597, F.S., relating to licensure renewal requirements for certain health care professionals; providing for substitution of continuing education programs or courses on end-of-life care and palliative health care for any authorized domestic violence continuing education program or course taken within a specified period; amending s. 765.102, F.S., relating to legislative findings and intent; adding legislative intent to allow a person to plan for future incapacity orally or by executing a document; encouraging health care professionals to rapidly increase their understanding of end-of-life and palliative health care; requiring a statewide, culturally sensitive educational campaign on end-of-life care for the general public; creating s. 765.1103, F.S.; requiring certain health care facilities, health care providers, and health care practitioners to comply with patient requests for pain management and palliative care; amending s. 765.203, F.S.; revising the suggested form for designating a health care surrogate to include reference to anatomical-gift declarations; amending s. 765.204, F.S.; providing a procedure for determining a principal's capacity; revising provisions; providing cross-references; amending s. 765.205, F.S.; providing responsibilities of a health care surrogate with respect to medical records of the principal; amending s. 765.303, F.S.; revising the suggested form for a living will; amending s. 765.305, F.S.; providing a procedure for withholding or withdrawing medical treatment in the absence of a living will; changing the prerequisite circumstances on which a health care surrogate must rely before authorizing withholding or withdrawing of medical treatment for another person; amending s. 765.306, F.S., relating to determination of patient condition; changing the factors that must be evaluated for determining whether a living will may take effect; deleting the requirement for a consulting physician to separately examine the patient; amending s. 765.401, F.S.; providing a proxy to make health care decisions on behalf of a patient; deleting the alternative requirements that a proxy act in accordance with a written declaration or that the patient has certain specified medical conditions before a proxy may consent to withholding or withdrawing life-prolonging procedures; providing cross-references; creating the End-of-Life Care Workgroup; providing membership of the workgroup; requiring a report; providing an effective date.

—was read the second time by title. On motions by Senator Klein, by two-thirds vote **CS for CS for SB 1890** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	Jones	Myers
Bronson	Diaz de la Portilla	King	Rossin
Brown-Waite	Diaz-Balart	Klein	Saunders
Burt	Dyer	Kurth	Scott
Campbell	Forman	Latvala	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster
Cowin	Horne	Mitchell	

Nays—None

On motion by Senator Myers, by two-thirds vote **CS for HB 1991** was withdrawn from the Committee on Health, Aging and Long-Term Care.

On motion by Senator Myers—

CS for HB 1991—A bill to be entitled An act relating to trauma services; creating s. 395.4001, F.S.; providing definitions; amending s. 395.401, F.S.; deleting definitions; revising minimum components for local and regional trauma services system plans; amending s. 395.4015, F.S.; revising minimum components for state regional trauma system plans; providing for a statewide inclusive trauma system; amending s. 395.4045, F.S.; revising requirements relating to trauma transport protocols; providing for uniform protocols; revising requirements relating to the trauma scoring system and rules related thereto; revising requirements relating to trauma transport protocols and rules related thereto; providing procedures prior to an interfacility trauma transfer to ensure patient care and safety; requiring the Department of Health to adopt and enforce certain rules; amending s. 395.405, F.S.; providing rulemaking and enforcement authority; amending ss. 395.4025, 395.50, 322.0602, and 440.13, F.S.; correcting cross references; creating an emergency services task force; providing membership; providing for a study; requiring recommendations and a report; providing for repeal; providing effective dates.

—a companion measure, was substituted for **CS for SB 2624** and read the second time by title. On motions by Senator Myers, by two-thirds vote **CS for HB 1991** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motion by Senator Saunders, by two-thirds vote **HB 683** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Saunders—

HB 683—A bill to be entitled An act relating to lewd or lascivious exhibition; amending s. 800.04, F.S.; providing a penalty for the transmission of lewd or lascivious exhibition over the Internet under certain circumstances; amending s. 921.0022, F.S.; conforming a cross reference; reenacting ss. 394.912(9)(e), 775.082(9), 775.084(1)(d), 775.15(7), 775.21(4)(c) and (10)(b), 787.01(3), 787.02(3), 787.025(2)(a), 914.16, 943.0435(1)(a), 943.0585(2)(a), 943.059, 944.606(1)(b), 944.607(1)(a), 947.1405(7), 948.01(15), 948.03(4)(a), (5), and (6), and 948.06(2)(a), F.S., relating to definition of “sexually violent offense” for purposes of pt. IV of ch. 394, F.S., penalties, applicability of sentencing structures, and mandatory minimum sentences, violent career criminals, habitual felony offenders and habitual violent felony offenders, three-time violent

felony offenders, definitions, procedure, and enhanced penalties or mandatory minimum prison terms, time limitations, the Florida Sexual Predators Act, kidnapping, false imprisonment, luring or enticing a child, child abuse and sexual abuse of victims under age 16 or persons with mental retardation, and limits on interviews, sexual offenders required to register with the Department of Law Enforcement, court-ordered expunction of criminal history records, court-ordered sealing of criminal history records, notification to law enforcement agencies upon release of sexual offenders, notification to Department of Law Enforcement of information on sexual offenders, conditional release program, when court may place defendant on probation or into community control, terms and conditions of probation or community control, violation of probation or community control, revocation, modification, continuance, and failure to pay restitution or cost of supervision, to incorporate the amendment to s. 800.04, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1618** and read the second time by title. On motions by Senator Saunders, by two-thirds vote **HB 683** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Dawson, Jones, Mitchell, Bronson, Diaz de la Portilla, King, Myers, Brown-Waite, Diaz-Balart, Kirkpatrick, Rossin, Burt, Dyer, Klein, Saunders, Campbell, Forman, Kurth, Scott, Carlton, Geller, Latvala, Sebesta, Casas, Grant, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster

Nays—None

CS for SB 306—A bill to be entitled An act relating to government; creating the “Citizen Participation in Government Act”; providing for its purposes; defining terms; providing procedures for the judiciary to respond to lawsuits relating to the constitutional right to petition the government for redress of grievances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 306** to **HB 135**.

Pending further consideration of **CS for SB 306** as amended, on motion by Senator Lee, by two-thirds vote **HB 135** was withdrawn from the Committees on Judiciary; and Governmental Oversight and Productivity.

On motion by Senator Lee, the rules were waived and—

HB 135—A bill to be entitled An act relating to government; creating the “Citizen Participation in Government Act”; creating s. 768.29, F.S.; providing legislative intent; defining terms; prohibiting SLAPP lawsuits by governmental entities because persons or entities exercise certain constitutional rights; providing procedures for expediting resolution of motions regarding SLAPP suits; authorizing court to award actual damages, including costs and attorney’s fees; requiring reporting of SLAPP suits to Attorney General and reporting of violations to certain state officers; providing an effective date.

—a companion measure, was substituted for **CS for SB 306** as amended and read the second time by title. On motions by Senator Lee, by two-thirds vote **HB 135** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Carlton, Dawson, Geller, Bronson, Casas, Diaz de la Portilla, Grant, Brown-Waite, Childers, Diaz-Balart, Hargrett, Burt, Clary, Dyer, Holzendorf, Campbell, Cowin, Forman, Horne

Table with 4 columns: Jones, Latvala, Mitchell, Sebesta, King, Laurent, Myers, Silver, Kirkpatrick, Lee, Rossin, Sullivan, Klein, McKay, Saunders, Thomas, Kurth, Meek, Scott, Webster

Nays—None

CS for SB 1018—A bill to be entitled An act relating to rest areas; directing the Department of Transportation to fly the POW-MIA flag and erect appropriate markers honoring POW’s and MIA’s; providing an effective date.

—was read the second time by title. On motions by Senator Sullivan, by two-thirds vote **CS for SB 1018** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Dawson, Jones, Mitchell, Bronson, Diaz de la Portilla, King, Myers, Brown-Waite, Diaz-Balart, Kirkpatrick, Rossin, Burt, Dyer, Klein, Saunders, Campbell, Forman, Kurth, Scott, Carlton, Geller, Latvala, Sebesta, Casas, Grant, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster

Nays—None

CS for CS for SB 2578—A bill to be entitled An act relating to neighborhood revitalization; amending s. 212.08, F.S.; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of certain single-family homes located in an enterprise zone, empowerment zone, or Front Porch Florida Community; providing an exemption from the tax on sales, use, and other transactions for building materials used in the construction of specified redevelopment projects; providing requirements for refund applications; providing for rules; directing the agencies involved with specified housing programs to give priority consideration to specified projects in urban-core neighborhoods; directing the Department of Community Affairs to propose modifications to the Brownfields Redevelopment Act for consideration by the Legislature; requiring that applicants for assistance in state housing, economic development, and community revitalization programs who support the objectives of redeveloping HOPE VI grant neighborhoods be given priority; providing application requirements; requiring the Department of Community Affairs to submit to the Legislature an annual summary of certain HOPE VI assistance provided; providing an effective date.

—was read the second time by title. On motions by Senator Hargrett, by two-thirds vote **CS for CS for SB 2578** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Table with 4 columns: Madam President, Dawson, Jones, Mitchell, Bronson, Diaz de la Portilla, King, Myers, Brown-Waite, Diaz-Balart, Kirkpatrick, Rossin, Burt, Dyer, Klein, Saunders, Campbell, Forman, Kurth, Scott, Carlton, Geller, Latvala, Sebesta, Casas, Grant, Laurent, Silver, Childers, Hargrett, Lee, Sullivan, Clary, Holzendorf, McKay, Thomas, Cowin, Horne, Meek, Webster

Nays—None

CS for SB 1170—A bill to be entitled An act relating to bingo games at facilities for elderly or disabled adults; amending s. 849.0931, F.S.;

authorizing bingo games for residents or clients of certain facilities for the elderly or disabled, and their guests; providing conditions; providing for use of proceeds; providing exemption from local regulation and fees; providing an effective date.

—was read the second time by title. On motions by Senator Sebesta, by two-thirds vote **CS for SB 1170** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Saunders
Burt	Forman	Kurth	Scott
Campbell	Geller	Latvala	Sebesta
Carlton	Grant	Laurent	Silver
Casas	Hargrett	Lee	Sullivan
Childers	Holzendorf	McKay	Thomas
Clary	Horne	Meek	Webster
Cowin	Jones	Mitchell	

Nays—None

CS for SB 768—A bill to be entitled An act relating to license plates; amending s. 320.089, F.S.; providing for the deposit of certain funds generated under s. 320.089, F.S., into the Grants and Donations Trust Fund established by s. 296.38, F.S.; amending s. 320.08058, F.S.; revising provisions relating to the Sea Turtle License Plate; providing for a distribution of 25 percent of the annual use fees from the Share the Road license plate to Bike Florida, Inc., rather than to the Governor's Council on Physical Fitness and Amateur Sports; providing an effective date.

—was read the second time by title. On motions by Senator Latvala, by two-thirds vote **CS for SB 768** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 2506—A bill to be entitled An act relating to beach management; amending s. 161.021, F.S.; revising definitions; amending s. 161.041, F.S.; revising provisions relating to permit conditions; amending s. 161.042, F.S.; providing authority of the Department of Environmental Protection relating to beach nourishment for certain coastal construction and excavation; amending ss. 161.053, 161.082, and 161.141, F.S.; conforming terminology; amending s. 161.088, F.S.; revising declarations of public policy relating to beach erosion control, restoration, and nourishment; amending s. 161.091, F.S.; providing legislative intent with respect to disbursements from the Ecosystem Management and Restoration Trust Fund; modifying requirements of the department's multiyear repair and maintenance strategy; amending s. 161.101, F.S.; authorizing the department to enter into certain cooperative agreements for inlet project management and cost-sharing; revising requirements and criteria for state funding of projects and studies relating to beach management and erosion control; providing rulemaking authority of the department; amending s. 161.111, F.S.; deleting provisions relating to a nonexistent erosion control account; amending s. 161.161, F.S.; revising provisions relating to the state's comprehensive long-term beach management plan; deleting project criteria; revising department rulemaking authority; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2506** to **CS for CS for HB 1005**.

Pending further consideration of **CS for SB 2506** as amended, on motion by Senator Bronson, by two-thirds vote **CS for CS for HB 1005** was withdrawn from the Committees on Natural Resources and Fiscal Policy.

On motion by Senator Bronson—

CS for CS for HB 1005—A bill to be entitled An act relating to beach management; amending s. 161.021, F.S.; revising definitions; amending s. 161.041, F.S.; revising provisions relating to permit conditions; amending s. 161.042, F.S.; providing authority of the Department of Environmental Protection relating to beach nourishment for certain coastal construction and excavation; amending ss. 161.053, 161.082, and 161.141, F.S.; conforming terminology; amending s. 161.088, F.S.; revising declaration of public policy relating to beach erosion control, restoration, and nourishment; amending s. 161.091, F.S.; providing legislative intent with respect to disbursements from the Ecosystem Management and Restoration Trust Fund; modifying requirements of the department's multiyear repair and maintenance strategy; amending s. 161.101, F.S.; authorizing the department to enter into certain cooperative agreements for inlet project management and cost-sharing; revising requirements and criteria for state funding of projects and studies relating to beach management and erosion control; providing rulemaking authority of the department; amending s. 161.111, F.S.; deleting obsolete provisions relating to an erosion control account; amending s. 161.161, F.S.; revising provisions relating to the state's comprehensive long-term beach management plan; deleting project criteria; revising requirements for approval of certain projects by the Board of Trustees of the Internal Improvement Trust Fund and certain expenditures therefor; revising restrictions on certain department projects where a local share is required; revising department rulemaking authority; providing an effective date.

—a companion measure, was substituted for **CS for SB 2506** as amended and read the second time by title. On motions by Senator Bronson, by two-thirds vote **CS for CS for HB 1005** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 1646—A bill to be entitled An act relating to water pollution control; amending s. 403.1835, F.S.; providing for a method of financing water pollution control projects eligible under specified federal law; authorizing loans and grants; providing for the use of the Wastewater Treatment and Stormwater Management Revolving Loan Trust Fund; requiring the Department of Environmental Protection to adopt a priority system by rule; providing criteria for the rule; authorizing the imposition of penalty interest; granting rulemaking authority to the Department of Environmental Protection; creating s. 403.1837, F.S.; creating the Florida Water Pollution Control Financing Corporation; providing for its membership and powers; authorizing the corporation to enter into service contracts with the Department of Environmental Protection; authorizing the issuance of bonds and other obligations; authorizing the sale of loans issued under s. 403.1835, F.S.; providing for tax exemptions; requiring the corporation to evaluate all financial and market conditions necessary and prudent for the purpose of making sound, financially responsible, and cost-effective decisions to secure additional funding for water pollution control projects; authorizing the corporation to contract with the State Board of Administration for services; repealing s. 403.1836, F.S., relating to the Wastewater Treatment and Storm-

water Management Revolving Loan Trust Fund; providing an appropriation; providing an effective date.

—was read the second time by title. On motions by Senator Laurent, by two-thirds vote **CS for CS for SB 1646** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

On motion by Senator Kurth, consideration of **CS for SB 80** was deferred.

CS for SB 222—A bill to be entitled An act relating to safety standards for public health care employees; providing definitions; requiring that the Department of Labor and Employment Security adopt a blood-borne-pathogen standard for public employees; requiring the use of needleless systems and sharps with engineered sharps-injury protection; requiring that incidents of exposure be recorded in a sharps-injury log; specifying the information to be included in the sharps-injury log; authorizing the Department of Labor and Employment Security to include additional requirements as part of the blood-borne-pathogen standard; requiring that the department compile a list of needleless systems and sharps with engineered sharps-injury protection to assist employers in complying with the department's standard; providing a declaration of an important state interest; providing an effective date.

—was read the second time by title. On motions by Senator Dyer, by two-thirds vote **CS for SB 222** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

SB 1550—A bill to be entitled An act relating to the sale of liquefied petroleum gas; amending s. 527.01, F.S.; revising definitions; defining the terms "category IV liquefied petroleum gas dispenser and recreational vehicle servicer" and "wholesaler"; amending s. 527.02, F.S.; including category IV liquefied petroleum gas dispensers and recreational vehicle services within licensure and examination provisions of ch. 527, F.S.; providing a penalty for operating without a license; setting application and renewal fees for a category III liquefied petroleum gas cylinder exchange unit operator and a category IV liquefied petroleum gas dispenser and recreational vehicle servicer; providing for prorating of license fees under specified circumstances; providing for transfer of licenses under specified conditions; providing for license transfer fee; providing period of validity for qualifier cards issued to category I liquefied petroleum gas dealers and liquefied petroleum gas installers; providing for renewal of qualification; requiring category I liquefied petro-

leum gas dealers and liquefied petroleum gas installers to identify to the Department of Agriculture and Consumer Services a designated master qualifier; establishing examination and certification requirements for master qualifiers; requiring dealers to report to the department any vacancy in a qualifier or master qualifier position; providing for suspension of a dealer's license under specified circumstances; providing grounds for revocation of license or eligibility; providing for transfer of competency qualifications; amending s. 527.04, F.S.; increasing minimum requirements for insurance coverage; amending s. 527.06, F.S.; increasing civil penalties for violation of department rules; amending s. 527.11, F.S.; increasing minimum storage requirements for bulk storage filling plants; requiring that such plants be located in specified proximity to a licensee's business location; revising exemptions to such requirements; eliminating an exemption; removing a definition; amending s. 527.22, F.S.; revising provisions with respect to the Florida Propane Gas Education, Safety, and Research Council; revising provisions with respect to audits of account records of the council and review and inspection of council records; providing an effective date.

—was read the second time by title. On motions by Senator Grant, by two-thirds vote **SB 1550** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 924—A bill to be entitled An act relating to children; providing legislative findings; creating a Blind Babies Program; providing for early-intervention education for certain children who are blind or visually impaired and for their parents, families, and caregivers; prescribing program emphasis; requiring development of program outcomes, criteria, and performance measures; requiring reports; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Webster and adopted:

Amendment 1 (620198)—On page 3, lines 28-31, delete those lines and insert:

Section 4. In addition to the sum of \$530,000 appropriated from the General Revenue Fund in the General Appropriations Act for the 2000-2001 fiscal year for the Blind Babies Program, the sum of \$470,000 is appropriated from the General Revenue Fund to the Division of Blind Services of the Department of Labor and Employment Security to fund the Blind Babies Program during the 2000-2001 fiscal year. Of the total amount appropriated for the program in this act and in the General Appropriations Act for the 2000-2001 fiscal year, 90 percent of the funds must be provided for direct consumer services. Funds shall be distributed based on enrollment, which is contingent upon the Division of Blind Services determining eligibility.

On motions by Senator Webster, by two-thirds vote **CS for SB 924** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Carlton	Dawson	Geller
Bronson	Casas	Diaz de la Portilla	Grant
Brown-Waite	Childers	Diaz-Balart	Hargrett
Burt	Clary	Dyer	Holzendorf
Campbell	Cowin	Forman	Horne

Jones	Latvala	Mitchell	Sebesta
King	Laurent	Myers	Silver
Kirkpatrick	Lee	Rossin	Sullivan
Klein	McKay	Saunders	Thomas
Kurth	Meek	Scott	Webster

Nays—None

SB 1632—A bill to be entitled An act relating to sentencing; providing a short title; creating the “Sexual Predator Prosecution Act of 2000”; amending s. 921.16, F.S.; requiring an offender serving a sentence for sexual battery or murder who is found guilty of a separate offense of sexual battery or murder to serve a consecutive sentence for each separate offense; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **SB 1632** to **HB 677**.

Pending further consideration of **SB 1632** as amended, on motion by Senator Cowin, by two-thirds vote **HB 677** was withdrawn from the Committees on Criminal Justice and Fiscal Policy.

On motion by Senator Cowin—

HB 677—A bill to be entitled An act relating to sentencing; providing a short title; creating the “Sexual Predator Prosecution Act of 2000”; amending s. 921.16, F.S.; requiring any sentence for sexual battery or murder to be imposed consecutively to any other sentence for sexual battery or murder which arose out of a separate criminal episode; amending s. 921.161, F.S.; authorizing the custodian of the local jail to provide certain written certification to the Department of Corrections when delivering a prisoner into the custody of the department; providing an effective date.

—a companion measure, was substituted for **SB 1632** as amended and read the second time by title. On motions by Senator Cowin, by two-thirds vote **HB 677** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 1292—A bill to be entitled An act relating to correctional facilities; prohibiting specified contracts to house inmates from another state in correctional facilities within the state without approval of the regional planning council or specific legislative authorization; providing for submission of proposed contracts to the regional planning council and the Correctional Privatization Commission for review and approval; providing contract restrictions; providing for approval withdrawn for contracts; providing contract requirements; providing for written confirmation of specified compliance prior to contract approval; requiring private vendors to enter into a preliminary agreement with the Correctional Privatization Commission; providing conditions and requirements for preliminary agreements; providing an effective date.

—was read the second time by title. On motions by Senator Brown-Waite, by two-thirds vote **CS for CS for SB 1292** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—32

Madam President	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Campbell	Dyer	Kurth	Saunders
Carlton	Geller	Latvala	Scott
Casas	Grant	Laurent	Sebesta
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Mitchell	Webster

Nays—5

Dawson	Jones	Klein	Meek
Forman			

CS for SB 2086—A bill to be entitled An act relating to small employer health alliances; amending s. 408.7056, F.S.; providing additional definitions for the Statewide Provider and Subscriber Assistance Program; amending s. 627.654, F.S.; providing for insuring small employers under policies issued to small employer health alliances; providing requirements for participation; providing limitations; providing for insuring spouses and dependent children; allowing a single master policy to include alternative health plans; amending s. 627.6571, F.S.; including small employer health alliances within policy nonrenewal or discontinuance, coverage modification, and application provisions; amending s. 627.6699, F.S.; revising restrictions relating to premium rates to authorize small employer carriers to modify rates under certain circumstances and to authorize carriers to issue group health insurance policies to small employer health alliances under certain circumstances; requiring carriers issuing a policy to an alliance to allow appointed agents to sell such a policy; amending ss. 240.2995, 240.2996, 240.512, 381.0406, 395.3035, and 627.4301, F.S.; conforming cross-references; defining the term “managed care”; repealing ss. 408.70(3), 408.701, 408.702, 408.703, 408.704, 408.7041, 408.7042, 408.7045, 408.7055, and 408.706, F.S., relating to community health purchasing alliances; providing an effective date.

—was read the second time by title. On motions by Senator King, by two-thirds vote **CS for SB 2086** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1996—A bill to be entitled An act relating to professional services contracts; creating s. 725.08, F.S.; providing for indemnification in design professional contracts and voiding all others as being against public policy; providing definitions; providing for application; amending s. 725.06, F.S.; conforming to the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 1996** to **CS for HB 1083**.

Pending further consideration of **CS for SB 1996** as amended, on motion by Senator Clary, by two-thirds vote **CS for HB 1083** was withdrawn from the Committees on Regulated Industries and Judiciary.

On motion by Senator Clary—

CS for HB 1083—A bill to be entitled An act relating to professional services contracts; creating s. 725.08, F.S.; providing for indemnification

in design professional contracts and voiding all others as being against public policy; providing definitions; providing for application; providing an effective date.

—a companion measure, was substituted for **CS for SB 1996** as amended and read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for HB 1083** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson	King	Myers
Bronson	Diaz de la Portilla	Kirkpatrick	Rossin
Brown-Waite	Diaz-Balart	Klein	Scott
Burt	Dyer	Kurth	Sebesta
Campbell	Forman	Latvala	Silver
Carlton	Grant	Laurent	Thomas
Casas	Hargrett	Lee	Webster
Childers	Holzendorf	McKay	
Clary	Horne	Meek	
Cowin	Jones	Mitchell	

Nays—None

CS for CS for CS for SB 2464—A bill to be entitled An act relating to juvenile justice education programs; amending s. 230.02, F.S.; providing for district school systems to provide instructional personnel at certain juvenile justice programs; amending s. 230.23161, F.S.; providing legislative intent; prescribing duties for the Department of Juvenile Justice and the Department of Education regarding providing educational instruction to certain delinquent youths; requiring certain delinquent youths to participate in educational programs; allowing full-time teachers in juvenile justice schools to participate in the critical-teacher-shortage tuition-reimbursement program; clarifying the FTE count requirements; requiring a multi-agency plan; amending s. 232.032, F.S.; exempting youths in juvenile justice programs from certain immunization requirements; providing for followup; amending s. 235.1975, F.S.; requiring the Department of Juvenile Justice to notify the Department of Education regarding certain actions taken regarding the construction of new facilities; creating s. 985.3155, F.S.; requiring both departments to develop a plan for vocational education in juvenile justice facilities; providing powers, duties, and guidelines for the plan; requiring a report; amending s. 985.316, F.S.; providing for compulsory participation in education programs by youths in custody; requiring a study; requiring a review and the creation of a plan; providing appropriations; amending s. 228.081, F.S.; clarifying the educational option available to certain students; establishing responsibility for certain fees; amending s. 230.23, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; creating s. 951.176, F.S.; requiring provision of educational services to certain minors and students who are detained in specified detention facilities; providing an effective date.

—was read the second time by title. On motions by Senator Horne, by two-thirds vote **CS for CS for CS for SB 2464** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

Consideration of **CS for SB 1864** was deferred.

CS for CS for CS for SB 414—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228, F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S.; authorizing the Department of Management Services to adopt rules; authorizing the department to contract with a third party for an actuarial study; requiring that additional costs or savings be passed on to local government entities; providing a conditional effective date.

—was read the second time by title. On motions by Senator Mitchell, by two-thirds vote **CS for CS for CS for SB 414** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for CS for SB 2390—A bill to be entitled An act relating to elderly offenders; amending s. 944.02, F.S.; providing a definition of “elderly offender”; creating s. 944.804, F.S.; providing legislative findings; requiring the Department of Corrections to establish and operate a geriatric facility for elderly offenders at the current River Junction Correctional Institution site; requiring the department to develop rules specifying eligibility for the facility; requiring a study; creating s. 944.8041, F.S.; requiring annual review and reports by the Florida Corrections Commission and the Correctional Medical Authority on the status and treatment of elderly offenders; amending ss. 120.81, 413.051, 414.40, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title. On motions by Senator Thomas, by two-thirds vote **CS for CS for SB 2390** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1300—A bill to be entitled An act relating to the Employee Health Care Access Act; amending s. 627.6699, F.S.; modifying definitions; requiring small employer carriers to begin to offer and issue all small employer benefit plans on a specified date; deleting the requirement that basic and standard small employer health benefit plans be issued; providing additional requirements for determining premium rates for benefit plans; providing for applicability of the act to plans provided by small employer carriers that are insurers or health maintenance organizations notwithstanding the provisions of certain other specified statutes under specified conditions; providing an effective date.

—was read the second time by title. On motions by Senator Holzendorf, by two-thirds vote **CS for SB 1300** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

CS for SB 1412—A bill to be entitled An act relating to public swimming and bathing places; amending s. 514.011, F.S.; modifying a definition; creating s. 514.023, F.S.; authorizing the Department of Health to set standards for and sample beach waters and issue health advisories under certain conditions; preempting to the state the issuance of health advisories; providing for beach water-quality studies; amending ss. 514.03, 514.031, F.S.; exempting coastal and intracoastal beaches from certain permitting requirements; providing an appropriation; requiring a technical advisory committee; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Childers and adopted:

Amendment 1 (224176)—On page 6, lines 23-31, delete those lines and insert:

Section 6. *The sum of \$745,000 is appropriated from the Ecosystem Management and Restoration Trust Fund to the Department of Environmental Protection, Division of Water Resource Management, Beach Management Program, for fiscal year 2000-2001. These funds shall be transferred to the Department of Health. The sum of \$745,000 is appropriated from the County Health Department Trust Fund in the Department of Health during fiscal year 2000-2001 for a 2-year "Healthy Beaches" study in the coastal waters of Escambia and Santa Rosa Counties and the Tampa Bay area of Pinellas County. The purpose of the study is to determine which indicator organism is best suited to be used with respect to Florida's waters and to establish a statewide model to help predict when possible water-quality problems will occur.*

On motions by Senator Childers, by two-thirds vote **CS for SB 1412** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—40

Madam President	Dawson	Jones	Mitchell
Bronson	Diaz de la Portilla	King	Myers
Brown-Waite	Diaz-Balart	Kirkpatrick	Rossin
Burt	Dyer	Klein	Saunders
Campbell	Forman	Kurth	Scott
Carlton	Geller	Latvala	Sebesta
Casas	Grant	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

Nays—None

GENERAL BILLS

On motion by Senator Latvala—

CS for SB 1352—A bill to be entitled An act relating to retirement; amending s. 121.021, F.S.; redefining the terms "system," "average final compensation," "normal retirement date," "System Trust Fund," "vested," and "vesting" and defining the terms "actuarial surplus," "stabilization surplus," and "available surplus" with respect to the Florida Retirement System; creating s. 121.36, F.S.; directing the State Board of Administration to establish an optional defined contribution retirement

program for members of the Florida Retirement System; providing definitions; providing for eligibility and retirement service credit; providing for participation and enrollment; providing for contributions; providing vesting requirements; providing benefits; providing for administration; providing for investment options or products; providing for performance review; providing for an education component; providing participant information requirements; providing that advisory committees shall provide advice and assistance; providing for federal requirements; providing an investment policy statement; providing a statement of fiduciary standards and responsibilities; providing for disability benefits; providing for social security and health insurance subsidy coverage; creating s. 121.571, F.S.; providing for contributions; providing a statement of state purpose; providing future effect for certain provisions; amending s. 121.055, F.S.; increasing the number of personnel that may be designated as Senior Management Class by local governments; allowing senior management optional annuity program benefits to be distributed through a direct rollover; amending s. 112.363, F.S.; revising guidelines for determining eligibility for retiree health insurance subsidies; amending ss. 121.0515, 121.052, 121.053, 121.081, 121.091, 121.1115, 121.1122, 121.031, 121.121, F.S.; prescribing the method for calculating average final compensation; providing that members employed in a regularly established position shall be vested after 6 years of creditable service; providing that any terminated, inactive member must be actively employed in a covered position for 1 calendar year or more on or after the act's effective date to achieve vested status with 6 years of service; providing for employer contribution rate increases to each membership class; adding to the Special Risk Class of membership certain aerial firefighting surveillance positions; upgrading service credit for certain years for special risk members; providing for funding of changes to the definition of average final compensation from the assets of the Florida Retirement System Trust Fund in an amount and manner sufficient to maintain actuarial soundness; providing for employer contribution rate decreases to each membership class; providing for the development of a rate stabilization mechanism; providing for funding of the 1999 actuarial experience study from excess assets of the Florida Retirement System Trust Fund; providing for assignment and use of surplus; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the system; providing an appropriation; providing effective dates.

—was read the second time by title.

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 1 (115298)—On page 27, lines 27-29, delete those lines and insert: *services to either public or private clients.*

Senator Burt moved the following amendment which was adopted:

Amendment 2 (360756)—On page 45, line 7 through page 46, line 14, delete those lines and insert: *Commission, the Capital Collateral Regional Councils Representative, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:*

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

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

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

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. *Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsels.*

Senator Latvala moved the following amendments which were adopted:

Amendment 3 (775962)—On page 27, line 4, after “to” insert: *large*

Amendment 4 (882494)—On page 13, line 13, after the period (.) insert: *At least ten percent of the amount transferred shall be transferred to a stable value product.*

Amendment 5 (984158)—On page 24, lines 8-10, delete those lines and insert: *surviving spouse;*

5. *Periodic distributions or installments, as authorized by the state board; or*

6. *A distribution of benefits for the purchase of fixed or variable annuities.*

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 6 (491426)—On page 25, lines 24-27, delete those lines and insert: *services. The third-party administrator may be an approved provider, if so designated by the State Board of Administration. If at any time plan assets in the third-party administrator’s proprietary funds reach 25 percent of the total plan assets the third-party administrator shall not accept any new clients. Any product sold by a provider company from a fund of the third-party administrator shall not count as part of the 25 percent limitation. A plan review shall be conducted when plan assets in the third-party administrator’s proprietary funds reach 25 percent. The plan review shall be conducted by a newly created joint oversight committee comprised of four members from the House of Representatives and four members from the Senate. The committee shall oversee and periodically review investment options and is authorized to recommend changes to the third-party administrator and the State Board of Administration. Staff for this committee shall be provided by the Joint Legislative Auditing Committee. Independent from the third-party administrator, the board shall select and contract with a separate firm to provide education services, which firm shall have no financial relationship with any program provider or the third-party administrator. With the approval of the state board, the third-party administrator may subcontract with other organizations to provide components of the administrative services. As a cost of*

Senator Latvala moved the following amendment which was adopted:

Amendment 7 (100430)—On page 30, line 2, delete “*may select five*” and insert: *shall have nine*

Pursuant to Rule 4.19, **CS for SB 1352** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

CS for CS for SB 1406—A bill to be entitled An act relating to state regulation of lands; amending s. 190.012, F.S.; authorizing community development districts to fund certain environmental costs under certain circumstances; amending s. 197.432, F.S.; conforming statutory cross-references; amending s. 197.502, F.S.; authorizing local governments to file tax deed applications in a specified manner; amending s. 197.522, F.S.; conforming a statutory cross-reference; amending s. 199.1055, F.S.; broadening the contaminated site rehabilitation tax credit against the intangible personal property tax to include in the preapproved advanced cleanup program petroleum-contaminated sites

and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 212.08, F.S.; providing an exemption from the sales and use tax for building materials used in the rehabilitation of real property located in a designated brownfield area; providing an exemption from the sales and use tax for business property purchased for use by businesses located in a designated brownfield area; amending s. 212.096, F.S.; providing for a brownfield area jobs credit against the sales and use tax; amending s. 212.20, F.S.; providing for distribution of funds; amending s. 220.181, F.S.; providing for a designated brownfield area jobs credit against the corporate income tax; amending s. 220.182, F.S.; providing for a designated brownfield area property tax credit against the corporate income tax; amending s. 220.183, F.S.; providing a partial credit against the corporate income tax for community contributions that benefit designated brownfield areas; amending s. 220.1845, F.S.; broadening the contaminated site rehabilitation tax credit against the corporate income tax to include in the preapproved advanced cleanup program petroleum-contaminated sites and other contaminated sites at which cleanup is undertaken pursuant to a voluntary rehabilitation agreement with the Department of Environmental Protection under certain circumstances; amending s. 252.87, F.S.; revising reporting requirements under the Hazardous Materials Emergency Response and Community Right-to-Know Act; amending s. 288.047, F.S.; requiring Enterprise Florida, Inc., to set aside each fiscal year a certain amount of the appropriation for the Quick Response Training Program for businesses located in a brownfield area; amending s. 288.107, F.S.; redefining the term “eligible business”; providing for bonus refunds for businesses that can demonstrate a fixed capital investment in certain mixed use activities in the brownfield area; amending s. 288.905, F.S.; requiring Enterprise Florida, Inc., to develop comprehensive marketing strategies for redevelopment of brownfield areas; amending s. 290.007, F.S.; providing for state incentives in designated brownfield areas; amending s. 376.301, F.S.; redefining the terms “antagonistic effects,” “discharge,” “institutional controls,” and “site rehabilitation”; creating s. 376.30701, F.S.; extending application of risk-based corrective action principles to all contaminated sites resulting from a discharge of pollutants or hazardous substances; providing for contamination cleanup criteria that incorporates risk-based corrective actions to be adopted by rule; providing clarification that cleanup criteria do not apply to offsite relocation or treatment; providing the conditions under which further rehabilitation may be required; creating s. 376.30702, F.S.; creating the Florida State-Owned-Lands Cleanup Program; providing intent; directing the Department of Environmental Protection to use existing site priority ranking and cleanup criteria; establishing limited liability protection; amending s. 376.3078, F.S.; providing for rehabilitation criteria; amending s. 376.30781, F.S.; broadening the partial tax credits for the rehabilitation of certain contaminated sites; clarifying provisions regarding the filing for the tax credits; amending s. 376.79, F.S.; defining the terms “contaminant” and “risk reduction”; redefining the terms “natural attenuation,” “institutional control,” and “source removal”; amending s. 376.80, F.S.; allowing local governments or persons responsible for brownfield area rehabilitation and redevelopment to use an existing advisory committee; deleting the requirement that the advisory committee must review and provide recommendations to the local government with jurisdiction on the proposed brownfield site rehabilitation agreement; providing that the person responsible for site rehabilitation must notify the advisory committee of the intent to rehabilitate and redevelop the site before executing the brownfield site rehabilitation agreement; requiring the person responsible for site rehabilitation to hold a meeting or attend a regularly scheduled meeting of the advisory committee to inform the advisory committee of the outcome of the environmental assessment; requiring the person responsible for site rehabilitation to enter into a brownfield site rehabilitation agreement only if actual contamination exists; clarifying provisions relating to the required comprehensive general liability and comprehensive automobile liability insurance; amending s. 376.81, F.S.; providing direction regarding the risk-based corrective action rule; requiring the department to establish alternative cleanup levels under certain circumstances; amending s. 376.82, F.S.; providing immunity for liability regarding contaminated site remediation under certain circumstances; amending s. 376.84, F.S.; authorizing entities approved by the local government for the purpose of redeveloping brownfield areas to use tax increment financing; amending s. 376.86, F.S.; increasing the limits of the state loan guaranty in brownfield areas; creating s. 376.876, F.S.; providing for a Brownfield Redevelopment Grants Program in the Department of Environmental Protection; specifying the uses of grant funds; requiring matching funds; authorizing the department to adopt rules; providing for interim application requirements; creating s. 376.88,

F.S.; providing for the Brownfield Program Review Advisory Council; providing duties and responsibilities; amending s. 403.973, F.S.; providing that projects located in a designated brownfield area are eligible for the expedited permitting process; amending ss. 712.01, 712.03, F.S.; prohibiting subsequent property owners from removing certain deed restrictions under other provisions of the Marketable Record Title Act; providing for implementation to the extent funds are appropriated; repealing s. 211.3103(9), F.S.; deleting requirements for a county that accepts real property of mined or reclaimed land from phosphate mining companies to forfeit a portion of its share of severance tax equal to the value of property donated; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (321440)(with title amendment)—On page 65, line 21 through page 82, line 13, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 3, lines 11-28, delete those lines and insert: "rehabilitation"; amending s. 376.3078, F.S.;

Senator Bronson moved the following amendment which was adopted:

Amendment 2 (840714)(with title amendment)—On page 120, between lines 7 and 8, insert:

Section 35. Subsection (6) of section 376.051, Florida Statutes, is added to said section to read:

376.051 Powers and duties of the Department of Environmental Protection.—

(6) The department is specifically authorized to utilize risk-based cleanup criteria as described in ss. 376.3071, 376.3078, and 376.81 in conducting cleanups on lands owned by the state university system.

And the title is amended as follows:

On page 6, line 5, after the semicolon (;) insert: amending s. 376.051, F.S.; authorizing the Department of Environmental Protection to utilize certain criteria in conducting cleanups on lands owned by the state university system;

Pursuant to Rule 4.19, **CS for CS for CS for SB 1406** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1206** was deferred.

On motion by Senator Latvala—

CS for CS for SB 1708—A bill to be entitled An act relating to spring training facilities; amending s. 212.20, F.S.; providing for the distribution of specified sales tax proceeds for professional sports facilities; amending s. 288.1162, F.S.; redefining the term "new spring training franchise"; directing the Department of Tourism, Trade, and Economic Development to provide funding for a limited number of facilities for retained spring training franchises; providing criteria for setting priorities; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1708** was placed on the calendar of Bills on Third Reading.

On motion by Senator Diaz-Balart—

CS for SB 68—A bill to be entitled An act relating to postsecondary education; authorizing a college of law at Florida International University and Florida Agricultural and Mechanical University; providing duties of the Board of Regents and others; providing authority to accept grants and other available funds; providing conditions for cessation of

a college of law; authorizing certain scholarship recipients to attend a college of law prior to its accreditation; providing an effective date.

—was read the second time by title.

Senators Diaz-Balart, Holzendorf and Hargrett offered the following amendments which were moved by Senator Diaz-Balart and adopted:

Amendment 1 (281342)—On page 4, line 14 through page 5, line 25, delete those lines and insert:

(3) The college of law at Florida Agricultural and Mechanical University, to the extent consistent with the standards required by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law, shall develop a law library collection utilizing electronic formats and mediums.

(4) The college of law at Florida Agricultural and Mechanical University shall develop and institute a program that is consistent with sound legal education principles as determined by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law and that, to the extent consistent with such sound legal education principles, is structured to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service.

(5) The Board of Regents shall commence the planning of a college of law under the auspices of Florida Agricultural and Mechanical University to be located in the I-4 corridor area. In planning the college of law, the Board of Regents and the State Board of Education may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Board of Regents may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within five years following the graduation of the first class, a provisional approval, to the college of law at Florida Agricultural and Mechanical University, the Board of Regents shall make recommendations to the Governor and Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations of the college of law pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida Agricultural and Mechanical University and the authority of the Board of Regents and the State Board of Education provided in this section shall terminate upon the cessation of operations of the college of law at Florida Agricultural and Mechanical University. The college of law at Florida Agricultural and Mechanical University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida Agricultural and Mechanical University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida Agricultural and Mechanical University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned and managed by the Board of Regents upon the cessation of the college of law.

Amendment 2 (855068)—In title, on page 1, between lines 26 and 27, insert:

WHEREAS, additional public law schools, if established, should prepare students for careers in areas of high growth, such as, but not limited to, public service, international legal affairs, and maritime law, and

Amendment 3 (231424)—On page 2, line 9 through page 3, line 19, delete those lines and insert:

(3) The college of law at Florida International University, to the extent consistent with the standards required by the American Bar Associa-

tion or any other nationally recognized association for the accreditation of colleges of law, shall develop a law library collection utilizing electronic formats and mediums.

(4) The college of law at Florida International University shall develop and institute a program that is consistent with sound legal education principles as determined by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law and that, to the extent consistent with such sound legal education principles, is structured to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service.

(5) The Board of Regents shall commence the planning of a college of law at Florida International University. In planning the college of law, the Board of Regents and the State Board of Education may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Board of Regents may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida International University, the Board of Regents shall make recommendations to the Governor and the Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida International University and the authority of the Board of Regents and the State Board of Education provided in this section shall terminate upon the cessation of operations of the college of law at Florida International University. The college of law at Florida International University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida International University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida International University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned and managed by the Board of Regents upon the cessation of the college of law.

Pursuant to Rule 4.19, **CS for SB 68** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1692** was deferred.

On motion by Senator King—

CS for SB 1992—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding work done by state prisoners and county inmates from the definition of employment; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.12, F.S.; providing for electronic payment of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; amending s. 440.134, F.S.; revising a definition; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; requiring insurers' workers' compensation managed care arrangements to grant or deny requests for medical care within a time certain; requiring insurers' workers' compensation managed care arrangements to notify injured workers of the outcome of grievances within a time certain; providing a presumption of resolution of a grievance absent timely notice; amending s. 440.185, F.S.; authorizing the division to contract with

a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; authorizing not holding a hearing under certain circumstances; revising the period for payment; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting cross references; amending s. 440.45, F.S.; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; requiring the Office of Judges of Compensation Claims to adopt certain additional rules; requiring the Office of the Judges of Compensation Claims to submit draft rules to the Legislature by November 1, 2000; requiring review by the Legislature; providing requirements and procedures; amending s. 61.14, F.S.; requiring judges of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child-support arrearage from those settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending ss. 489.114, 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115, 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.311, F.S.; providing for use of policyholder surplus for purposes of funding certain deficits; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; providing an appropriation; repealing s. 440.45(3), F.S., relating to judges of compensation claims serving as docketing judges; providing effective dates.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator King and failed:

Amendment 1 (802994)—On page 26, delete line 25 and insert:

(b) In accordance with ~~notwithstanding~~ the provisions of s. 440.22

Senator King moved the following amendment which was adopted:

Amendment 2 (702128)(with title amendment)—On page 36, line 1, before "Section" insert:

Section 23. Paragraph (o) of subsection (1) of section 440.102, Florida Statutes, is amended to read:

440.102 Drug-free workplace program requirements.—The following provisions apply to a drug-free workplace program implemented pursuant to law or to rules adopted by the Agency for Health Care Administration:

(1) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(o) "Safety-sensitive position" means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position in the Family Safety and Preservation Program of the Department of Children and Family Services in which the employee is responsible for the well-being of a minor; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 25, after the semicolon (;) insert: amending s. 440.102, F.S.; redefining the term "safety-sensitive position";

RECONSIDERATION OF AMENDMENT

On motion by Senator King, the Senate reconsidered the vote by which **Amendment 2** was adopted. **Amendment 2** was adopted.

Senator King moved the following amendment which was adopted:

Amendment 3 (263556)—On page 26, delete line 25 and insert:

(b) *In accordance with Notwithstanding* the provisions of s. 440.22, any

Pursuant to Rule 4.19, **CS for SB 1992** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2208**, **CS for CS for CS for SB 2548** and **SB 2566** was deferred.

On motion by Senator Laurent—

CS for CS for SB 1494—A bill to be entitled An act relating to Lake Okeechobee; amending s. 373.4595, F.S.; providing legislative findings and intent; providing definitions; providing for implementation of a Lake Okeechobee Protection Program; requiring completion of a Lake Okeechobee Protection Plan by a specified date; requiring implementation of a regional water quality treatment construction project; requiring completion of research and rulemaking related to Lake Okeechobee; requiring regional water quality monitoring; regulating the diversion of specified water; requiring a phosphorus control program and implementation of a best management practices program; providing for interagency agreements and for interim measures; providing for protection of native flora and fauna; providing for a study regarding phosphorus removal; requiring annual reports; requiring certain permits for activities in the Lake Okeechobee watershed; providing for rights of the Seminole Tribe of Florida; preserving all existing state water quality standards; preserving existing authority; amending s. 373.406, F.S.; providing exemptions from regulation under pt. IV of ch. 373, F.S., relating to management and storage of surface waters; amending s. 403.067, F.S.; clarifying total maximum daily load calculation; clarifying that allocations may be made for basins; changing a report's due date; clarifying name of basin plans; providing the South Florida Water Management District with certain authority to manage lands it acquires for the Kissimmee River Headwaters Revitalization Project; encouraging less than fee title acquisition under certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and failed to conform **CS for CS for SB 1494** to **CS for CS for HB 991**.

Pending further consideration of **CS for CS for SB 1494**, on motion by Senator Laurent, by two-thirds vote **CS for CS for HB 991** was withdrawn from the Committees on Natural Resources; Agriculture and Consumer Services; and Fiscal Policy.

On motion by Senator Laurent—

CS for CS for HB 991—A bill to be entitled An act relating to Lake Okeechobee; amending s. 373.4595, F.S.; providing legislative findings and intent; providing definitions; providing for implementation of a Lake Okeechobee Protection Program; requiring completion of a Lake Okeechobee Protection Plan by a specified date; requiring implementation of a regional water quality treatment construction project; requiring completion of research and rulemaking related to Lake Okeechobee; requiring regional water quality monitoring; requiring a phosphorus control program and implementation of a best management practices program; providing for interagency agreements and for interim measures; providing for protection of native flora and fauna; providing for a study regarding phosphorus removal; requiring annual reports; requiring certain permits for activities in the Lake Okeechobee watershed; restricting certain diversions of waters; preserving provisions relating to the Everglades; preserving rights of the Seminole Tribe of Florida; preserving all existing state water quality standards; preserving existing authority; amending s. 373.406, F.S.; providing exemptions from

regulation under pt. IV of ch. 373, F.S., relating to management and storage of surface waters; amending s. 403.067, F.S.; clarifying total maximum daily load calculation; clarifying that allocations may be made for basins; clarifying reporting requirements; clarifying name of basin plans; providing the South Florida Water Management District with certain authority to manage lands it acquires for the Kissimmee River Headwaters Revitalization Project; encouraging less than fee title acquisition under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1494** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 991** was placed on the calendar of Bills on Third Reading.

On motion by Senator Laurent—

SB 1640—A bill to be entitled An act relating to the Lake Okeechobee Protection Trust Fund; creating s. 373.45952, F.S.; creating the Lake Okeechobee Protection Trust Fund; providing for administration by the Department of Environmental Protection; providing for its purposes; providing for review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 1640** to **HB 1189**.

Pending further consideration of **SB 1640** as amended, on motion by Senator Laurent, by two-thirds vote **HB 1189** was withdrawn from the Committees on Natural Resources and Fiscal Policy.

On motion by Senator Laurent—

HB 1189—A bill to be entitled An act relating to the Lake Okeechobee Protection Trust Fund; creating s. 373.45952, F.S.; creating the Lake Okeechobee Protection Trust Fund within the Department of Environmental Protection; providing 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.

—a companion measure, was substituted for **SB 1640** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 1189** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 2324** and **CS for SB 238** was deferred.

On motion by Senator Dyer—

CS for SB 1526—A bill to be entitled An act relating to cigarettes; amending s. 210.05, F.S.; requiring the Division of Alcoholic Beverages and Tobacco to design cigarette tax stamps that will permit identification of the agent or wholesale dealer that affixes the stamp; creating s. 210.185, F.S.; prohibiting the sale and distribution of certain cigarettes not intended for sale or distribution in this country; providing for criminal penalties, administrative sanctions, and unfair trade practices; providing for enforcement by the Division of Alcoholic Beverages and Tobacco; amending s. 210.19, F.S.; requiring the division to maintain specified records; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Dyer:

Amendment 1 (181820)—On page 7, line 9, delete "August 1" and insert: July 1

Senator Dyer moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (421134)—On page 1, line 17, delete “July 1” and insert: October 1

Amendment 1 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 1526** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1720—A bill to be entitled An act relating to punitive damages in class-action suits; creating s. 768.733, F.S.; prescribing the amount of bond or equivalent surety required to stay the execution of punitive-damages judgments in class-action suits, pending appellate review; providing for application of the act to certain pending cases; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (095084)—In title, on page 2, line 6, delete “substantive and procedural”

Senator Latvala moved the following amendment:

Amendment 2 (201880)—On page 3, line 14, delete “state”

On motion by Senator Latvala, further consideration of **CS for SB 1720** with pending **Amendment 2** was deferred.

On motion by Senator Kirkpatrick—

CS for SJR 1008—A joint resolution proposing the creation of Section 19 of Article X of the State Constitution, relating to miscellaneous matters, to prescribe the use of moneys in the Lawton Chiles Endowment Fund.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SJR 1008** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

SB 2168—A bill to be entitled An act relating to creating the Task Force on Tobacco-Settlement-Revenue Protection; providing for membership and duties; providing for staff; providing for expiration of the task force; providing an appropriation; authorizing expenditures; providing an effective date.

—was read the second time by title.

The Committee on Fiscal Policy recommended the following amendment which was moved by Senator Burt and failed:

Amendment 1 (763432)—On page 2, lines 18-23, delete those lines and redesignate subsequent sections.

Senator Burt moved the following amendment which was adopted:

Amendment 2 (565252)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *The Task Force on Tobacco-Settlement-Revenue Protection is created to determine the need for and evaluate methods for protecting the state's tobacco settlement revenue from significant loss. The task force shall, at a minimum, study and make a determination of:*

(a) *The degree of risk posed to the amount of tobacco-settlement revenue as a consequence of a decline in domestic tobacco sales.*

(b) *The degree of risk posed to the tobacco-settlement revenue by potential dissolution or restructure of the tobacco companies that were defendants in the state's suit.*

(c) *The necessity and advisability of taking action to protect the asset value of the tobacco settlement.*

(d) *The options available for protecting the asset value of tobacco-settlement revenues, including securitization, insurance, self-insurance, or a combination of these options.*

(2) *The task force shall submit a report to the Legislature by February 1, 2001. The report shall include findings and results of the task force's studies and determinations and any specific recommendations including recommendations for legislative revisions to address the issues and meet the needs identified under paragraphs (a)-(d) of subsection (1). The task force shall continue to serve for the purpose of providing assistance to the Legislature as needed to review legislative efforts to implement any of the task force's recommendations.*

(3) *The task force is to be composed of:*

(a) *The Governor, who shall serve as chair of the task force;*

(b) *The Comptroller;*

(c) *The Insurance Commissioner;*

(d) *Three members of the Senate, who shall be appointed by the President of the Senate; and*

(e) *Three members of the House of Representatives, who shall be appointed by the Speaker of the House of Representatives.*

(4) *The task force may conduct research, hold public hearings, receive testimony, employ consultants, and undertake other activities determined by its members to be necessary.*

(5) *Each task force member may designate a designee as an ex-officio nonvoting member.*

(6) *All official actions by the task force shall be by a majority vote of the membership designated in subsection (3).*

(7) *Staff support for the task force shall be provided by the State Board of Administration.*

(8) *The term of the task force shall expire on July 1, 2001.*

Section 2. *For the 2000-2001 fiscal year, the nonrecurring sum of \$100,000 from tobacco-settlement revenues is appropriated to the State Board of Administration to support operation of the task force.*

Section 3. 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 creating the Task Force on Tobacco-Settlement-Revenue Protection; providing for membership and duties; providing for staff; providing for expiration of the task force; providing an appropriation; providing an effective date.

Pursuant to Rule 4.19, **SB 2168** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

CS for CS for SB 1998—A bill to be entitled An act relating to state revenue; amending s. 215.5601, F.S.; defining the term “participating manufacturer”; revising legislative intent; specifying procedures by which a tobacco manufacturer may become a participating manufacturer; providing for signatories to a specified settlement agreement to be participating manufacturers; providing for funds received from participating manufacturers to be deposited into the Tobacco Settlement Clearing Trust Fund; providing for a portion of unappropriated funds to be deposited into the Lawton Chiles Endowment Fund; amending s. 210.02, F.S.; imposing a surtax on cigarettes not manufactured by a participating manufacturer, as defined by the act; providing for calculating the amount of the surtax; amending s. 210.20, F.S.; providing for the deposit of proceeds of the surtax; creating s. 215.5603, F.S.; creating the Tobacco Settlement Financing Corporation; defining terms; providing membership, powers, duties, and functions of the corporation; providing for the purchase of insurance and for the issuance of bonds; providing powers of the Department of Banking and Finance with respect to the corporation; providing for severability; providing an effective date.

—was read the second time by title.

Senator Brown-Waite offered the following amendment which was moved by Senator Horne and adopted:

Amendment 1 (763716)—On page 14, line 27 through page 17, line 11, delete those lines and insert:

1. *Developing a plan which is subject to the review, modification, and approval of the Legislature, by which it will purchase any or all of the state's right, title, and interest in and to the tobacco settlement agreement and will issue bonds to pay the purchase price therefor. The sale of bonds is subject to ratification by law. Funds generated by the sale of the bonds shall be used to provide funding for the Lawton Chiles Endowment Fund; or*

2. *Purchasing insurance, subject to the review, modification, and approval of the Legislature, to insure the state against the loss of proceeds from the tobacco settlement agreement.*

(b) *The corporation shall be governed by a board of directors consisting of the Governor, the Treasurer, the Comptroller, the Attorney General, two directors appointed from the membership of the Senate by the President of the Senate, and two directors appointed from the membership of the House of Representatives by the Speaker of the House of Representatives. On January 7, 2003, the board shall include the Chief Financial Officer in place of the Treasurer and the Comptroller.*

(c) *The corporation shall have all the powers of a corporate body under the laws of this state, including, but not limited to, the powers of corporations under chapter 617, to the extent not inconsistent with or restricted by the provisions of this section, including, but not limited to, the power to:*

1. *Adopt, amend, and repeal bylaws not inconsistent with this section.*

2. *Sue and be sued.*

3. *Adopt and use a common seal.*

4. *Acquire, purchase, hold, lease, and convey real and personal property, contract rights, general intangibles, revenues, moneys, and accounts as is proper or expedient to carry out the purposes of the corporation and this section and to assign, convey, sell, transfer, lease, or otherwise dispose of such property.*

5. *Elect or appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be employees of the state or of the state officers and agencies represented on the board of directors of the corporation.*

6. *Make and execute any and all contracts, trust agreements, trust indentures, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section, including, but not limited to, investment contracts approved by the Legislature, swap agreements, liquidity facilities, or the purchase, as approved by the Legislature, of insurance or reinsurance.*

7. *Select, retain, and employ professionals, contractors, or agents, which may include the Division of Bond Finance of the State Board of Administration and the Division of State Purchasing of the Department of Management Services, as are necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation.*

8. *Do any act or thing necessary or convenient to carry out the purposes of the corporation subject to the review, modification, and approval of the Legislature as provided herein.*

(d) *With the approval of at least six of its directors, the corporation may plan to purchase insurance to insure the state, for 7 years, against the loss of 50 percent of the revenues to be paid to the state pursuant to the tobacco settlement agreement. The total premium paid for this insurance may not exceed \$200 million. The plan is subject to review, modification, and approval of the Legislature. Purchase of insurance is subject to legislative approval.*

(e) *With the approval of at least six of its directors, the corporation may develop a plan to enter into one or more purchase agreements with*

the department pursuant to which the corporation will purchase any or all of the state's right, title, and interest in and to the tobacco settlement agreement and will execute and deliver any other documents necessary or desirable to effectuate such purchase. The plan is subject to review, modification, and approval of the Legislature. Sale of all or part of the state's right, title, and interest in and to the tobacco settlement agreement is subject to approval by the Legislature.

(f) *Subject to the review, modification, and approval by the Legislature, the corporation may issue bonds payable from and secured by amounts payable to the corporation from proceeds of the tobacco settlement agreement. The corporation is additionally authorized to issue bonds to refund previously issued bonds and to deposit the proceeds of such bonds as provided in the documents authorizing the issuance of such bonds. Upon legislative approval of the issuance of bonds, the corporation is authorized, to do*

Senator Horne moved the following amendment which was adopted:

Amendment 2 (640888)(with title amendment)—On page 20, lines 19 and 20, delete those lines and insert:

(p) *Unless such officer, employee, or agent acted outside the course and scope of her or his employment or acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, there shall be no*

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: providing a limitation on liability;

Senator Rossin moved the following amendment which failed:

Amendment 3 (295114)—On page 8, line 1, delete "85" and insert: 25

Pursuant to Rule 4.19, **CS for CS for SB 1998** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Mitchell—

CS for CS for CS for SB 2446—A bill to be entitled An act relating to tobacco farm conversion; providing funds to purchase stranded tobacco farming equipment; providing for resale of purchased equipment with restrictions; providing for use of proceeds from resale of equipment; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 2446** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar and Consent Calendar this day were placed on the Special Order Calendar for Monday, May 1; and the rules were waived to place **CS for SB 1720** first on the Special Order Calendar.

On motion by Senator McKay, a deadline of 7:00 p.m. this day was set for filing amendments to Bills on Third Reading and the Special Order Calendar to be considered Monday, May 1.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, May 1, 2000: CS for CS for SB 162, CS for CS for SB 202, CS for SB 206, SB 214, CS for CS for SB 240, SB 252, CS for SB 290, SB 292, CS for SB 316, SB 318, SB 320, SB 356, CS for SB 384, CS for SB 400, CS for CS for CS for SB 406, CS for SB 420, CS for SB 430, SB 436, CS for CS for CS for SB 806, CS for SB 820, CS for CS for CS for SB 832, SB 846, CS for CS for SB 860, CS for SB 866, CS for SB 868, CS for SB 878, SB 888, CS for SB 908, SB 928, CS for SB 964, CS for SB 1016, SB 1024, CS for SB 1028, CS for SB 1046, CS for SB 1078, SB 1084, SB 1102, CS for SB 1122, CS for SB

1124, CS for SB 1126, CS for CS for SB 1144, SB 1204, SB 1218, CS for SB 1226, CS for SB 1276, CS for SB's 1284, 1476, 1528 and 1616, CS for CS for SB 1334, CS for CS for CS for SB 1338, CS for SB 1398, CS for SB 1428, SB 1432, SB 1438, CS for SB 1448, CS for CS for SB 1462, CS for CS for SB 1492, SB 1504, CS for SB's 1530 and 1456, CS for SB 1602, CS for SB 1716, CS for CS for SB 1730, CS for CS for SB 1806, SB 1830, CS for SB 1868, CS for SB 1876, SB 1896, CS for SB 1916, SB 1918, CS for CS for SB 1934, CS for SB 2052, SB 2104, CS for SB 2132, CS for SB 2140, CS for SB 2162, SB 2186, CS for SB 2322, CS for CS for SB 2342, CS for SB 2346, CS for SB 2368, CS for CS for SB 2414, CS for SB 2448, CS for SB 2532, CS for SB 2542, SB 2584, CS for HB 1517, HB 2151, HB 2157

Respectfully submitted,
John McKay, Chairman

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB's 826 and 398

The bill with committee substitute attached was referred to the Committee on Fiscal Policy under the original reference.

The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 2556

The bill with committee substitute attached was placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Governmental Oversight and Productivity; Judiciary; and Senators Grant and Cowin—

CS for CS for SB's 826 and 398—A bill to be entitled An act relating to judicial nominating commissions; amending s. 43.29, F.S.; requiring appointing authorities to attempt to ensure that commissions' membership is representative of racial, ethnic, and gender diversity and geographic distribution of the population within the territorial jurisdiction of the court; requiring appointing authorities to attempt to ensure the

adequacy of representation of counties within judicial circuits; providing an effective date.

By the Committees on Governmental Oversight and Productivity; Judiciary; and Senator King—

CS for CS for SB 2556—A bill to be entitled An act relating to administrative procedure; amending s. 57.111, F.S.; increasing the maximum net worth for qualification as a small business party under the Florida Equal Access to Justice Act; increasing the limitation on the amount of attorney's fees and costs that may be awarded under the act; amending s. 120.569, F.S.; revising requirements for pleadings, motions, and other papers filed under ch. 120, F.S.; providing for sanctions, including an award of attorney's fees; amending s. 120.595, F.S.; redefining the term "improper purpose" for purposes of provisions authorizing challenges to agency action; amending s. 373.114, F.S.; providing that water management district orders resulting from certain evidentiary hearings are not subject to the Land and Water Adjudicatory Commission's review authority; amending s. 403.412, F.S.; providing that a resident of this state who is not a substantially affected person may not initiate certain administrative proceedings under the Environmental Protection Act of 1971; amending s. 120.52, F.S.; clarifying which governmental entities are subject to the Administrative Procedure Act; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 27 was corrected and approved.

CO-SPONSORS

Senators Casas—CS for SB 68; Dawson—CS for SB 68; Diaz-Balart—CS for CS for CS for SB 802; Geller—CS for CS for CS for SB 802; Holzendorf—CS for SB 68; Jones—CS for SB 68; Lee—CS for CS for CS for SB 802; Meek—CS for SB 68; Silver—CS for SB 68

RECESS

On motion by Senator McKay, the Senate recessed at 5:53 p.m. to reconvene at 10:00 a.m., Monday, May 1.