



# The Journal OF THE House of Representatives

Number 12

Tuesday, April 10, 2001

The House was called to order by the Speaker at 1:30 p.m.

## Prayer

The following prayer was offered by Rabbi Norman Lipson of Temple Dor Dorim of Weston, upon invitation of Rep. Rich:

Master of the Universe, Malka D'almah:

May these children of Adam and Eve, of all colors, faiths, and cultures, the chosen Representatives of the citizens of Florida, Your children, Christian and Jew, atheist and agnostic, man and woman, stand before You this day ready to work together to bring the blessings of hope, peace, and equity to their fellow citizens of this great state.

May the deliberations held within these walls always be on the highest level of discourse. May the words spoken by them, in fervor and passion, be free from rancor and discord. And may the compromises which will come from their sitting and reasoning together be for the betterment of their fellow citizens as a whole and not for the privileged few, at the expense of the many.

At this springtime season of Passover and Easter, of dreams of freedom from slavery and rebirth to a new world, may the words they utter match their deeds. And may their deeds reach to Your throne, O Ruler of all.

Bless these Representatives with wisdom and courage as they labor together: wisdom to see beyond the petty to the great, and courage to stand firmly for justice in the face of derision and scorn. Be with them always so that, together, they may one day, by their works here, help usher in the great promise of this land: true freedom and liberty for all.

Baruch Ata Adonay, Eloheinu Melech haolam, shehecheyanu, v'kiy'manu, v'higiyanu lazman hazeh.

Praised are You, Adonay our God, Ruler of the universe, who has kept us alive, sustained us, and enabled us to reach this moment in time. Amen.

## Recessed

The House stood in informal recess at 1:35 p.m., to reconvene upon the call of the Speaker.

## Reconvened

The House was called to order by the Speaker at 1:52 p.m.

The following Members were recorded present:

Session Vote Sequence: 126

|           |         |            |           |
|-----------|---------|------------|-----------|
| The Chair | Allen   | Argenziano | Attkisson |
| Alexander | Andrews | Arza       | Atwater   |

|                     |             |             |            |
|---------------------|-------------|-------------|------------|
| Ausley              | Diaz-Balart | Jordan      | Paul       |
| Baker               | Dockery     | Joyner      | Peterman   |
| Ball                | Farkas      | Justice     | Pickens    |
| Barreiro            | Fasano      | Kallinger   | Prieguez   |
| Baxley              | Fields      | Kendrick    | Rich       |
| Bean                | Fiorentino  | Kilmer      | Richardson |
| Bendross-Mindingall | Flanagan    | Kosmas      | Ritter     |
| Bennett             | Frankel     | Kottkamp    | Romeo      |
| Bense               | Gannon      | Kravitz     | Ross       |
| Benson              | Garcia      | Kyle        | Rubio      |
| Berfield            | Gardiner    | Lacasa      | Russell    |
| Betancourt          | Gelber      | Lee         | Ryan       |
| Bilirakis           | Gibson      | Lerner      | Seiler     |
| Bowen               | Goodlette   | Littlefield | Simmons    |
| Brown               | Gottlieb    | Lynn        | Siplin     |
| Brummer             | Green       | Machek      | Slosberg   |
| Brutus              | Greenstein  | Mack        | Smith      |
| Bucher              | Haridopolos | Mahon       | Sobel      |
| Bullard             | Harper      | Mayfield    | Sorensen   |
| Byrd                | Harrell     | Maygarden   | Spratt     |
| Cantens             | Harrington  | McGriff     | Stansel    |
| Carassas            | Hart        | Meadows     | Trovillion |
| Clarke              | Henriquez   | Mealor      | Wallace    |
| Crow                | Heyman      | Melvin      | Waters     |
| Cusack              | Hogan       | Miller      | Weissman   |
| Davis               | Holloway    | Murman      | Wiles      |
| Detert              | Jennings    | Needelman   | Wilson     |
| Diaz de la Portilla | Johnson     | Negron      | Wishner    |

A quorum was present.

## Pledge

The Members, led by Roger Amundsen, John B. Atwater of North Palm Beach, Malaika Brutus of Miami Shores, Jennifer J. Fiorentino of New Port Richey, Brendan Flanagan, Kevin Flanagan, Margaret Giampavolo of Holiday, Sara Nicole Jans of Rutherfordton, NC, Whitney Tyler Jernigan of Pace, David Lerner of Miami, Zachary L'Hote of Naples, Sarah C. Maguire of Ponte Vedra Beach, Harrison S. Mahon of Port St. Lucie, Gregory D. Owens of Miami, Page Painter of Tampa, Steven W. Pruitt of Port St. Lucie, Sara Beth Rawlings of Babson Park, Timothy Rawlins of Key Largo, Kyle Ruditz of Tallahassee, Kristie Sebesta of Jacksonville, Robby Stahl of St. Petersburg Beach, Blaine Varn of Tallahassee, Salem Willis of Tampa, and Andrew Wilson of Gainesville, pledged allegiance to the Flag. Roger Amundsen served at the invitation of Rep. Allen. John B. Atwater served at the invitation of his father, Rep. Atwater. Malaika Brutus served at the invitation of her father, Rep. Brutus. Jennifer J. Fiorentino served at the invitation of Rep. Crow. Brendan Flanagan and Kevin Flanagan served at the invitation of their father, Rep. Flanagan. Margaret Giampavolo served

at the invitation of Rep. Fiorentino. Sara Nicole Jans served at the invitation of Rep. Lynn. Whitney Tyler Jernigan served at the invitation of Rep. Miller. David Lerner served at the invitation of his mother, Rep. Lerner. Zachary L'Hote served at the invitation of Rep. Goodlette. Sarah C. Maguire served at the invitation of Rep. Davis. Harrison S. Mahon served at the invitation of his father, Rep. Mahon. Gregory D. Owens served at the invitation of Rep. Harper. Page Painter served at the invitation of Rep. Jennings. Steven W. Pruitt served at the invitation of Rep. Mayfield. Sara Beth Rawlings served at the invitation of Rep. Alexander. Timothy Rawlins served at the invitation of Rep. Carassas. Kristie Sebasta served at the invitation of Rep. Waters. Robby Stahl and Salem Willis served at the invitation of Rep. Murman. Blaine Varn served at the invitation of Rep. Byrd. Andrew Wilson served at the invitation of Rep. Hart.

**House Physician**

The Speaker introduced Dr. Ed Homan of Tampa, who served in the Clinic today upon invitation of Rep. Byrd.

**Correction of the Journal**

The *Journal* of April 4 was corrected and approved as follows: On page 465, column 1, line 10 from the bottom, delete the period and insert in lieu thereof: , which was adopted.

**Installation of Murals**

The Speaker recognized Christopher Still, artist, to approach the well, where he gave brief remarks regarding previously installed murals and the two murals installed yesterday, April 9. The newly installed murals present Seminole Chief Osceola and the Civil War era.

**Messages from the Senate**

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2000, as amended, and requests the concurrence of the House, and in the event the House refuses to concur, the Senate requests that a conference committee be appointed.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations—

**SB 2000**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2001, and ending June 30, 2002, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

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

Rep. Lacasa offered an amendment striking everything after the enacting clause and inserting the text of HB 1807. Under Rule 12.11, the amendment was not printed in the *Journal*.

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

On motion by Rep. Lacasa, the rules were waived and SB 2000, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 127

Yeas—111

|            |          |                     |          |
|------------|----------|---------------------|----------|
| The Chair  | Atwater  | Bendross-Mindingall | Brown    |
| Alexander  | Ausley   | Bennett             | Brummer  |
| Allen      | Baker    | Bense               | Brutus   |
| Andrews    | Ball     | Benson              | Bullard  |
| Argenziano | Barreiro | Berfield            | Byrd     |
| Arza       | Baxley   | Betancourt          | Cantens  |
| Attkisson  | Bean     | Bowen               | Carassas |

|                     |             |             |            |
|---------------------|-------------|-------------|------------|
| Clarke              | Haridopolos | Lerner      | Romeo      |
| Crow                | Harper      | Littlefield | Ross       |
| Cusack              | Harrington  | Lynn        | Rubio      |
| Davis               | Hart        | Machek      | Russell    |
| Detert              | Henriquez   | Mack        | Ryan       |
| Diaz de la Portilla | Heyman      | Mahon       | Seiler     |
| Dockery             | Hogan       | Maygarden   | Simmons    |
| Farkas              | Holloway    | McGriff     | Siplin     |
| Fasano              | Jennings    | Meadows     | Slosberg   |
| Fields              | Johnson     | Mealor      | Smith      |
| Fiorentino          | Jordan      | Miller      | Sobel      |
| Flanagan            | Joyner      | Murman      | Sorensen   |
| Gannon              | Justice     | Needelman   | Spratt     |
| Garcia              | Kallinger   | Negron      | Stansel    |
| Gardiner            | Kendrick    | Paul        | Trovillion |
| Gelber              | Kilmer      | Peterman    | Wallace    |
| Gibson              | Kosmas      | Pickens     | Waters     |
| Goodlette           | Kottkamp    | Prieguez    | Wiles      |
| Gottlieb            | Kravitz     | Rich        | Wilson     |
| Green               | Kyle        | Richardson  | Wishner    |
| Greenstein          | Lacasa      | Ritter      |            |

Nays—3

|        |         |          |
|--------|---------|----------|
| Bucher | Frankel | Weissman |
|--------|---------|----------|

Votes after roll call:

Yeas—Bilirakis

So the bill passed, as amended. On motion by Rep. Lacasa, the rules were waived and the bill was immediately certified to the Senate.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 2002, as amended, and requests the concurrence of the House, and in the event the House refuses to concur, the Senate requests that a conference committee be appointed.

*Faye W. Blanton, Secretary*

By the Committee on Appropriations—

**SB 2002**—A bill to be entitled An act implementing the 2001-2002 General Appropriations Act; providing legislative intent; providing for allocation of moneys provided for workforce development and providing for budget amendment when a program is moved; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 2001-2002 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending s. 409.905, F.S.; prescribing conditions upon which an adjustment in a hospital's inpatient per diem rate may be based; amending s. 216.177, F.S.; providing notice requirements for the Department of Children and Family Services with respect to transferring portions of district budgets; amending s. 409.915, F.S.; exempting counties from contributing toward the increased cost of hospital inpatient services due to elimination of Medicaid ceilings on certain types of hospitals and for special Medicaid reimbursements to hospitals; revising the level of county participation; prohibiting the Agency for Health Care Administration from adjusting premiums paid to health maintenance organizations or prepaid health care plans due to elimination of Medicaid ceilings on certain types of hospitals and special Medicaid payments to hospitals; amending s. 409.904, F.S.; revising eligibility requirements for certain medical assistance payments; amending s. 409.905, F.S.; prescribing additional limitations that may be placed on hospital inpatient services under Medicaid; amending s. 409.906, F.S.; revising standards for payable intermediate care services; amending s. 409.908, F.S.; revising standards, guidelines, and limitations relating to reimbursement of Medicaid providers; amending s. 409.91195, F.S.; providing for a restricted drug formulary applicable to Medicaid providers; amending s.

409.912, F.S.; prescribing additional services that the Agency for Health Care Administration may provide through competitive bidding; authorizing the agency to establish, and make exceptions to, a restricted drug formulary; amending s. 409.904, F.S.; providing additional limitations on services that may be furnished to medically needy patients; amending s. 409.913, F.S.; requiring the Agency for Health Care Administration to implement a pilot program to prevent Medicaid fraud and abuse with respect to pharmaceuticals; amending s. 409.906, F.S.; providing for reimbursement and use-management reforms with respect to community mental health services; amending s. 409.912, F.S.; authorizing the agency to contract with children's clinic networks for certain purposes; amending s. 409.9122, F.S.; providing for disproportionate assignment of certain Medicaid-eligible children to children's clinic networks; providing for the assignment of certain Medicaid recipients to managed care plans; amending s. 409.904, F.S.; providing for the Agency for Health Care Administration to pay for specified cancer treatment; amending s. 39.3065, F.S.; prescribing responsibility of the Seminole County Sheriff with respect to child protective investigations; amending s. 414.045, F.S.; revising reporting requirements with respect to the cash assistance program; providing legislative intent and directives with respect to community-based care initiatives; requiring the availability of certain funds for the temporary assistance for needy families program; authorizing a transfer of funds between the Department of Children and Family Services and the Department of Juvenile Justice relating to transfer of staff between the departments; amending s. 318.21, F.S.; distributing a portion of the civil penalties paid to the county courts to the state courts system instead of the Department of Children and Family Services for administrative, training, and other costs associated with the implementation and maintenance of Florida foster care citizen review panels; amending s. 925.037, F.S.; providing that the state courts system shall allocate conflict counsel funds among certain counties; amending s. 25.402, F.S.; revising membership of the County Article V Trust Fund advisory committee; revising uses of the fund; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending ss. 938.01, 943.25, F.S.; providing for deposit of certain funds for use by the Department of Law Enforcement, rather than the Department of Community Affairs; providing for future reversion to current text; transferring the Criminal Justice Program from the Department of Community Affairs to the Department of Law Enforcement; transferring the Prevention of Domestic and Sexual Violence Program from the Department of Community Affairs to the Department of Children and Family Services; providing matching funds for the administration of such program; directing Enterprise Florida, Inc., to operate sister-city and sister-state programs according to specified standards; authorizing Enterprise Florida, Inc., to contract for the implementation of Florida's international volunteer corps; authorizing the Department of Community Affairs to use specified methods to issue notices of intent; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; amending s. 259.101, F.S.; requiring appropriations from the Florida Preservation 2000 Trust Fund to the Save Our Everglades Trust Fund for land acquisition; providing for disposition and use of certain moneys accruing to the Florida Forever Trust Fund; amending s. 259.105, F.S.; deleting a restriction on use of moneys allocated under the Florida Forever Act to the South Florida Water Management District; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund; amending s. 403.7095, F.S., relating to the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 252.373, F.S.; authorizing the use of certain funds to improve local disaster preparedness; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; providing for future repeal of various provisions; providing

effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing an effective date.

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

Rep. Lacasa offered an amendment striking everything after the enacting clause and inserting the text of HB 1809. Under Rule 12.11, the amendment was not printed in the *Journal*.

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

On motion by Rep. Lacasa, the rules were waived and SB 2002, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 128

Yeas—118

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Negron     |
| Alexander           | Crow                | Jennings    | Paul       |
| Allen               | Cusack              | Johnson     | Peterman   |
| Andrews             | Davis               | Jordan      | Pickens    |
| Argenziano          | Detert              | Joyner      | Prieguez   |
| Arza                | Diaz de la Portilla | Justice     | Rich       |
| Attkisson           | Diaz-Balart         | Kallinger   | Richardson |
| Atwater             | Dockery             | Kendrick    | Ritter     |
| Ausley              | Farkas              | Kilmer      | Romeo      |
| Baker               | Fasano              | Kosmas      | Ross       |
| Ball                | Fields              | Kottkamp    | Rubio      |
| Barreiro            | Fiorentino          | Kravitz     | Russell    |
| Baxley              | Flanagan            | Kyle        | Ryan       |
| Bean                | Gannon              | Lacasa      | Seiler     |
| Bendross-Mindingall | Garcia              | Lee         | Simmons    |
| Bennett             | Gardiner            | Lerner      | Siplin     |
| Bense               | Gelber              | Littlefield | Slosberg   |
| Benson              | Gibson              | Lynn        | Smith      |
| Berfield            | Goodlette           | Machek      | Sobel      |
| Betancourt          | Gottlieb            | Mack        | Sorensen   |
| Bilirakis           | Green               | Mahon       | Spratt     |
| Bowen               | Greenstein          | Mayfield    | Stansel    |
| Brown               | Haridopolos         | Maygarden   | Trovillion |
| Brummer             | Harper              | McGriff     | Wallace    |
| Brutus              | Harrell             | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Wiles      |
| Bullard             | Hart                | Melvin      | Wilson     |
| Byrd                | Henriquez           | Miller      | Wishner    |
| Cantens             | Heyman              | Murman      |            |
| Carassas            | Hogan               | Needelman   |            |

Nays—1

Frankel

Votes after roll call:

Nays—Weissman

So the bill passed, as amended. On motion by Rep. Lacasa, the rules were waived and the bill was immediately certified to the Senate.

#### Motion

On motion by Rep. Lacasa, the House requested the Senate to concur in House Amendment 1 to **SB 2000** and House Amendment 1 to **SB 2002**, or failing to concur, requested the Senate to appoint a committee of conference to meet with a like committee to be appointed by the House.

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 304, as amended; passed SBs 720 and 810; passed SB 946, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senator Pruitt—

**SB 304**—A bill to be entitled An act relating to deferred compensation programs for government employees; amending s. 112.215, F.S.; redefining the term “employee,” for purposes of participation in such programs, to include employees of constitutional county officers; prescribing duties of constitutional county officers with respect to their employees; providing for negotiation of a joint deferred compensation program for certain local employees currently eligible for participation in such programs and employees of constitutional county officers; providing for funding costs of the deferred compensation plan; providing an effective date.

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

By Senators Carlton and Crist—

**SB 720**—A bill to be entitled An act relating to criminal history records; amending ss. 943.0585, 943.059, F.S.; prohibiting a court from expunging or sealing the criminal history record of a person who has been found guilty of or pled guilty or nolo contendere to distributing or showing obscene material to a minor or who has been found guilty of or pled guilty or nolo contendere to certain activities involving computer pornography; providing an effective date.

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

By Senators Laurent and Crist—

**SB 810**—A bill to be entitled An act relating to law enforcement officers; amending s. 901.252, F.S.; providing authority to municipal law enforcement officers to patrol property and facilities leased by the municipality but located outside its territorial jurisdiction; providing an effective date.

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

By Senator Diaz de la Portilla—

**SB 946**—A bill to be entitled An act relating to the Key Largo Hammock State Botanical Site; changing the name of the site; providing an effective date.

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

## Reports of Councils and Standing Committees

### Report of the Procedural & Redistricting Council

*The Honorable Tom Feeney  
Speaker, House of Representatives*

April 5, 2001

*Dear Mr. Speaker:*

Your Procedural & Redistricting Council herewith submits as Special Orders for Tuesday, April 10, 2001. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - CS/HB 705—Aquifer Storage & Recovery Wells
  - CS/HJR 471—County Home Rule Charter
  - HB 469—Enrique Valledor Way
  - CS/HB 563—Lawton Chiles Endowment
  - CS/HB 339—Certificate of Need/Heart Surgery

CS/CS/HB 453—Energy Performance Savings  
 CS/HB 19—Fair Housing Act  
 HB 441—County Government/Property Sales  
 HB 791—Property Exempt from Legal Process  
 CS/HJR 295—Ad Val Tax Exemption/Elderly Living  
 CS/HB 573—Homestead Assessment/Elderly Living  
 CS/HB 789—Governmental Data Processing  
 HB 731—Public Records/Local Government/WMD  
 HB 593—Municipal Law Enforcement Officers  
 CS/HB 203—Child Pornography  
 CS/HB 331—Physician Assistants  
 HB 805—Pool/Spa Servicing Contractor  
 HB 351—Deferred Compensation Programs  
 HB 989—Universities Designations  
 HB 1401—DUI  
 HB 811—Criminal Records/Obscene Materials  
 HB 601—Judgment Liens on Personal Property  
 HB 545—David Levitt School Anti-Hunger Act  
 CS/HB 175—Reckless Driving  
 HB 449—Civil Actions/Firearms & Ammunition  
 CS/HB 497—Homicide of an Unborn Child  
 HB 953—Burglary  
 HB 1747—Controlled Substances/Hydrocodone  
 CS/SB 232—Controlled Substances/Hydrocodone  
 CS/HB 73—Fla. Customer Service Standards Act  
 CS/HB 113—Construction/Prompt Payment Act  
 HM 1161—Florida Keys/Fed. Emergency Mgmt.

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

Respectfully submitted,  
*Johnnie B. Byrd, Jr.*  
 Chair

On motion by Rep. Goodlette, the rules were waived and **HR 9035**, **HR 9055**, and **HR 9061** were added to the Special Order Calendar.

On motion by Rep. Goodlette, the above report was adopted, as amended.

### Motions Relating to Committee or Council References

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 423 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Lifelong Learning.

On motion by Rep. Lacasa, agreed to by two-thirds vote, CS/HB 987 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Ready Infrastructure.

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1167 was withdrawn from the Committee on General Government Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Procedural & Redistricting Council.

On motion by Rep. Lacasa, agreed to by two-thirds vote, HB 1241 was withdrawn from the Committee on Health & Human Services Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Fiscal Responsibility Council.

On motion by Rep. Lacasa, agreed to by two-thirds vote, CS/HB 135 was withdrawn from the Committee on Education Appropriations, further referred to the Committee on Transportation & Economic Development Appropriations, and remains referred to the Council for Lifelong Learning.

On motion by Rep. Harper, agreed to by two-thirds vote, HB 861 was withdrawn from further consideration of the House.

On motion by Rep. Hogan, agreed to by two-thirds vote, HB 1795 was withdrawn from further consideration of the House.

**Bills and Joint Resolutions on Third Reading**

**CS/HB 77** was taken up. On motion by Rep. Sorensen, the rules were waived and—

**SB 946**—A bill to be entitled An act relating to the Key Largo Hammock State Botanical Site; changing the name of the site; providing an effective date.

—was substituted for CS/HB 77 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Sorensen, the rules were waived and SB 946 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 129

Yeas—119

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Negron     |
| Alexander           | Crow                | Jennings    | Paul       |
| Allen               | Cusack              | Johnson     | Peterman   |
| Andrews             | Davis               | Jordan      | Pickens    |
| Argenziano          | Detert              | Joyner      | Prieguez   |
| Arza                | Diaz de la Portilla | Justice     | Rich       |
| Attkisson           | Diaz-Balart         | Kallinger   | Richardson |
| Atwater             | Dockery             | Kendrick    | Ritter     |
| Ausley              | Farkas              | Kilmer      | Romeo      |
| Baker               | Fasano              | Kosmas      | Ross       |
| Ball                | Fields              | Kottkamp    | Rubio      |
| Barreiro            | Fiorentino          | Kravitz     | Russell    |
| Baxley              | Flanagan            | Kyle        | Ryan       |
| Bean                | Frankel             | Lacasa      | Seiler     |
| Bendross-Mindingall | Gannon              | Lee         | Simmons    |
| Bennett             | Garcia              | Lerner      | Siplin     |
| Bense               | Gardiner            | Littlefield | Slosberg   |
| Benson              | Gelber              | Lynn        | Smith      |
| Berfield            | Gibson              | Machek      | Sobel      |
| Betancourt          | Goodlette           | Mack        | Sorensen   |
| Bilirakis           | Gottlieb            | Mahon       | Spratt     |
| Bowen               | Green               | Mayfield    | Stansel    |
| Brown               | Greenstein          | Maygarden   | Trovillion |
| Brummer             | Haridopolos         | McGriff     | Wallace    |
| Brutus              | Harrell             | Meadows     | Waters     |
| Bucher              | Harrington          | Mealor      | Weissman   |
| Bullard             | Hart                | Melvin      | Wiles      |
| Byrd                | Henriquez           | Miller      | Wilson     |
| Cantens             | Heyman              | Murman      | Wishner    |
| Carassas            | Hogan               | Needelman   |            |

Nays—None

Votes after roll call:

Yeas—Harper

So the bill passed and was certified to the Senate.

**HB 695**—A bill to be entitled An act relating to sentencing; amending s. 874.04, F.S.; providing for enhanced penalties for the commission of a felony or misdemeanor, or a delinquent act or violation of law that would be a felony or misdemeanor if committed by an adult, under specified circumstances when the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interest of a criminal street gang; amending s. 921.0024, F.S., relating to the Criminal Punishment Code worksheet computations and scoresheets; revising guidelines for applying a specified sentence multiplier for offenses committed for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang; providing an effective date.

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

Session Vote Sequence: 130

Yeas—118

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Paul       |
| Alexander           | Crow                | Jennings    | Peterman   |
| Allen               | Cusack              | Johnson     | Pickens    |
| Andrews             | Davis               | Joyner      | Prieguez   |
| Argenziano          | Detert              | Justice     | Rich       |
| Arza                | Diaz de la Portilla | Kallinger   | Richardson |
| Attkisson           | Diaz-Balart         | Kendrick    | Ritter     |
| Atwater             | Dockery             | Kilmer      | Romeo      |
| Ausley              | Farkas              | Kosmas      | Ross       |
| Baker               | Fasano              | Kottkamp    | Rubio      |
| Ball                | Fields              | Kravitz     | Russell    |
| Barreiro            | Fiorentino          | Kyle        | Ryan       |
| Baxley              | Flanagan            | Lacasa      | Seiler     |
| Bean                | Frankel             | Lee         | Simmons    |
| Bendross-Mindingall | Gannon              | Lerner      | Siplin     |
| Bennett             | Garcia              | Littlefield | Slosberg   |
| Bense               | Gardiner            | Lynn        | Smith      |
| Benson              | Gelber              | Machek      | Sobel      |
| Berfield            | Gibson              | Mack        | Sorensen   |
| Betancourt          | Goodlette           | Mahon       | Spratt     |
| Bilirakis           | Gottlieb            | Mayfield    | Stansel    |
| Bowen               | Green               | Maygarden   | Trovillion |
| Brown               | Greenstein          | McGriff     | Wallace    |
| Brummer             | Haridopolos         | Meadows     | Waters     |
| Brutus              | Harper              | Mealor      | Weissman   |
| Bucher              | Harrell             | Melvin      | Wiles      |
| Bullard             | Hart                | Miller      | Wilson     |
| Byrd                | Henriquez           | Murman      | Wishner    |
| Cantens             | Heyman              | Needelman   |            |
| Carassas            | Hogan               | Negron      |            |

Nays—None

So the bill passed and was certified to the Senate.

**HB 1003**—A bill to be entitled An act relating to nursing homes; amending s. 400.141, F.S.; prescribing duties of nursing homes with respect to influenza and pneumococcal polysaccharide vaccinations; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 131

Yeas—117

|                     |                     |             |             |
|---------------------|---------------------|-------------|-------------|
| The Chair           | Brutus              | Gelber      | Kravitz     |
| Alexander           | Bucher              | Gibson      | Kyle        |
| Allen               | Bullard             | Goodlette   | Lacasa      |
| Andrews             | Byrd                | Green       | Lee         |
| Argenziano          | Cantens             | Greenstein  | Lerner      |
| Arza                | Carassas            | Haridopolos | Littlefield |
| Attkisson           | Clarke              | Harrell     | Lynn        |
| Atwater             | Crow                | Harrington  | Machek      |
| Ausley              | Cusack              | Hart        | Mack        |
| Baker               | Davis               | Henriquez   | Mahon       |
| Ball                | Detert              | Heyman      | Mayfield    |
| Baxley              | Diaz de la Portilla | Hogan       | Maygarden   |
| Bean                | Diaz-Balart         | Holloway    | McGriff     |
| Bendross-Mindingall | Dockery             | Jennings    | Meadows     |
| Bennett             | Farkas              | Johnson     | Mealor      |
| Bense               | Fasano              | Jordan      | Melvin      |
| Benson              | Fields              | Joyner      | Miller      |
| Berfield            | Fiorentino          | Justice     | Murman      |
| Betancourt          | Flanagan            | Kallinger   | Needelman   |
| Bilirakis           | Frankel             | Kendrick    | Negron      |
| Bowen               | Gannon              | Kilmer      | Paul        |
| Brown               | Garcia              | Kosmas      | Peterman    |
| Brummer             | Gardiner            | Kottkamp    | Pickens     |

|            |          |            |          |
|------------|----------|------------|----------|
| Prieguez   | Russell  | Sobel      | Weissman |
| Rich       | Ryan     | Sorensen   | Wiles    |
| Richardson | Seiler   | Spratt     | Wilson   |
| Ritter     | Simmons  | Stansel    | Wishner  |
| Romeo      | Siplin   | Trovillion |          |
| Ross       | Slosberg | Wallace    |          |
| Rubio      | Smith    | Waters     |          |

Nays—None

Votes after roll call:

Yeas—Gottlieb

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

**SB 218**—A bill to be entitled An act relating to mortgage guaranty insurance; amending ss. 624.408, 635.042, F.S.; revising minimum surplus requirements for mortgage guaranty insurers; revising limits on total liability and exposure to losses for such insurers; requiring mortgage guaranty insurers to include certain information in audited financial reports required pursuant to s. 624.424(8); authorizing the Department of Insurance to take certain actions against a mortgage guaranty insurer that is not in compliance; providing an effective date.

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

Session Vote Sequence: 132

Yeas—118

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Paul       |
| Alexander           | Crow                | Jennings    | Peterman   |
| Allen               | Cusack              | Johnson     | Pickens    |
| Andrews             | Davis               | Jordan      | Prieguez   |
| Argenziano          | Detert              | Joyner      | Rich       |
| Arza                | Diaz de la Portilla | Justice     | Richardson |
| Attkisson           | Diaz-Balart         | Kallinger   | Ritter     |
| Atwater             | Dockery             | Kendrick    | Romeo      |
| Ausley              | Farkas              | Kilmer      | Ross       |
| Baker               | Fasano              | Kosmas      | Rubio      |
| Ball                | Fields              | Kottkamp    | Russell    |
| Barreiro            | Fiorentino          | Kravitz     | Ryan       |
| Baxley              | Flanagan            | Kyle        | Seiler     |
| Bean                | Frankel             | Lacasa      | Simmons    |
| Bendross-Mindingall | Gannon              | Lee         | Siplin     |
| Bennett             | Garcia              | Lerner      | Slosberg   |
| Bense               | Gardiner            | Littlefield | Smith      |
| Benson              | Gibson              | Lynn        | Sobel      |
| Berfield            | Goodlette           | Machek      | Sorensen   |
| Betancourt          | Gottlieb            | Mack        | Spratt     |
| Bilirakis           | Green               | Mahon       | Stansel    |
| Bowen               | Greenstein          | Mayfield    | Trovillion |
| Brown               | Haridopolos         | Maygarden   | Wallace    |
| Brunner             | Harper              | McGriff     | Waters     |
| Brutus              | Harrell             | Meadows     | Weissman   |
| Bucher              | Harrington          | Mealor      | Wiles      |
| Bullard             | Hart                | Miller      | Wilson     |
| Byrd                | Henriquez           | Murman      | Wishner    |
| Cantens             | Heyman              | Needelman   |            |
| Carassas            | Hogan               | Negron      |            |

Nays—None

So the bill passed and was certified to the Senate.

**CS/HB 1**—A bill to be entitled An act relating to educational facilities; amending s. 235.435, F.S.; authorizing school districts to qualify construction projects for funding under the Special Facility Construction Account by using the school capital outlay surtax in lieu of the maximum millage against their nonexempt assessed property value; specifying funding eligibility of certain projects; providing for future repeal of such eligibility provision; providing an effective date.

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

Session Vote Sequence: 133

Yeas—118

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Clarke              | Holloway    | Negron     |
| Alexander           | Crow                | Jennings    | Paul       |
| Allen               | Cusack              | Johnson     | Peterman   |
| Andrews             | Davis               | Jordan      | Pickens    |
| Argenziano          | Detert              | Joyner      | Prieguez   |
| Arza                | Diaz de la Portilla | Justice     | Rich       |
| Attkisson           | Diaz-Balart         | Kallinger   | Richardson |
| Atwater             | Dockery             | Kendrick    | Ritter     |
| Ausley              | Farkas              | Kilmer      | Ross       |
| Baker               | Fasano              | Kosmas      | Rubio      |
| Ball                | Fiorentino          | Kottkamp    | Russell    |
| Barreiro            | Flanagan            | Kravitz     | Ryan       |
| Baxley              | Frankel             | Kyle        | Seiler     |
| Bean                | Gannon              | Lacasa      | Simmons    |
| Bendross-Mindingall | Garcia              | Lee         | Siplin     |
| Bennett             | Gardiner            | Lerner      | Slosberg   |
| Bense               | Gelber              | Littlefield | Smith      |
| Benson              | Gibson              | Lynn        | Sobel      |
| Berfield            | Goodlette           | Machek      | Sorensen   |
| Betancourt          | Gottlieb            | Mack        | Spratt     |
| Bilirakis           | Green               | Mahon       | Stansel    |
| Bowen               | Greenstein          | Mayfield    | Trovillion |
| Brown               | Haridopolos         | Maygarden   | Wallace    |
| Brunner             | Harper              | McGriff     | Waters     |
| Brutus              | Harrell             | Meadows     | Weissman   |
| Bucher              | Harrington          | Mealor      | Wiles      |
| Bullard             | Hart                | Melvin      | Wilson     |
| Byrd                | Henriquez           | Miller      | Wishner    |
| Cantens             | Heyman              | Murman      |            |
| Carassas            | Hogan               | Needelman   |            |

Nays—None

So the bill passed and was certified to the Senate.

**HJR 951**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized for that purpose.

**SECTION 17. Excessive punishments.**—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

AMENDING ARTICLE I, SECTION 17 OF THE STATE CONSTITUTION

Proposing an amendment to the State Constitution identical to a proposed amendment to Section 17 of Article I of the State Constitution

which was approved by a statewide vote in 1998. The Supreme Court of Florida struck the 1998 amendment in a ruling in which four of the seven justices found that the ballot summary was inaccurate. The proposed amendment expressly authorizes the death penalty for capital crimes and expressly authorizes retroactive changes in the method of execution. The amendment changes the prohibition against "cruel or unusual punishment," currently provided in Section 17 of Article I of the State Constitution, to a prohibition against "cruel and unusual punishment" to conform with the wording of the Eighth Amendment to the United States Constitution. The amendment prohibits reduction of a death sentence based on invalidity of an execution method and provides for continued force of the sentence. The amendment permits any execution method unless prohibited by the United States Constitution. The amendment requires construction of the prohibition against cruel or unusual punishment and the proposed prohibition against cruel and unusual punishment to conform to United States Supreme Court interpretation of the Eighth Amendment to the United States Constitution. The amendment would prevent state courts, including the Florida Supreme Court, from treating the state constitutional prohibition against cruel or unusual punishment as being more expansive than the federal constitutional prohibition against cruel and unusual punishment or United States Supreme Court interpretations thereof. The amendment effectively nullifies rights currently allowed under the state prohibition against cruel or unusual punishment which may afford greater protections for those subject to punishment for crimes than will be provided by the amendment. Under the amendment, the protections afforded those subject to punishment for crimes under the "cruel or unusual punishment" clause, as that clause currently appears in Section 17 of Article I of the State Constitution, will be the same as the minimum protections provided under the "cruel and unusual" punishments clause of the Eighth Amendment to the United States Constitution. The amendment provides for retroactive applicability.

Specifically, the proposal amends Section 17 of Article I of the State Constitution, to read as set forth below. The word ~~stricken~~ is a deletion; words underlined are additions:

**SECTION 17. Excessive punishments.**—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature. The prohibition against cruel or unusual punishment, and the prohibition against cruel and unusual punishment, shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.*

—was read the third time by title.

Rep. Heyman moved that, under Rule 12.2(c), a late-filed amendment be allowed for consideration, which was not agreed to. The vote was:

Session Vote Sequence: 134

Yeas—45

|                     |            |           |          |
|---------------------|------------|-----------|----------|
| Arza                | Cusack     | Henriquez | Lerner   |
| Ausley              | Fields     | Heyman    | Lynn     |
| Bendross-Mindingall | Frankel    | Holloway  | Machek   |
| Betancourt          | Gannon     | Jennings  | McGriff  |
| Brutus              | Gelber     | Joyner    | Meadows  |
| Bucher              | Gottlieb   | Justice   | Peterman |
| Bullard             | Greenstein | Kosmas    | Prieguez |
| Crow                | Harper     | Lee       | Rich     |

|            |          |          |         |
|------------|----------|----------|---------|
| Richardson | Seiler   | Smith    | Wiles   |
| Ritter     | Siplin   | Sobel    | Wilson  |
| Romeo      | Slosberg | Weissman | Wishner |
| Ryan       |          |          |         |

Nays—72

|            |                     |             |            |
|------------|---------------------|-------------|------------|
| The Chair  | Byrd                | Haridopolos | Mealor     |
| Alexander  | Cantens             | Harrell     | Melvin     |
| Allen      | Carassas            | Harrington  | Miller     |
| Andrews    | Clarke              | Hart        | Murman     |
| Argenziano | Davis               | Hogan       | Needelman  |
| Attkisson  | Detert              | Johnson     | Negron     |
| Atwater    | Diaz de la Portilla | Kallinger   | Paul       |
| Baker      | Diaz-Balart         | Kendrick    | Pickens    |
| Ball       | Dockery             | Kilmer      | Ross       |
| Baxley     | Farkas              | Kottkamp    | Rubio      |
| Bennett    | Fasano              | Kravitz     | Russell    |
| Bense      | Fiorentino          | Kyle        | Simmons    |
| Benson     | Flanagan            | Lacasa      | Sorensen   |
| Berfield   | Garcia              | Littlefield | Spratt     |
| Bilirakis  | Gardiner            | Mack        | Stansel    |
| Bowen      | Gibson              | Mahon       | Trovillion |
| Brown      | Goodlette           | Mayfield    | Wallace    |
| Brummer    | Green               | Maygarden   | Waters     |

The question recurred on the passage of HJR 951. The vote was:

Session Vote Sequence: 135

Yeas—96

|            |                     |             |            |
|------------|---------------------|-------------|------------|
| The Chair  | Carassas            | Heyman      | Murman     |
| Alexander  | Clarke              | Hogan       | Needelman  |
| Allen      | Crow                | Johnson     | Negron     |
| Andrews    | Davis               | Jordan      | Paul       |
| Argenziano | Detert              | Justice     | Pickens    |
| Arza       | Diaz de la Portilla | Kallinger   | Prieguez   |
| Attkisson  | Diaz-Balart         | Kendrick    | Ritter     |
| Atwater    | Dockery             | Kilmer      | Ross       |
| Baker      | Fasano              | Kosmas      | Rubio      |
| Ball       | Fiorentino          | Kottkamp    | Russell    |
| Barreiro   | Flanagan            | Kravitz     | Ryan       |
| Baxley     | Frankel             | Kyle        | Seiler     |
| Bean       | Garcia              | Lacasa      | Simmons    |
| Bennett    | Gardiner            | Lee         | Slosberg   |
| Bense      | Gelber              | Lerner      | Sobel      |
| Benson     | Gibson              | Littlefield | Sorensen   |
| Berfield   | Goodlette           | Lynn        | Spratt     |
| Bilirakis  | Green               | Mack        | Stansel    |
| Bowen      | Greenstein          | Mahon       | Trovillion |
| Brown      | Haridopolos         | Mayfield    | Wallace    |
| Brummer    | Harrell             | Maygarden   | Waters     |
| Bucher     | Harrington          | McGriff     | Weissman   |
| Byrd       | Hart                | Melvin      | Wiles      |
| Cantens    | Henriquez           | Miller      | Wishner    |

Nays—22

|                     |          |            |        |
|---------------------|----------|------------|--------|
| Ausley              | Fields   | Joyner     | Romeo  |
| Bendross-Mindingall | Gannon   | Machek     | Siplin |
| Betancourt          | Gottlieb | Meadows    | Smith  |
| Brutus              | Harper   | Peterman   | Wilson |
| Bullard             | Holloway | Rich       |        |
| Cusack              | Jennings | Richardson |        |

Votes after roll call:

Yeas—Farkas

Yeas to Nays—Lee

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was certified to the Senate.

**Motion**

On motion by Rep. Byrd, the rules were waived and the privilege of the floor was granted to the Honorable Stephen M. Saland, New York State Senator.

On motion by Rep. Fasano, consideration of **HB 1705** was temporarily postponed under Rule 11.10. The vote was:

Session Vote Sequence: 136

Yeas—73

|            |                     |             |            |
|------------|---------------------|-------------|------------|
| The Chair  | Byrd                | Harrington  | Miller     |
| Alexander  | Cantens             | Hart        | Murman     |
| Allen      | Clarke              | Hogan       | Needelman  |
| Andrews    | Davis               | Johnson     | Negron     |
| Argenziano | Detert              | Jordan      | Paul       |
| Arza       | Diaz de la Portilla | Kallinger   | Pickens    |
| Atwater    | Diaz-Balart         | Kilmer      | Prieguez   |
| Baker      | Dockery             | Kottkamp    | Ross       |
| Ball       | Farkas              | Kravitz     | Rubio      |
| Baxley     | Fasano              | Kyle        | Russell    |
| Bean       | Fiorentino          | Lacasa      | Simmons    |
| Bennett    | Flanagan            | Littlefield | Sorensen   |
| Bense      | Garcia              | Lynn        | Spratt     |
| Benson     | Gardiner            | Mack        | Trovillion |
| Berfield   | Gibson              | Mahon       | Wallace    |
| Bilirakis  | Goodlette           | Mayfield    | Waters     |
| Bowen      | Green               | Maygarden   |            |
| Brown      | Haridopolos         | Mealor      |            |
| Brummer    | Harrell             | Melvin      |            |

Nays—44

|                     |            |            |          |
|---------------------|------------|------------|----------|
| Ausley              | Gelber     | Kosmas     | Ryan     |
| Barreiro            | Gottlieb   | Lee        | Seiler   |
| Bendross-Mindingall | Greenstein | Lerner     | Siplin   |
| Betancourt          | Harper     | Machek     | Slosberg |
| Brutus              | Henriquez  | McGriff    | Smith    |
| Bucher              | Heyman     | Meadows    | Sobel    |
| Bullard             | Holloway   | Peterman   | Stansel  |
| Cusack              | Jennings   | Rich       | Weissman |
| Fields              | Joyner     | Richardson | Wiles    |
| Frankel             | Justice    | Ritter     | Wilson   |
| Gannon              | Kendrick   | Romeo      | Wishner  |

**HB 45**—A bill to be entitled An act relating to the alcoholic beverage surcharge; amending s. 561.501, F.S.; providing that the surcharges on liquor, wine, cider, and beer sold for consumption on the premises shall not be imposed beginning July 1, 2001; repealing s. 561.501, F.S.; removing provisions relating to imposition, administration, and enforcement of such surcharges, effective July 1, 2004; amending s. 561.025, F.S.; removing the prohibition against deposit of surcharge revenues in the Alcoholic Beverage and Tobacco Trust Fund; amending s. 561.121, F.S., and repealing subsection (4) thereof; removing provisions relating to transfer of a portion of surtax revenues to the Children and Adolescents Substance Abuse Trust Fund, and the remainder to the General Revenue Fund, and providing for deposit of a portion of the excise taxes on malt beverages, wines and other beverages, and liquors in said trust fund; providing effective dates.

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

Session Vote Sequence: 137

Yeas—92

|            |           |          |            |
|------------|-----------|----------|------------|
| The Chair  | Attkisson | Baxley   | Betancourt |
| Alexander  | Atwater   | Bean     | Bilirakis  |
| Allen      | Ausley    | Bennett  | Bowen      |
| Andrews    | Baker     | Bense    | Brown      |
| Argenziano | Ball      | Benson   | Brummer    |
| Arza       | Barreiro  | Berfield | Byrd       |

|                     |             |             |            |
|---------------------|-------------|-------------|------------|
| Cantens             | Haridopolos | Lacasa      | Romeo      |
| Carassas            | Harper      | Lee         | Ross       |
| Clarke              | Harrell     | Littlefield | Rubio      |
| Davis               | Harrington  | Machek      | Russell    |
| Detert              | Hart        | Mack        | Ryan       |
| Diaz de la Portilla | Henriquez   | Mahon       | Seiler     |
| Diaz-Balart         | Heyman      | Mayfield    | Simmons    |
| Dockery             | Johnson     | Maygarden   | Siplin     |
| Fasano              | Jordan      | Mealor      | Slosberg   |
| Fields              | Justice     | Miller      | Sorensen   |
| Fiorentino          | Kallinger   | Murman      | Spratt     |
| Garcia              | Kendrick    | Needelman   | Stansel    |
| Gardiner            | Kilmer      | Negron      | Trovillion |
| Gibson              | Kosmas      | Paul        | Wallace    |
| Goodlette           | Kottkamp    | Pickens     | Waters     |
| Green               | Kravitz     | Prieguez    | Weissman   |
| Greenstein          | Kyle        | Ritter      | Wishner    |

Nays—25

|                     |          |            |        |
|---------------------|----------|------------|--------|
| Bendross-Mindingall | Gannon   | Lerner     | Smith  |
| Brutus              | Gelber   | Lynn       | Sobel  |
| Bucher              | Gottlieb | McGriff    | Wiles  |
| Bullard             | Hogan    | Meadows    | Wilson |
| Crow                | Holloway | Peterman   |        |
| Cusack              | Jennings | Rich       |        |
| Frankel             | Joyner   | Richardson |        |

Votes after roll call:

Yeas—Farkas, Melvin  
Nays to Yeas—Gottlieb

So the bill passed and was certified to the Senate.

**CS/CS/HB 107**—A bill to be entitled An act relating to unclaimed property; revising provisions of ch. 717, F.S., to refer to property considered abandoned as unclaimed property; amending s. 717.101, F.S.; revising certain definitions; amending ss. 717.102, 717.103, 717.1035, 717.104, 717.105, 717.107, 717.108, 717.109, 717.1101, 717.111, 717.113, 717.115, 717.116, 717.1201, 717.122, 717.125, and 717.129, F.S.; changing references to property from being abandoned to being unclaimed; amending s. 717.106, F.S., to conform; providing an additional criterion for certain property in financial organizations being presumed unclaimed; amending s. 717.112, F.S., to conform; providing a presumption that certain intangible property is unclaimed under certain circumstances; amending s. 717.117, F.S., to conform; deleting a report verification requirement; revising unclaimed property report requirements; revising search and notification requirements for inactive accounts; amending s. 717.118, F.S., to conform; revising certain notification procedures; amending s. 717.119, F.S., to conform; authorizing payment of unclaimed funds by electronic transfer; deleting an authorization to deduct reasonable fees from certain sale proceeds; providing valuation and remission of contents of safe-deposit boxes; amending s. 717.122, F.S., to conform; authorizing the department to dispose of certain property under certain circumstances; amending s. 717.123, F.S.; revising the disposition of funds held by the Department of Banking and Finance relating to unclaimed property; amending s. 717.124, F.S.; revising certain procedures for filing claims by owner's representatives and receiving and making payments to an owner or owner's representative; amending s. 717.1241; revising resolution of conflicting ownership claims between certain persons; amending s. 717.1243, F.S.; revising provisions for disposition of claims from small estate accounts; creating s. 717.1315, F.S.; providing for retention of certain records by an owner's representative; providing requirements; amending s. 717.132, F.S.; providing for deposit of administrative fines into the Unclaimed Property Trust Fund; amending s. 717.135, F.S.; revising provisions relating to unenforceability of certain agreements to locate reported property; requiring disclosure of certain information; limiting certain recovery fees; specifying agreement requirements; amending s. 717.138, F.S.; authorizing the Department of Banking and Finance to adopt rules for certain electronic filings; amending s. 732.107, F.S.; revising provisions relating to escheat of certain property to the state; revising provisions relating to entitlement to, procedures

for payment or assignment of, or distributions of certain proceeds; amending s. 215.965, F.S., to conform; amending s. 493.6101, F.S., to conform; amending s. 493.6102, F.S.; specifying nonapplication to certain persons; repealing s. 717.137, F.S., relating to effect and application of certain provisions; providing an effective date.

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

Session Vote Sequence: 138

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Crow                | Hogan       | Negron     |
| Alexander           | Cusack              | Holloway    | Paul       |
| Andrews             | Davis               | Jennings    | Peterman   |
| Argenziano          | Detert              | Johnson     | Pickens    |
| Arza                | Diaz de la Portilla | Jordan      | Prieguez   |
| Attkisson           | Diaz-Balart         | Joyner      | Rich       |
| Atwater             | Dockery             | Justice     | Richardson |
| Ausley              | Farkas              | Kallinger   | Ritter     |
| Baker               | Fasano              | Kendrick    | Romeo      |
| Ball                | Fields              | Kilmer      | Ross       |
| Barreiro            | Fiorentino          | Kosmas      | Rubio      |
| Baxley              | Flanagan            | Kottkamp    | Russell    |
| Bean                | Frankel             | Kravitz     | Ryan       |
| Bendross-Mindingall | Gannon              | Kyle        | Seiler     |
| Bennett             | Garcia              | Lacasa      | Simmons    |
| Bense               | Gardiner            | Littlefield | Siplin     |
| Benson              | Gelber              | Lynn        | Slosberg   |
| Berfield            | Gibson              | Machek      | Smith      |
| Betancourt          | Goodlette           | Mack        | Sobel      |
| Bilirakis           | Gottlieb            | Mahon       | Sorensen   |
| Bowen               | Green               | Mayfield    | Spratt     |
| Brown               | Greenstein          | Maygarden   | Stansel    |
| Brummer             | Haridopolos         | McGriff     | Trovillion |
| Brutus              | Harper              | Meadows     | Wallace    |
| Bullard             | Harrell             | Mealor      | Waters     |
| Byrd                | Harrington          | Melvin      | Weissman   |
| Cantens             | Hart                | Miller      | Wiles      |
| Carassas            | Henriquez           | Murman      | Wilson     |
| Clarke              | Heyman              | Needelman   | Wishner    |

Nays—None

Votes after roll call:

Yeas—Bucher, Lee

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

**HB 145**—A bill to be entitled An act relating to enterprise zones; authorizing the Office of Tourism, Trade, and Economic Development to amend the boundaries of an enterprise zone upon application by certain counties; providing requirements with respect thereto; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County; providing requirements with respect thereto; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities and authorizing creation of such zones effective retroactively to that date; providing duties of the Office of Tourism, Trade, and Economic Development; providing an application deadline for businesses in such zones eligible for certain sales and use tax incentives; providing an effective date.

—was read the third time by title.

On motion by Rep. Murman, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Murman offered the following:

(Amendment Bar Code: 060849)

**Amendment 3 (with title amendment)**—On page 3, line 31, insert:

Section 5. *Enterprise zone designation for Hillsborough County.—Hillsborough County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, which zone encompasses a high-crime, low-income, high-unemployment area that is north of Fowler Avenue, south of Bearss Avenue, east of Florida Avenue, west of Bruce B. Downs Boulevard, near the University of South Florida, adjacent to University Square Mall, north of a major theme park, an area that has been designated a federal Weed & Seed target area, and a Community Development Block Grant (CDBG) target area and that houses an active public/private 501(c)(3) community development corporation working to improve the area. The application must be submitted by December 31, 2002, and must comply with the requirements of section 290.0055, Florida Statutes. Notwithstanding the provisions of section 290.0065, Florida Statutes, limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.*

And the title is amended as follows:

On page 1, line 20,

after the semicolon insert: providing for designation of a specified area within Hillsborough County as an enterprise zone;

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

The question recurred on the passage of HB 145. The vote was:

Session Vote Sequence: 139

Yeas—116

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Crow                | Hogan       | Needelman  |
| Alexander           | Cusack              | Holloway    | Negron     |
| Allen               | Davis               | Jennings    | Paul       |
| Andrews             | Detert              | Johnson     | Peterman   |
| Argenziano          | Diaz de la Portilla | Jordan      | Pickens    |
| Arza                | Diaz-Balart         | Joyner      | Rich       |
| Attkisson           | Dockery             | Justice     | Richardson |
| Atwater             | Farkas              | Kallinger   | Ritter     |
| Ausley              | Fasano              | Kendrick    | Romeo      |
| Baker               | Fields              | Kilmer      | Ross       |
| Ball                | Fiorentino          | Kosmas      | Rubio      |
| Barreiro            | Flanagan            | Kottkamp    | Russell    |
| Baxley              | Frankel             | Kravitz     | Ryan       |
| Bean                | Gannon              | Kyle        | Seiler     |
| Bendross-Mindingall | Garcia              | Lacasa      | Simmons    |
| Bennett             | Gardiner            | Lee         | Siplin     |
| Bense               | Gelber              | Lerner      | Slosberg   |
| Benson              | Gibson              | Littlefield | Smith      |
| Berfield            | Goodlette           | Lynn        | Sobel      |
| Bilirakis           | Gottlieb            | Machek      | Sorensen   |
| Bowen               | Green               | Mack        | Spratt     |
| Brown               | Greenstein          | Mahon       | Stansel    |
| Brummer             | Haridopolos         | Mayfield    | Trovillion |
| Bucher              | Harper              | Maygarden   | Wallace    |
| Bullard             | Harrell             | McGriff     | Waters     |
| Byrd                | Harrington          | Mealor      | Weissman   |
| Cantens             | Hart                | Melvin      | Wiles      |
| Carassas            | Henriquez           | Miller      | Wilson     |
| Clarke              | Heyman              | Murman      | Wishner    |

Nays—None

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

**HB 69**—A bill to be entitled An act relating to pharmacy; requiring the removal of specified drugs from the negative formulary for generic

and brand-name drugs established in s. 465.025(6), F.S.; providing that the act does not amend existing law relating to a physician's authority to prohibit generic drug substitution by writing "medically necessary" on the prescription; providing an effective date.

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

Session Vote Sequence: 140

Yeas—106

|                     |                     |             |            |
|---------------------|---------------------|-------------|------------|
| The Chair           | Crow                | Jennings    | Peterman   |
| Alexander           | Cusack              | Johnson     | Pickens    |
| Allen               | Davis               | Jordan      | Prieguez   |
| Andrews             | Detert              | Kallinger   | Rich       |
| Argenziano          | Diaz de la Portilla | Kendrick    | Richardson |
| Arza                | Dockery             | Kilmer      | Ritter     |
| Attkisson           | Farkas              | Kosmas      | Romeo      |
| Atwater             | Fasano              | Kottkamp    | Rubio      |
| Ausley              | Fields              | Kravitz     | Russell    |
| Baker               | Fiorentino          | Lacasa      | Ryan       |
| Ball                | Flanagan            | Lee         | Simmons    |
| Barreiro            | Frankel             | Lerner      | Siplin     |
| Baxley              | Gannon              | Littlefield | Slosberg   |
| Bean                | Garcia              | Lynn        | Smith      |
| Bendross-Mindingall | Gardiner            | Machek      | Sobel      |
| Bense               | Gelber              | Mack        | Sorensen   |
| Benson              | Gibson              | Mahon       | Spratt     |
| Berfield            | Goodlette           | Mayfield    | Stansel    |
| Bilirakis           | Green               | Maygarden   | Trovillion |
| Bowen               | Haridopolos         | McGriff     | Wallace    |
| Brummer             | Harper              | Meadows     | Waters     |
| Brutus              | Harrell             | Mealor      | Weissman   |
| Bucher              | Harrington          | Melvin      | Wiles      |
| Byrd                | Hart                | Miller      | Wilson     |
| Cantens             | Henriquez           | Murman      | Wishner    |
| Carassas            | Heyman              | Needelman   |            |
| Clarke              | Holloway            | Paul        |            |

Nays—12

|            |             |         |        |
|------------|-------------|---------|--------|
| Bennett    | Bullard     | Joyner  | Negron |
| Betancourt | Diaz-Balart | Justice | Ross   |
| Brown      | Greenstein  | Kyle    | Seiler |

Votes after roll call:

Yeas—Gottlieb

Nays to Yeas—Bullard

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

**Special Orders**

**Special Order Calendar**

**CS/HB 705**—A bill to be entitled An act relating to aquifer storage and recovery wells; creating s. 403.065, F.S.; providing legislative findings; providing for classifications and permitting of aquifer storage and recovery wells; providing a zone of discharge for aquifer storage and recovery wells meeting specific criteria; providing monitoring requirements for aquifer storage and recovery wells; requiring an aquifer exemption for an aquifer storage and recovery well that does not meet primary drinking water standards other than those relating to total coliform bacteria or sodium; requiring the Department of Environmental Protection to make a reasonable effort to issue or deny permits within a specified period; providing rulemaking authority; requiring an annual report by the department; creating s. 373.222, F.S.; providing requirements for certain domestic wells; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on General Government Appropriations offered the following:

(Amendment Bar Code: 442581)

**Amendment 1 (with title amendment)**—On page 6, line 19 through page 7, line 4 remove from the bill: all of said lines

insert:

Section 2. New Paragraph (g) of subsection (1) of section 373.309, Florida Statutes, is added to read:

(1) The department shall adopt, and may from time to time amend, rules governing the location, construction, repair, and abandonment of water wells and shall be responsible for the administration of this part. With respect thereto, the department shall:

(g) *Ensure that such rules prohibit the construction of any water well in a location that intersects, or the use of which in such a location would influence, a zone of discharge for an aquifer storage and recovery well approved by the department under s. 403.065. The department shall make available to water management districts, regional planning councils, the Department of Health, and county building and zoning departments, maps of zones of discharge for aquifer storage and recovery wells approved by the department under s. 403.065. Such maps or other information shall be made available to property owners, realtors, real estate associations, property appraisers, and other interested persons upon request.*

And the title is amended as follows:

On page 1, lines 19 - 21 remove from the title of the bill: all of said lines

and insert in lieu thereof: department; amending s. 373.309, F.S.; ensuring rule restrictions on the construction of water wells within certain zones of discharge; requiring the department to make certain maps available;

Rep. Greenstein moved the adoption of the amendment.

On motion by Rep. Greenstein, further consideration of **Amendment 1** was temporarily postponed under Rule 11.10.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 780783)

**Amendment 2 (with title amendment)**—On page 6, between lines 18 and 19, of the bill

insert:

(15) *This section shall not apply to the following counties located within the Northwest Florida Water Management District: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington, and a portion of Jefferson.*

And the title is amended as follows:

On page 1, line 19, after the first semicolon,

insert: providing applicability;

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

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HJR 471**—A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

**HB 469**—A bill to be entitled An act relating to road designations; designating a portion of roadway in the City of Miami in Miami-Dade County as “Enrique Valledor Way”; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

#### Immediately Certified

On motion by Rep. Prieguez, the rules were waived and **CS/CS/HB 107**, which passed the House earlier today, was immediately certified to the Senate.

**CS/HB 563**—A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41 and 20.435, F.S.; conforming statutory cross references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public-health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; consolidating advisory councils; amending s. 215.5602, F.S.; providing for public-health and biomedical research; providing appropriations; providing an effective date.

—was read the second time by title.

Representative(s) Fasano offered the following:

(Amendment Bar Code: 141693)

**Amendment 1 (with title amendment)**—  
Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Subsection (4) of section 17.41, Florida Statutes, is amended to read:

17.41 Department of Banking and Finance Tobacco Settlement Clearing Trust Fund.—

(4) Net proceeds of the sale of the tobacco settlement agreement received by the state shall be immediately deposited into the Lawton Chiles Endowment Fund, created in s. 215.5601 ~~s. 215.5601(4)~~, without deposit to the Tobacco Settlement Clearing Trust Fund.

Section 2. Paragraph (h) of subsection (1) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—

(1) The following trust funds are hereby created, to be administered by the Department of Health:

(h) Biomedical Research Trust Fund.

1. Funds to be credited to the trust fund shall consist of funds deposited pursuant to s. 215.5601 ~~s. 215.5601(4)~~. Funds shall be used for the purposes of the Florida Biomedical Research Program as specified in s. 215.5602. The trust fund is exempt from the service charges imposed by s. 215.20.

2. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

3. The trust fund shall, unless terminated sooner, be terminated on July 1, 2004.

Section 3. Section 215.5601, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 215.5601, F.S., for present text.)*

215.5601 Lawton Chiles Endowment Fund.—

(1) **LEGISLATIVE INTENT.**—It is the intent of the Legislature to:

(a) Provide a perpetual source of enhanced funding for state children's health programs, child welfare programs, children's community-based health and human services initiatives, elder programs, and biomedical research activities related to tobacco use.

(b) Use tobacco settlement moneys as the source of enhanced funding to ensure the financial security of vital health and human services programs for children and elders.

(c) Ensure that enhancement revenues will be available to help finance these important programs and initiatives.

(d) Provide funds to help support public-health and biomedical research for the prevention, diagnosis, and treatment of diseases related to tobacco use by creating an annual and perpetual source of funding for biomedical research in the state in order to expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers; and increase the state's per capita funding for biomedical research by undertaking new initiatives in biomedical research which will attract additional funding from outside the state while also stimulating economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(e) Encourage the development of community-based solutions to strengthen and improve the quality of life of Florida's most vulnerable citizens, its children and elders.

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

(a) “Board” means the State Board of Administration established by s. 16, Art. IX of the State Constitution of 1885 and incorporated into s. 9(c), Art. XII of the State Constitution of 1968.

(b) “Endowment” means the Lawton Chiles Endowment Fund.

(c) “Earnings” means all income generated by investments and the net change in the market value of assets.

(d) “State agency” or “state agencies” means the Department of Health, the Department of Children and Family Services, the Department of Elderly Affairs, or the Agency for Health Care Administration, or any combination thereof, as the context indicates.

(3) **LAWTON CHILES ENDOWMENT FUND; CREATION; PRINCIPAL.**—

(a) There is created the Lawton Chiles Endowment Fund, to be administered by the State Board of Administration. The endowment shall serve as a clearing trust fund, not subject to termination under s. 19(f), Art. III of the State Constitution. The endowment fund shall be exempt from the service charges imposed by s. 215.20.

(b) The endowment shall receive moneys from the sale of the state's right, title, and interest in and to the tobacco settlement agreement as defined in s. 215.56005, including the right to receive payments under such agreement, and from accounts transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund established under s. 17.41. Amounts to be transferred from the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund to the endowment shall be in the following amounts for the following fiscal years:

1. For fiscal year 1999-2000, \$1.1 billion;
2. For fiscal year 2000-2001, \$200 million;
3. For fiscal year 2001-2002, \$200 million; and
4. For fiscal year 2002-2003, \$200 million.

(c) Amounts to be transferred under subparagraphs (b)2., 3., and 4. may be reduced by the amount the endowment receives in that fiscal year

from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.

(d) Beginning in fiscal year 2001-2002, \$150 million of the existing principal in the endowment shall be reserved and accounted for within the endowment to be used solely for the funding for biomedical research activities as provided in s. 215.5602. The remaining principal shall be used solely as the source of funding for health and human services programs for children and elders as provided in subsection (5). The separate account for biomedical research shall be dissolved and the entire principal in the endowment shall be used exclusively for health and human services programs when cures have been found for tobacco-related cancer, heart, and lung disease.

(4) ADMINISTRATION.—

(a) The board may invest and reinvest funds of the endowment in accordance with s. 215.47 and consistent with an investment plan developed by the executive director and approved by the board.

(b) The endowment shall be managed as an annuity. The investment objective shall be long-term preservation of the real value of the principal and a specified regular annual cash outflow for appropriation, as nonrecurring revenue. From the annual cash outflow, a pro rata share shall be used solely for biomedical research activities as provided in paragraph (3)(d), until such time as cures are found for tobacco-related cancer and heart and lung disease. Five percent of the annual cash outflow dedicated to the biomedical research portion of the endowment shall be reinvested and applied to that portion of the endowment's principal, with the remainder to be spent on biomedical research activities consistent with this section. The schedule of annual cash outflow shall be included within the investment plan adopted under paragraph (a).

(c) In accordance with s. 215.44, the board shall include separate sections on the financial status of the endowment in its annual investment report to the Legislature.

(d) Accountability for funds from the endowment which have been appropriated to a state agency and distributed by the board shall reside with the state agency. The board is not responsible for the proper expenditure of or accountability concerning funds from the endowment after distribution to a state agency.

(e) Costs and fees of the board for investment services shall be deducted from the earnings accruing to the endowment. Fees for investment services shall be no greater than fees charged to the Florida Retirement System.

(5) AVAILABILITY OF FUNDS; USES.—

(a) Funds from the endowment which are available for legislative appropriation shall be transferred by the board to the Department of Banking and Finance Tobacco Settlement Clearing Trust Fund, created in s. 17.41, and disbursed in accordance with the legislative appropriation.

1. Appropriations by the Legislature to the Department of Health from endowment earnings from the principal set aside for biomedical research shall be from a category called Florida Biomedical Research Program and shall be deposited into the Biomedical Research Trust Fund in the Department of Health established in s. 20.435.

2. Appropriations by the Legislature to the Department of Children and Family Services, the Department of Health, or the Department of Elderly Affairs for health and human services programs shall be from a category called the Lawton Chiles Endowment Fund Programs and shall be deposited into each department's respective Tobacco Settlement Trust Fund as appropriated.

(b) In order to ensure that the expenditure of funds earned from the Lawton Chiles Endowment Fund will be used for the purposes intended by the Legislature, the Legislature shall establish line item categories for the state agencies describing the designated use of the appropriated funds as provided in the General Appropriations Act.

(c) The secretaries of the state agencies shall conduct meetings to discuss priorities for endowment funding for health and human services programs for children and elders before submitting their legislative budget requests to the Executive Office of the Governor and the Legislature. The purpose of the meetings is to gain consensus for priority requests and recommended endowment funding levels for those priority requests. No later than September 1 of each year, the secretaries of the state agencies shall also submit their consensus priority requests to the Lawton Chiles Endowment Fund Advisory Council created in subsection (6).

(d) Subject to legislative appropriations, state agencies shall use distributions from the endowment to enhance or support increases in clients served or to meet increases in program costs in health and human services program areas. Funds distributed from the endowment may not be used to supplant existing revenues.

(e) Notwithstanding s. 216.301 and pursuant to s. 216.351, all unencumbered balances of appropriations as of June 30 or undisbursed balances as of December 31 shall revert to the endowment's principal. Unencumbered or undisbursed balances appropriated for biomedical research shall revert to the principal in the separately reserved and accounted-for portion of the endowment established for biomedical research activities.

(f) When advised by the Revenue Estimating Conference that a deficit will occur with respect to the appropriations from the tobacco settlement trust funds of the state agencies in any fiscal year, the Governor shall develop a plan of action to eliminate the deficit. Before implementing the plan of action, the Governor must comply with s. 216.177(2). In developing the plan of action, the Governor shall, to the extent possible, preserve legislative policy and intent, and, absent any specific directions to the contrary in the General Appropriations Act, any reductions in appropriations from the tobacco settlement trust funds of the state agencies for a fiscal year shall be prorated among the specific appropriations made from all tobacco settlement trust funds of the state agencies for that year.

(6) ADVISORY COUNCIL.—The Lawton Chiles Endowment Fund Advisory Council is established for the purpose of reviewing the funding priorities of the state agencies, evaluating their requests against the mission and goals of the agencies and legislative intent for the use of endowment funds, and allowing for public input and advocacy.

(a) The advisory council shall consist of 14 members, including:

1. The director of the United Way of Florida, Inc., or his or her designee;
2. The director of the Foster Parents Association, or his or her designee;
3. The chair of the Department of Elderly Affairs Advisory Council, or his or her designee;
4. The president of the Florida Association of Area Agencies on Aging, or his or her designee;
5. The State Long-Term Care Ombudsman, or his or her designee;
6. The director of the Florida Pediatric Society, or his or her designee;
7. A representative of the Guardian Ad Litem Program, appointed by the Governor;
8. A representative of a child welfare lead agency for community-based care, appointed by the Governor;
9. A representative of an elder care lead agency for community-based care, appointed by the Governor;
10. A representative of a statewide child advocacy organization, appointed by the Governor;
11. One consumer caregiver for children, appointed by the Governor;
12. One person over the age of 60 years to represent the interests of elders, appointed by the Governor;

13. One person under the age of 18 years to represent the interests of children, appointed by the Governor; and

14. One consumer caregiver for a functionally impaired elderly person, appointed by the Governor.

(b) Before November 1 of each year, the advisory council shall advise the Governor and the Legislature as to its recommendations with respect to the priorities submitted by the secretaries of the state agencies with respect to endowment funding for health and human services programs for children and elders. The responsibilities of the advisory council include:

1. Evaluating the value of programs and services submitted by the state agencies as they relate to the overall enhancement of services to children and elders;

2. Developing criteria and guiding principles for ranking the priorities submitted by the state agencies;

3. Providing recommendations with respect to funding levels for the programs ranked by the advisory council;

4. Participating in periodic evaluation of programs funded by the endowment to determine the need for continued funding; and

5. Soliciting input from child and elder advocacy organizations, community stakeholders, providers, and the public with respect to statewide child and elder needs and the effectiveness of program service delivery systems.

(c) Members of the advisory council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties. The Department of Children and Family Services shall provide staff and other administrative assistance reasonably necessary to assist the advisory council in carrying out its responsibilities. Administrative costs of the advisory council shall be charged equally to endowment funds deposited in the Department of Children and Family Services and the Department of Elderly Affairs Tobacco Settlement Trust Funds.

Section 4. Section 215.5602, Florida Statutes, is amended to read:

215.5602 Florida Biomedical Research Program.—

(1) There is established within the Department of Health the Florida Biomedical Research Program funded by the proceeds of the Lawton Chiles Endowment Fund pursuant to s. 215.5601 ~~s. 215.5601(4)~~. The purpose of the Florida Biomedical Research Program is to provide an annual and perpetual source of funding in order to support research initiatives that address the health care problems of Floridians in the areas of tobacco-related cancer, cardiovascular disease, stroke, and pulmonary disease. The long-term goals of the program are to:

(a) Improve the health of Floridians by researching better prevention, diagnoses, and treatments for cancer, cardiovascular disease, stroke, and pulmonary disease.

(b) Expand the foundation of biomedical knowledge relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

(c) Improve the quality of the state's academic health centers by bringing the advances of biomedical research into the training of physicians and other health care providers.

(d) Increase the state's per capita funding for biomedical research by undertaking new initiatives in public health and biomedical research that will attract additional funding from outside the state.

(e) Stimulate economic activity in the state in areas related to biomedical research, such as the research and production of pharmaceuticals, biotechnology, and medical devices.

(2) Funds appropriated for the Florida Biomedical Research Program shall be used exclusively for the award of grants and

fellowships as established in this section; for research relating to the prevention, diagnosis, and treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease; and for expenses incurred in the administration of this section.

(3) There is created within the Department of Health the Biomedical Research Advisory Council.

(a) The council shall consist of nine members, including: the chief executive officer of the Florida Division of the American Cancer Society, or a designee; the chief executive officer of the Florida/Puerto Rico Affiliate of the American Heart Association, or a designee; and the chief executive officer of the American Lung Association of Florida, or a designee. The Governor shall appoint the remaining six members of the council, as follows:

1. Two members with expertise in the field of biomedical research.

2. One member with expertise in the field of behavioral or social research.

3. One member from a professional medical organization.

4. One member from a research university in the state.

5. One member representing the general population of the state.

In making his or her appointments, the Governor shall select primarily, but not exclusively, Floridians with biomedical and lay expertise in the general areas of cancer, cardiovascular disease, stroke, and pulmonary disease. The Governor's appointments shall be for a 3-year term and shall reflect the diversity of the state's population. A council member appointed by the Governor may not serve more than two consecutive terms.

(b) The council shall adopt internal organizational procedures as necessary for its efficient organization.

(c) The department shall provide such staff, information, and other assistance as is reasonably necessary to assist the council in carrying out its responsibilities.

(d) Members of the council shall serve without compensation, but may receive reimbursement as provided in s. 112.061 for travel and other necessary expenses incurred in the performance of their official duties.

(4) The council shall advise the Secretary of Health as to the direction and scope of the biomedical research program. The responsibilities of the council may include, but are not limited to:

(a) Providing advice on program priorities and emphases.

(b) Providing advice on the overall program budget.

(c) Participating in periodic program evaluation.

(d) Assisting in the development of guidelines to ensure fairness, neutrality, and adherence to the principles of merit and quality in the conduct of the program.

(e) Assisting in the development of appropriate linkages to nonacademic entities, such as voluntary organizations, health care delivery institutions, industry, government agencies, and public officials.

(f) Developing criteria and standards for the award of research grants.

(g) Developing administrative procedures relating to solicitation, review, and award of research grants and fellowships, to ensure an impartial, high-quality peer review system.

(h) Developing and supervising research peer review panels.

(i) Reviewing reports of peer review panels and making recommendations for research grants and fellowships.

(j) Developing and providing oversight regarding mechanisms for the dissemination of research results.

(5)(a) Applications for biomedical research funding under the program may be submitted from any university or established research institute in the state. All qualified investigators in the state, regardless of institution affiliation, shall have equal access and opportunity to compete for the research funding.

(b) Grants and fellowships shall be awarded by the Secretary of Health, after consultation with the council, on the basis of scientific merit, as determined by an open competitive peer review process that ensures objectivity, consistency, and high quality. The following types of applications shall be considered for funding:

1. Investigator-initiated research grants.
2. Institutional research grants.
3. Predoctoral and postdoctoral research fellowships.

(6) To ensure that all proposals for research funding are appropriate and are evaluated fairly on the basis of scientific merit, the Secretary of Health, in consultation with the council, shall appoint a peer review panel of independent, scientifically qualified individuals to review the scientific content of each proposal and establish its scientific priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.

(7) The council and the peer review panel shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflict of interest. A No member of the council or panel may not shall participate in any discussion or decision with respect to a research proposal by any firm, entity, or agency with which the member is associated as a member of the governing body or as an employee, or with which the member has entered into a contractual arrangement. Meetings of the council and the peer review panels shall be subject to the provisions of chapter 119, s. 286.011, and s. 24, Art. I of the State Constitution.

(8) The department may contract on a competitive-bid basis with an appropriate entity to administer the program. Administrative expenses may not exceed 15 percent of the total funds available to the program in any given year.

(9) The department, after consultation with the council, may adopt rules as necessary to implement this section.

(10) The council shall submit an annual progress report on the state of biomedical research in this state to the Governor, the Secretary of Health, the President of the Senate, and the Speaker of the House of Representatives by February 1. The report must include:

- (a) A list of research projects supported by grants or fellowships awarded under the program.
- (b) A list of recipients of program grants or fellowships.
- (c) A list of publications in peer reviewed journals involving research supported by grants or fellowships awarded under the program.
- (d) The total amount of biomedical research funding currently flowing into the state.
- (e) New grants for biomedical research which were funded based on research supported by grants or fellowships awarded under the program.
- (f) Progress in the *prevention, diagnosis, and* treatment of diseases related to tobacco use, including cancer, cardiovascular disease, stroke, and pulmonary disease.

Section 5. *There is appropriated \$25,000 each to the Department of Children and Family Services and the Department of Elderly Affairs from Lawton Chiles endowment funds deposited into each department's Tobacco Settlement Trust Fund to pay for administrative costs associated with the Lawton Chiles Endowment Fund Advisory Council established in section 215.5601, Florida Statutes.*

Section 6. This act shall take effect July 1, 2001.

And the title is amended as follows:

remove from the title of the bill: everything before the enacting clause

and insert in lieu thereof: A bill to be entitled An act relating to the Lawton Chiles Endowment Fund; amending ss. 17.41, 20.435, F.S.; conforming statutory cross-references; amending s. 215.5601, F.S.; providing legislative intent to provide funds for the support of public health and biomedical research; revising procedures for the administration of the endowment fund; revising provisions concerning the availability and use of funds from the endowment; establishing an advisory council; amending s. 215.5602, F.S.; providing for public health and biomedical research; providing an appropriation; providing an effective date.

Rep. Fasano moved the adoption of the amendment.

On motion by Rep. Atwater, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Atwater offered the following:

(Amendment Bar Code: 282531)

**Amendment 1 to Amendment 1 (with title amendment)**—On page 4, lines 23-29, remove from the amendment: all of said lines

and insert in lieu thereof:

3. *For fiscal year 2001-2002, \$200 million;*
4. *For fiscal year 2002-2003, \$200 million; and*
5. *For all subsequent fiscal years, an amount equal to the greater of \$40 million or 10 percent of the payments deposited into the Tobacco Settlement Clearing Trust Fund.*

(c) *Amounts to be transferred under subparagraphs (b)2., 3., 4., and 5. may be reduced by an amount equal to the lesser of \$200 million or the amount the endowment receives in that fiscal year from the sale of the state's right, title, and interest in and to the tobacco settlement agreement.*

And the title is amended as follows:

On page 16, line 23, of the amendment

after the first semicolon insert: providing for a portion of unappropriated funds to be deposited into the endowment fund;

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

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

**CS/HB 339**—A bill to be entitled An act relating to certificate of need; amending s. 408.043, F.S.; providing criteria for review of a certificate-of-need application for establishment of an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program; providing an effective date.

—was read the second time by title.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 971815)

**Amendment 1 (with title amendment)**—On page 1, lines 16-29, remove from the bill: all of said lines

and insert in lieu thereof:

- (5) **OPEN HEART SURGERY.**

(a) *When an application is made for a certificate of need to establish an adult open heart surgery program in a county in which none of the*

*hospitals has an existing or approved adult open heart surgery program, need for one program shall be evaluated under special circumstances to promote reasonable access to such a program within the county. The criteria on which the certificate of need is reviewed in such circumstances shall favor approval in those counties that can generate at least 1,200 annual hospital discharges with a principal diagnosis of ischemic heart disease. County-specific need identified under these circumstances shall exist independently of and in addition to any district need identified under the standard numeric need formula.*

*(b) An applicant for an adult open heart surgery program who meets the special circumstances in paragraph (a) shall, as a condition for approval, agree that the percentage of admissions to its program which are Medicaid patients shall be at least as great as the average percentage of Medicaid patients admitted to open heart surgery programs in the applicant's district; and shall also agree that the percentage of admissions to its program which are charity patients shall be at least as great as the average percentage of charity patients admitted to open heart surgery programs in the applicant's district.*

*(c) An applicant approved for an adult open heart surgery program consistent with this subsection shall perform a 12-month total of at least 250 open heart surgery operations during the third year that such procedures are being performed. Failure to meet this requirement is subject to agency action as provided in s. 395.003(8).*

And the title is amended as follows:

On page 1, line 8, after the semicolon

insert: requiring an agreement that a certain percent of Medicaid and charity patients be served; requiring a specified number of operations;

Rep. Maygarden moved the adoption of the amendment.

On motion by Rep. Maygarden, under Rule 12.2(c), the following late-filed amendment to the amendment was considered.

Representative(s) Maygarden offered the following:

(Amendment Bar Code: 370969)

**Amendment 1 to Amendment 1**—On page 2, lines 13-18, remove from the amendment: all of said lines

and insert in lieu thereof:

*(c) An applicant approved for an adult open heart surgery program consistent with this subsection shall perform a 12-month total of at least 250 open heart surgery operations during the third year that such procedures are being performed. Failure to meet this requirement is subject to agency action to terminate a hospital's authorization to provide any open heart surgery operations.*

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

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

On motion by Rep. Rubio, under Rule 12.2(c), the following late-filed amendment was considered.

Representative(s) Rubio offered the following:

(Amendment Bar Code: 802773)

**Amendment 2**—On page 1, between lines 29 & 30,

insert:

Section 2. Effective July 1, 2001, section 15 of chapter 2000-318, Laws of Florida, is amended to read:

Section 15.

(1)(a) There is created a certificate-of-need workgroup staffed by the Agency for Health Care Administration.

(b) Workgroup participants shall be responsible for only the expenses that they generate individually through workgroup participation. The agency shall be responsible for expenses incidental to the production of any required data or reports.

(2) The workgroup shall consist of 32 ~~30~~ members, 10 appointed by the Governor, ~~11~~ ~~10~~ appointed by the President of the Senate, and ~~11~~ ~~10~~ appointed by the Speaker of the House of Representatives. The workgroup chairperson shall be selected by majority vote of a quorum present. Sixteen members shall constitute a quorum. The membership shall include, but not be limited to, representatives from health care provider organizations, health care facilities, individual health care practitioners, local health councils, and consumer organizations, and persons with health care market expertise as a private-sector consultant.

(3) Appointment to the workgroup shall be as follows:

(a) The Governor shall appoint one representative each from the hospital industry; nursing home industry; hospice industry; local health councils; a consumer organization; and three health care market consultants, one of whom is a recognized expert on hospital markets, one of whom is a recognized expert on nursing home or long-term-care markets, and one of whom is a recognized expert on hospice markets; one representative from the Medicaid program; and one representative from a health care facility that provides a tertiary service.

(b) The President of the Senate shall appoint a representative of a for-profit hospital, a representative of a not-for-profit hospital, a representative of a public hospital, two representatives of the nursing home industry, two representatives of the hospice industry, a representative of a consumer organization, a representative from the Department of Elderly Affairs involved with the implementation of a long-term-care community diversion program, ~~and~~ a health care market consultant with expertise in health care economics, *and a member of the Senate.*

(c) The Speaker of the House of Representatives shall appoint a representative from the Florida Hospital Association, a representative of the Association of Community Hospitals and Health Systems of Florida, a representative of the Florida League of Health Systems, a representative of the Florida Health Care Association, a representative of the Florida Association of Homes for the Aging, three representatives of Florida Hospices and Palliative Care, one representative of local health councils, ~~and~~ one representative of a consumer organization, *and a member of the House.*

~~(4) The workgroup shall develop a plan for the reform or elimination of the certificate of need program, which shall include recommendations for required legislative action and agency rule making. Such plan shall be implemented not sooner than the effective date of any rules necessary for its implementation. In developing the plan, the workgroup shall seek input from all classes of health care consumers, health care providers and health care facilities subject to certificate of need review. All agencies, including, but not limited to, the Agency for Health Care Administration and the Department of Elder Affairs, shall provide assistance to the workgroup, upon request. The workgroup shall study issues pertaining to the certificate of need program, including the impact of trends in health care delivery and financing. The workgroup shall study issues relating to implementation of the certificate of need program.~~

(5) The workgroup shall meet at least annually, at the request of the chairperson. The workgroup shall submit ~~an interim report by December 31, 2001, and a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 7, by December 31, 2002.~~ The workgroup is abolished effective ~~May 3, 2002~~ ~~July 1, 2003~~.

And the title is amended as follows:

In the title, on page 1, lines 8 & 9, remove from the bill: all of said lines

and insert in lieu thereof: open heart surgery program; amending s. 15 of ch. 2000-318, Laws of Florida; providing for additional appointments

to the workgroup; amending the scope of responsibility for the workgroup; providing new dates for final report to the Governor and Legislature and termination of the certificate-of-need workgroup; providing effective dates.

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

Under Rule 10.13(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Byrd, the rules were waived and the House moved to—

**Resolutions**

By Representative Betancourt—

**HR 9055**—A resolution designating the month of October 2001 as “Breast Cancer Awareness Month.”

WHEREAS, every three hours, a woman dies of breast cancer in Florida, and a total of 2,600 such deaths are expected in the state during the year 2001, and

WHEREAS, the most commonly diagnosed cancer among women in the United States each year, breast cancer is responsible for the greatest number of cancer deaths among African American women and is the second leading cause of such deaths among Caucasian women, and

WHEREAS, Florida ranks third in the nation each year in the number of new cases diagnosed and deaths reported from this disease, and the American Cancer Society documented 11,844 new incidences of breast cancer in the state in 1999 and estimates that there will be 12,500 cases discovered during 2001, and

WHEREAS, although any woman may be stricken, advancing age has been found to be the greatest risk factor leading to this disease, with 64 percent of all breast cancers occurring in women 60 years of age or older, yet it is estimated that almost one million of the state’s women over the age of 40 have never had a mammogram, and

WHEREAS, the American Cancer Society advocates routine clinical and mammography screening, beginning at age 40, as a means of early detection through which survival rates for breast cancer are greatly improved, and

WHEREAS, awareness programs, such as the American Cancer Society’s Tell-A-Friend-Tuesday program, are crucial to alerting the women of Florida to the importance of early detection and thus improving the chances of successful treatment and cure of breast cancer, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives pauses in its deliberations to designate the month of October 2001 as “Breast Cancer Awareness Month,” a time in which to stress to the women of Florida the importance of routine clinical and mammography screenings in the prevention and cure of breast cancer.

—was read the first time by title and the second time by title. On motion by Rep. Betancourt, the resolution was adopted.

**Motion to Adjourn**

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 3:30 p.m., Monday, April 16. The motion was agreed to.

**Recorded Votes**

Rep. Allen:

Yeas—Amendment 1 to Amendment 2 to HB 69

Rep. Simmons:

Change from Yeas to Nays—Amendment 1 to Amendment 2 to HB 69

Rep. Sobel:

Yeas—motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083; Amendment 1 to Substitute Amendment 1 to HB 1083; Prefile Amendment 76 to HB 1807

Nays—HB 1083

**Prime Sponsors**

HB 1361—Atwater

**Cosponsors**

- CS/HB 1—Diaz de la Portilla, Kendrick, Siplin, Stansel
- HB 45—Siplin
- HB 69—Kosmas, Romeo, Siplin, Wiles
- CS/HB 79—Melvin
- HB 85—Crow
- CS/HB 133—Russell
- HB 145—Flanagan
- HB 169—Hogan
- HB 189—Hogan
- CS/CS/HB 269—Bullard
- HB 313—Barreiro
- CS/HB 409—Atwater
- HB 421—Fiorentino
- HB 457—Atwater, Benson, Betancourt, Meadows, Prieguez
- HB 489—Arza, Atwater, Ball, Brown, Brummer, Bucher, Cantens, Clarke, Crow, Detert, Diaz de la Portilla, Fields, Fiorentino, Gelber, Gibson, Green, Harper, Harrell, Heyman, Kendrick, Kilmer, Kosmas, Kravitz, Lee, Lerner, Mack, Maygarden, Miller, Murman, Rich, Romeo, Simmons, Sorensen, Trovillion
- CS/HB 497—Hogan
- HB 553—Romeo
- HB 595—Hogan, Siplin
- HJR 627—Hogan
- HB 651—Allen, Berfield, Haridopolos
- HB 727—Gottlieb
- HB 757—Johnson
- HB 791—Rich
- HJR 827—Hogan
- HB 959—Mahon
- HB 967—Siplin
- HB 989—Byrd
- HB 1059—Jordan
- HB 1077—Bean, Green, Kilmer, Miller, Murman
- CS/HB 1145—Cusack, Fiorentino
- HB 1199—Baker, Baxley, Bean, Bense, Brown, Davis, Flanagan, Garcia, Hogan, Kendrick, Kottkamp
- HB 1225—Atwater
- HB 1237—Baxley, Trovillion
- HB 1347—Slosberg
- HB 1389—Goodlette
- HB 1411—Spratt
- HB 1413—Siplin
- HB 1415—Fiorentino
- HB 1427—Rich
- HB 1465—Spratt
- HB 1467—Atwater
- HB 1511—Wallace
- HB 1545—Harrington
- HB 1621—Goodlette
- HB 1645—Brown
- HB 1705—Heyman
- HB 1843—Murman, Rich

**Withdrawals as Cosponsor**

- CS/HB 339—Greenstein
- CS/HB 591—Bullard, Holloway, Weissman

## Introduction and Reference

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1877**—A bill to be entitled An act relating to obsolete and inactive provisions of law; repealing ss. 536.20, 536.21, and 536.22, F.S., relating to timber and lumber; repealing s. 570.381, F.S., relating to Appaloosa racing; amending ss. 550.2625 and 550.2633, F.S.; correcting cross references; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Elder & Long-Term Care; Representative Green—

**HB 1879**—A bill to be entitled An act relating to long-term care; amending s. 400.0073, F.S., relating to state and local ombudsman council investigations; requiring ombudsman verification and reporting of nursing home staff on duty and the posting thereof; providing penalty for refusal of a nursing home or assisted living facility to allow entry to an ombudsman; amending s. 400.021, F.S.; revising definitions; defining “controlling interest” and “voluntary board member”; creating s. 400.0223, F.S.; requiring nursing homes to allow electronic monitoring of residents in their rooms; requiring posting of notice; providing facility requirements; providing penalties; amending ss. 400.023 and 400.429, F.S.; providing for civil actions to enforce nursing home and assisted living facility residents’ rights; providing who may pursue such actions; providing for attorney’s fees and costs; providing the burden of proof; providing evidence of breach of duty; providing certain liability; limiting period for commencement of actions; providing definitions; providing for claims involving death of the resident; providing for punitive damages; providing nonenforceability of judgments or agreements concealing certain information; requiring facility report of a judgment or agreement to the Agency for Health Care Administration within a specified period; providing a penalty; providing agency rulemaking authority; providing applicability; creating s. 400.0235, F.S.; providing requirements of the presuit process; creating s. 400.0236, F.S.; providing for presuit screening; creating s. 400.0237, F.S.; providing for presuit notice, review, and investigation; specifying timeframes; creating ss. 400.0238 and 400.430, F.S.; providing for voluntary binding arbitration; providing for selection of an arbitration panel; providing for compensation; providing obligations and procedures; providing rulemaking authority of the Division of Administrative Hearings; providing for the right to jury trial and for certain limitations on damages; providing procedures; creating s. 400.0239, F.S.; providing for binding arbitration to allocate responsibility among defendants; providing procedures; creating s. 400.024, F.S.; providing for misarbitration; creating s. 400.0241, F.S.; providing for payment of an arbitration award; providing for interest; creating s. 400.0242, F.S.; providing for appeal of an arbitration award or allocation of financial responsibility; creating ss. 400.0245 and 400.455, F.S.; creating the “Nursing Home Facility Whistleblower’s Act” and the “Assisted Living Facility Whistleblower’s Act,” respectively; prohibiting retaliatory actions from a facility or independent contractor against an employee for disclosure of certain information; providing legislative intent; providing definitions; specifying the nature of information, to whom disclosed, and persons protected; authorizing civil actions for violation; providing forms of relief; providing penalties; providing reward for information disclosed; requiring facilities to post notice of protections, rewards, and remedies; providing defenses to certain actions; protecting existing rights of employees; amending s. 400.071, F.S.; revising requirements and providing additional requirements for application for a nursing home license; amending s. 400.102, F.S.; providing additional grounds for administrative or other actions against a nursing home; amending s. 400.118, F.S.; requiring agency staff to verify and report staff on duty at a nursing home; providing requirements for resident comprehensive assessment, plan of care, and treatment and services; providing for a resident’s incapacity or refusal with regard to the plan of care; creating s. 400.1183, F.S.; requiring nursing homes to have a grievance procedure for residents; providing requirements; requiring recordkeeping and reports to the

agency; providing for agency investigations; providing a penalty for noncompliance; amending s. 400.121, F.S.; revising a penalty for violations of pt. II of ch. 400, F.S.; providing additional grounds for denial of a nursing home licensure application; providing for review of administrative proceedings challenging agency licensure enforcement actions; amending s. 400.141, F.S.; providing qualifications for nursing home medical directors and nursing personnel; requiring sufficient nursing staff; requiring a comprehensive resident assessment; requiring daily charting of certain care delivered; requiring report of management agreements; requiring report of staff ratios, turnover, and stability, and bed vacancies; creating s. 400.1413, F.S.; requiring nursing homes to establish internal risk management and quality assurance programs; providing requirements for implementation; defining “adverse incident”; requiring reports to the agency; providing agency access to facility records, review of incidents and programs, and report to regulatory boards; limiting liability of risk managers; amending s. 400.1415, F.S.; providing for administrative penalties or a moratorium on admissions for a nursing home where alteration of records has occurred; requiring reporting; requiring referral of personnel for disciplinary action; amending s. 400.19, F.S.; providing for quarterly onsite review of facilities with a conditional licensure status; amending s. 400.191, F.S.; requiring facility posting of the Florida Nursing Home Guide Watch List; amending s. 400.211, F.S.; revising qualifications for temporary employment of nursing assistants; providing performance review and inservice training requirements for certified nursing assistants; amending s. 400.23, F.S.; deleting obsolete language and references; deleting requirement for review of local emergency management plans; providing for agency rules relating to consumer satisfaction surveys, posting of reports and records, and quality assurance and risk management; specifying minimum nursing home staffing requirements; providing a moratorium on admissions for certain failure to comply with minimum staffing requirements; providing a penalty; revising provisions relating to deficient practices and classifications thereof; revising penalties; requiring a report; amending s. 400.241, F.S.; providing a cross reference; providing a penalty; amending s. 400.407, F.S.; correcting a cross reference; amending s. 400.426, F.S.; requiring a daily record of care of residents; providing for access to and maintenance of such records; amending ss. 400.428 and 400.431, F.S.; revising requirement for notice of a resident’s relocation or termination from a facility; providing a penalty; creating s. 400.449, F.S.; providing penalties for altering, defacing, or falsifying records of an assisted living facility; amending s. 409.908, F.S.; revising provisions relating to Medicaid reimbursement for long-term care; providing for direct care and indirect care subcomponents; providing for cost reporting; amending s. 415.1111, F.S.; providing that provisions for civil actions under ch. 415, F.S., shall not apply to civil actions under pts. II and III of ch. 400, F.S.; amending s. 430.708, F.S.; deleting a provision relating to certificate-of-need calculations for nursing home beds pursuant to Medicaid community diversion pilot projects; amending s. 430.709, F.S.; providing requirements for contracts for independent evaluation of long-term care community diversion projects; transferring responsibility from the Department of Elderly Affairs to the agency; requiring reports to the agency and Legislature; amending s. 435.04, F.S.; deleting obsolete language; amending s. 464.201, F.S.; revising definition of “approved training program” for nursing assistants; amending s. 464.2085, F.S.; directing the Council on Certified Nursing Assistants to develop advanced competency designations for certified nursing assistants; amending ss. 101.655, 397.405, and 400.0069, F.S.; correcting cross references; requiring the Auditor General develop a standard chart of accounts for Medicaid long-term care provider cost reporting; requiring implementation by the agency by a specified date; requiring the agency to amend the Medicaid Title XIX Long-Term Care Reimbursement Plan to include specified provisions; directing the Board of Nursing to provide for commendation of certain professional nurses; requiring wage and benefit increases for nursing home direct care staff; requiring a report; reenacting s. 400.021(11), F.S., relating to the definition of “nursing home bed”; reenacting s. 400.0225, F.S., relating to consumer satisfaction surveys; reenacting s. 400.0255(3) and (8), F.S., relating to discharge or transfer of residents; reenacting s. 400.141(4) and (5), F.S., relating to the repackaging of residents’ medication and access to other health-related services; reenacting s. 400.191(2) and (6), F.S., relating to requirements

for providing information to consumers; reenacting s. 400.23(5), F.S., relating to rules for standards of care for persons under 21 years of age residing in nursing home facilities; reenacting s. 400.235(3)(a), (4), (5)(e), and (9), F.S., and reenacting the repeal of s. 400.235(5)(h), F.S., 1999, relating to designation under the nursing home Gold Seal Program; reenacting s. 400.962(1), F.S., relating to requirement for licensure under pt. XI of ch. 400, F.S.; reenacting s. 397.405(2), F.S., relating to a cross reference; reenacting s. 10 of ch. 2000-350, Laws of Florida, relating to requirements for a study of the use of automated medication dispensing machines in nursing facilities and for demonstration projects and a report; providing legislative intent; providing appropriations; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Elder & Long-Term Care; Representative Green—

**HB 1881**—A bill to be entitled An act relating to public records and meetings; providing an exemption from the public records law for certain records relating to internal risk management programs in nursing homes and assisted living facilities; providing for release of such information under certain circumstances; providing an exemption from the public meetings law for meetings of internal risk management and quality assurance committees in nursing homes and assisted living facilities; providing for future legislative review and repeal; providing a statement of public necessity; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Transportation & Economic Development Appropriations; Representative Johnson—

**HB 1883**—A bill to be entitled An act relating to trust funds; creating s. 20.505, F.S.; creating the Administrative Trust Fund within the Agency for Workforce Innovation; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Calendar of the House.

By the Committee on Health Promotion; Representative Littlefield—

**HB 1885**—A bill to be entitled An act relating to health care; amending s. 381.0403, F.S.; transferring the programs for community hospital education and graduate medical education under the “Community Hospital Education Act” from the Board of Regents to the Department of Health; authorizing certain expenditure of funds; revising provisions to conform; authorizing participation in the innovations grant program by individual Florida medical schools providing graduate medical education in community-based clinical settings; revising the membership of a committee; providing rulemaking authority to the Department of Health; amending s. 409.908, F.S.; revising provisions relating to the reimbursement of Medicaid providers to conform to the transfer of the Community Hospital Education Program from the Board of Regents to the Department of Health; providing for the certification of local matching funds; providing requirements for the distribution of federal funds earned as a result of local matching funds; requiring an impact statement; amending s. 409.911, F.S.; revising the definition of the term “charity care”; amending s. 409.9117, F.S.; revising criteria for participation in the

primary care disproportionate share program; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Health & Human Services Appropriations; and Council for Healthy Communities.

By Representatives Melvin, Miller, and Brown—

**HB 1887**—A bill to be entitled An act relating to Okaloosa County; providing legislative findings; describing a portion of the Dorcas Fire District to be annexed into the North Okaloosa Fire District; providing a contingent effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1889**—A bill to be entitled An act relating to tax on communications services; creating s. 202.105, F.S.; providing legislative findings and intent with respect to the Communications Services Tax Simplification Law; amending s. 202.11, F.S.; revising and providing definitions; amending s. 202.12, F.S.; specifying the rates for the state tax; revising provisions relating to application of said tax; providing for application of the tax rate to private communications services and mobile communications services; providing the initial method for determining the sales price of private communications services and a revised method effective January 1, 2004; relieving service providers of certain liability; revising provisions relating to direct-pay permits; creating s. 202.155, F.S.; providing special rules for mobile communications services; providing duties of home service providers and the Department of Revenue in determining a customer’s place of primary use and determining the correct taxing jurisdiction; relieving service providers of certain liability; providing requirements with respect to identifying and separately stating the sales price of mobile communications services not subject to the taxes administered under ch. 202, F.S.; amending s. 202.16, F.S.; revising provisions relating to responsibility for payment of taxes and tax amounts and brackets; amending s. 202.17, F.S.; specifying that registration as a dealer of communications services does not constitute registration for purposes of placing and maintaining communications facilities in municipal or county rights-of-way; removing the registration fee for such dealers; revising provisions relating to resale certificates; amending s. 202.18, F.S.; revising provisions relating to distribution of a portion of the proceeds of the tax on direct-to-home satellite service and to distribution of local communications services taxes and adjustment of such distribution; amending s. 202.19, F.S.; revising provisions which authorize imposition of local communications services taxes and provide for use of revenues and certain credits; specifying the maximum rates of such taxes; providing the initial method for determining the sales price of private communications services for local communications services taxes and for the discretionary sales surtax under s. 212.055, F.S., that is imposed as a local communications services tax, and providing a revised method effective January 1, 2004; relieving service providers of certain liabilities; revising requirements relating to the direct-pay permit required to qualify for the limitation on local communications services taxes on interstate communications services; providing for application of local communications services taxes to mobile communications services; amending s. 202.20, F.S.; specifying the local communications services tax conversion rates; revising requirements with respect to adjustment by a local government of its tax rate when tax revenues are less than received from replaced revenue sources; authorizing local governments to increase the tax rate established by the Revenue Estimating Conference and approved by the Legislature to the maximum tax rate so established and approved; amending s. 202.21, F.S.; conforming language; amending s. 202.22, F.S., relating to determination of local tax situs for a local communications services tax; revising requirements relating to use of

enhanced zip codes; revising requirements relating to certification or recertification of a database by the department; specifying effect when certain applications for certification are not approved or denied within the required time period; revising provisions relating to a dealer's duty to update a database and to the amount of dealer's credit allowed when an alternative method of assigning service addresses is used; amending s. 202.23, F.S.; providing requirements for refunds when excess communications services tax has been paid; creating s. 202.231, F.S.; providing requirements for provision of information by the department to local taxing jurisdictions; amending s. 202.24, F.S., relating to limitations on local taxes and fees imposed on dealers of communications services; deleting language relating to legislative review; repealing s. 202.26(3)(i), F.S., which provides for adoption of rules by the department with respect to collection of information no longer required; amending s. 202.27, F.S.; deleting provisions which allow certain dealers making sales in more than one location to file a single return; amending s. 202.28, F.S.; including persons collecting the gross receipts tax in provisions relating to the dealer's credit; amending s. 202.37, F.S.; providing requirements for audits conducted with respect to local communications services taxes; creating s. 202.38, F.S.; providing for credits or refunds under ch. 202, F.S., for certain bad debts or adjustments with respect to taxes under ch. 212, F.S., or ch. 166, F.S., billed prior to October 1, 2001, and no longer subject to tax; amending s. 203.01, F.S.; specifying the rate of the gross receipts tax on communications services; amending s. 337.401, F.S.; revising dates for notice of election by municipalities and counties regarding imposition of permit fees to the department; providing that a municipality or county that elects not to impose permit fees on communications services providers may increase its local tax rate by resolution; requiring notice to the department; repealing s. 337.401(3)(f) and (g), F.S., relating to the authority of municipalities and counties to request in-kind requirements from cable service providers and to negotiate cable service franchises, and revising and relocating such provisions under said section; authorizing municipalities and counties to change their election regarding imposition of permit fees and providing for adjustment of tax rates; providing notice requirements; revising definitions; specifying continued application of s. 166.234, F.S., relating to administration and rights and remedies, to municipal public service taxes on telecommunications services imposed prior to October 1, 2001; providing for payment of franchise fees by cable or telecommunications service providers with respect to services provided prior to October 1, 2001; repealing s. 52 of ch. 2000-260, Laws of Florida, which provides for a legislative study during the 2001 session; repealing s. 58(1) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of those administrative sections of ch. 202, F.S., which have taken effect; repealing s. 58(2) of ch. 2000-260, Laws of Florida, which provides for the June 30, 2001, repeal of the following provisions prior to their October 1, 2001, effective date: the remainder of ch. 202, F.S., which provides for the taxation of the sale of communications services; other statutory amendments which provide related administrative provisions; provisions which remove levy of the municipal public service tax on telecommunication services; provisions which provide for a gross receipts tax on communications services to be applied pursuant to ch. 202, F.S.; provisions which remove the imposition of tax under ch. 212, F.S., on telecommunication service; provisions relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees; and provisions relating to the application of amendments made by ch. 2000-260, Laws of Florida; repealing s. 59 of ch. 2000-260, Laws of Florida, which, effective June 30, 2001, amends s. 337.401, F.S., relating to the authority of counties and municipalities to regulate the placement of telecommunications facilities in roads and rights-of-way and to impose permit fees and franchise fees, to remove amendments made by ch. 2000-260, Laws of Florida, which took effect January 1, 2001; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1891**—A bill to be entitled An act relating to public records; amending s. 213.053, F.S.; providing an exemption from public records requirements for information contained in specified documents received by the Department of Revenue in connection with ch. 202, F.S., the Communications Services Tax Simplification Law; authorizing the department to provide certain information relative to said chapter to local governments imposing a local communications services tax; providing for application of confidentiality and penalty provisions to such local governments; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Utilities & Telecommunications; Representatives Ritter and Barreiro—

**HB 1893**—A bill to be entitled An act relating to trust funds; creating s. 202.193, F.S.; creating the Local Communications Services Tax Clearing Trust Fund within the Department of Revenue; providing for sources of moneys and purposes; providing for annual carryforward of fund balances; providing that the trust fund is exempt from constitutional termination; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Fiscal Policy & Resources; and Council for Ready Infrastructure.

By the Committee on Health Regulation; Representative Farkas—

**HB 1895**—A bill to be entitled An act relating to health care; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the department to notify the patient or legal representative of the status of a disciplinary case; requiring the agency to provide certain information to the complainant; amending s. 456.077, F.S.; specifying violations for which the department or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the department and regulatory boards to maintain a website containing specified information; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the department and agency to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s.

468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 240.40201, F.S.; granting certain students priority in receiving a Florida Bright Futures Scholarship; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 468.302, F.S.; correcting terminology in a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising accreditation provisions applicable to licensure to practice speech-language pathology or audiology and certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; requiring the Department of Health and the Department of Insurance to establish a joint investigative and prosecutorial unit for health care fraud; requiring all state agencies involved in the regulation

of health care practitioners, providers, and payors to coordinate their investigations and share confidential information for the purpose of investigating and prosecuting health care fraud; preserving the confidentiality of such information; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Council for Healthy Communities.

By Representatives Melvin, Miller, and Brown—

**HB 1897**—A bill to be entitled An act relating to Okaloosa County; amending ch. 90-412, Laws of Florida; changing the name of the Fort Walton Beach Area Bridge Authority to the Emerald Coast Bridge Authority; reducing the number of members of the authority from seven to five; amending the method of appointment of members of the authority; changing the date by which the authority shall prepare and submit a budget; requiring the board of county commissioners to examine the budget in good faith; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Baxley—

**HB 1899**—A bill to be entitled An act relating to Marion County; prohibiting watercraft within specified areas of Lake Weir from proceeding at greater than "no-wake" speeds; requiring the board of county commissioners to erect signs; directing the Marion County Sheriff to enforce the prohibition; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Baxley—

**HB 1901**—A bill to be entitled An act relating to Marion County; requiring a disclosure summary to prospective purchasers of property in a subdivision that requires membership in a homeowners' association; providing for audits of certain homeowners' associations; authorizing the creation of a homeowners' grievance board to mediate complaints from homeowners; authorizing the county to provide monetary penalties and the revocation or suspension of business permits or occupational licenses; providing for the disclosure of maintenance and amenity fees in a complete financial report by the developer; providing for methods of distribution of financial reports; providing exceptions; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By Representative Melvin—

**HB 1903**—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, as amended, relating to the Escambia County Civil Service System; providing for the discretionary withdrawal of any local participating governmental agency or political subdivision from the Civil Service system; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Local Government & Veterans Affairs.

By the Committee on Transportation; Representative Russell—

**HB 1905**—A bill to be entitled An act relating to the Transportation Outreach Program; amending s. 339.137, F.S.; revising definitions;

amending criteria for program eligibility; directing the advisory council to develop methodology for ranking and prioritizing project proposals; directing the Florida Transportation Commission to review the proposed project list before submittal to the Legislature; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to the Committee on Transportation & Economic Development Appropriations; and Council for Ready Infrastructure.

By the Committee on Business Regulation; Representatives Kyle, Gottlieb, and Cantens—

**HB 1907**—A bill to be entitled An act relating to condominiums; amending s. 718.1255, F.S., relating to alternative dispute resolution procedures; providing for the expedited handling of any allegation of an irregularity in the election of any director of the board of administration of a condominium; amending s. 702.09, F.S.; revising the definitions of the terms “mortgage” and “foreclosure proceedings”; amending s. 718.104, F.S., revising language with respect to declarations for the creation of a condominium; amending s. 718.106, F.S.; revising language with respect to appurtenances that pass with a condominium unit; amending s. 718.110, F.S.; revising language with respect to amendments to a declaration of condominium; amending s. 718.111, F.S.; revising language with respect to the association; amending s. 718.112, F.S.; revising language with respect to bylaws; amending s. 718.113, F.S.; revising language with respect to material alterations of common elements or association real property operated by a multicondominium association; amending s. 718.115, F.S.; revising language with respect to common expenses; amending s. 718.405, F.S.; revising language with respect to multicondominiums and multicondominium associations; amending s. 718.503, F.S., relating to disclosure requirements for the sale of certain condominiums; removing the requirement that question and answer sheets be part of the closing documents; amending s. 718.504, F.S.; revising language with respect to the prospectus or offering circular; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Holloway, Bennett, Harrell, Mayfield, and Gottlieb—

**HB 1909**—A bill to be entitled An act relating to trust funds; creating s. 287.103, F.S.; creating the Purchasing and Transportation Support Trust Fund, to be administered by the Department of Management Services; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Local Government & Veterans Affairs; Representative Sorensen—

**HB 1911**—A bill to be entitled An act relating to preference in appointment and retention of public employees; amending s. 295.07, F.S.; eliminating the exemption of specified positions from provisions which require the state and political subdivisions in the state to give preference in appointment and retention in positions of employment to specified veterans and spouses of specified veterans and military personnel; reenacting s. 295.14, F.S.; providing penalties; reenacting ss. 110.2135(1), 295.08, 295.085, 295.09, 295.101, 295.11, 295.155, 296.04(3), and 296.34(1), F.S., to incorporate the amendment to s. 295.07, F.S., in references thereto; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Natural Resources & Environmental Protection; Representative Harrington—

**HB 1913**—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 370.06, F.S.; revising the exemption from saltwater products license income requirements for

persons with disabilities; amending s. 370.0605, F.S.; revising the exemption from saltwater fishing licenses for persons with disabilities; amending s. 370.0608, F.S.; revising provisions relating to deposit of license fees; amending s. 370.0609, F.S.; revising institutions to receive funds for marine research; amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collectors' return of unissued tags; deleting provision relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.13, F.S.; revising provisions relating to issuance of depredation endorsements for trapping stone crabs or blue crabs preying upon aquaculture shellfish beds; prohibiting barter or exchange, as well as sale of such crabs; amending s. 370.19, F.S.; revising appointment of a member of the Atlantic States Marine Fisheries Compact; amending s. 370.20, F.S.; revising appointment of a member of the Gulf States Marine Fisheries Compact; amending s. 370.25, F.S.; clarifying reference relating to issuance of artificial reef permits; amending s. 372.0215, F.S.; removing a restriction on the funding of support organizations authorized by the commission; amending s. 372.561, F.S.; revising the exemption from hunting and freshwater fishing licenses for persons with disabilities; amending s. 374.977, F.S.; transferring authority for posting and maintaining signs for manatee protection zones from the Department of Environmental Protection to the commission; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1915**—A bill to be entitled An act relating to agriculture and consumer services; amending s. 120.80, F.S.; providing that marketing orders under ch. 527, F.S., are not rules; amending s. 125.27, F.S.; authorizing the Department of Agriculture and Consumer Services to lease or loan equipment to governmental entities that have fire/rescue responsibilities; limiting liability for civil damages resulting from use or possession of such equipment; amending s. 201.15, F.S.; authorizing the department to adopt rules regarding the distribution of funds for best management practices; amending s. 316.228, F.S.; revising requirements for lamps on projecting loads; amending s. 320.08, F.S.; revising definition of a truck known as a “goat”; amending s. 403.714, F.S.; deleting requirement that the department coordinate development of uniform product specifications for compost used by state agencies; amending s. 487.041, F.S.; authorizing the department to require and review data relating to the claims of pesticide products used as preventive treatment for termites; authorizing the department to adopt rules; amending s. 500.09, F.S.; authorizing fees for certain reinspection of food establishments; amending s. 500.12, F.S.; increasing the maximum food establishment operating permit fee; providing use of such fee; amending ss. 502.012 and 502.014, F.S.; revising references relating to the pasteurized milk ordinance and milk sanitation; deleting requirement that a copy of a federal temporary marketing permit for milk and milk products be forwarded to the department; amending s. 502.053, F.S.; clarifying milk testing requirements; amending s. 502.091, F.S.; authorizing the department to forgo the grading of certain milk products in an emergency; providing for labeling; amending s. 503.041, F.S.; providing that attempting to transfer a frozen dessert plant license is grounds for license suspension or revocation; amending s. 570.07, F.S.; authorizing the department to repair or build structures; providing restrictions; authorizing the department to conduct investigations of violations of laws relating to consumer protection; amending s. 503.071, F.S.; providing for the embargo, detainment, or destruction of food or food processing equipment of a frozen dessert manufacturer; amending s. 570.244, F.S.; clarifying powers and duties of the department relating to the development of agribusinesses; amending s. 570.249, F.S.; clarifying aquacultural crops eligible for Agricultural Economic Development Program disaster loans; revising loan application requirements; directing the department to establish an agribusiness market development grant program; amending s. 570.38, F.S.; increasing membership of the Animal Industry Technical Council; amending s. 580.051, F.S.; revising label requirements for commercial feed; providing a penalty; amending s. 580.065, F.S.; revising feed laboratory standards and procedures; amending s. 580.091, F.S.;

removing intent language regarding feed sampling and analysis; revising department procedures relating to approval of a quality-assurance/quality-control plan; amending s. 580.112, F.S.; prohibiting distribution of a feed or feedstuff that is prohibited by federal law or regulation; amending s. 581.211, F.S.; providing a penalty for violation of rules relating to plant industry; amending s. 585.002, F.S.; limiting local government regulation with respect to the humane care and treatment of livestock and poultry; amending s. 585.145, F.S.; providing for qualification of accredited veterinarians to provide official certificates of veterinary inspection; providing conditions for denial of authority to issue such certificates; amending s. 585.155, F.S.; revising vaccination requirements for calves; amending s. 616.242, F.S.; providing additional exemptions from amusement ride safety standards; amending s. 633.557, F.S.; revising exemptions from contractor requirements for certain farm buildings; amending s. 828.22, F.S.; creating the "Humane Slaughter Act"; revising provisions relating to humane slaughter and livestock euthanasia; amending s. 828.23, F.S.; revising definitions; amending s. 828.24, F.S.; revising provisions relating to prohibited acts; amending s. 828.25, F.S.; revising provisions relating to administration of the act by the department; creating s. 828.251, F.S.; directing the department to make current technical information available to slaughterers; creating s. 828.252, F.S.; providing for humane treatment of nonambulatory animals; amending s. 828.26, F.S.; revising penalties; amending ss. 427.804 and 559.921, F.S.; correcting cross references; repealing s. 570.544(10) and (11), F.S., relating to authority of the Division of Consumer Services of the department to conduct investigations of violations of laws relating to consumer protection; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Agriculture & Consumer Affairs; Representative Spratt—

**HB 1917**—A bill to be entitled An act relating to assistive technology; amending s. 400.925, F.S.; revising definitions with respect to home medical equipment; amending s. 427.802, F.S.; revising definitions with respect to home medical equipment providers; amending s. 427.803, F.S.; revising warranty requirements under the Assistive Technology Device Warranty Act; providing for express warranties; amending s. 427.804, F.S.; conforming references; deleting investigation and complaint processing requirements of the Department of Agriculture and Consumer Services; repealing s. 427.8041, F.S., relating to regulation requirements with respect to assistive technology device dealers; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on General Government Appropriations; Representatives Dockery, Greenstein, Bennett, Harrell, Mayfield, Gottlieb, and Holloway—

**HB 1919**—A bill to be entitled An act relating to trust funds; creating s. 282.23, F.S.; creating the Technology Enterprise Trust Fund within the Department of Management Services; providing for sources of funds and purposes; providing for creation of a reserve account; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1921**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting

Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Business Regulation; Representative Kyle—

**HB 1923**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 20.165, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; including reference to the Board of Barbering and Cosmetology; revising minimum requirements for the number of consumer members on professional licensing boards; amending ss. 326.001, 326.002, 326.003, 326.004, and 326.006, F.S.; transferring the regulation of yacht and ship brokers and salespersons from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Professions; revising provisions relating to criminal history checks and administrative and civil penalties; requiring that all funds collected pursuant to such regulation be deposited into the Professional Regulation Trust Fund; revising references; amending s. 455.213, F.S.; providing that all applications for licensure be prescribed by the department; providing for the electronic submission of information to the department; providing that all legal obligations must be met before the issuance or renewal of a license; amending s. 455.224, F.S.; authorizing any division of the department to issue citations in the enforcement of its regulatory provisions in accordance with the provisions established for such purposes for the regulation of professions; amending ss. 468.401, 468.402, 468.403, 468.404, 468.406, 468.407, 468.410, 468.412, 468.413, 468.414, and 468.415, F.S.; providing for registration of talent agencies in lieu of licensure; conforming provisions; providing penalties; repealing ss. 468.405 and 468.408, F.S., relating to qualification for talent agency license and bonding requirements; amending s. 468.609, F.S.; authorizing direct supervision by building code administrators by telecommunications devices in certain localities and under specified circumstances;

amending s. 468.627, F.S.; requiring the payment of costs for certain building code enforcement applicants who fail to appear for scheduled examinations, subject to waiver in case of hardship; amending s. 471.025, F.S.; allowing for more than one type of seal to be used by professional engineers; amending s. 472.003, F.S.; providing exemption from ch. 472, F.S., relating to land surveying and mapping, for certain subordinate employees; revising cross references; amending s. 472.005, F.S.; revising and providing definitions; revising cross references; amending s. 472.029, F.S.; revising provisions relating to access to lands of others for surveying or mapping purposes; providing applicability to subordinates; requiring certain notice; amending s. 810.12, F.S.; revising provisions relating to trespass, to conform; amending ss. 472.001, 472.011, 472.015, 472.021, 472.027, 472.031, and 472.037, F.S.; revising cross references; amending s. 476.034, F.S.; redefining the term "board"; amending s. 476.054, F.S.; creating the Board of Barbering and Cosmetology; providing certain compensation; requiring an oath and providing for a certificate of appointment; providing for officers, meetings, and quorum; amending s. 476.064, F.S.; conforming provisions; amending ss. 476.014, 476.074, 476.154, 476.194, 476.214, and 476.234, F.S.; revising references; amending s. 477.013, F.S.; defining the term "board"; repealing s. 477.015, F.S., relating to the Board of Cosmetology; abolishing the Barbers' Board and the Board of Cosmetology; providing for appointment of all members of the Board of Barbering and Cosmetology to staggered terms; providing savings clauses for rules and legal actions; amending s. 477.019, F.S.; eliminating a requirement for refresher courses and examinations for failure of cosmetology licensees to comply with continuing education requirements; amending s. 477.026, F.S.; providing authority for registration renewal and delinquent fees for hair braiders, hair wrappers, and body wrappers; amending s. 481.209, F.S.; revising requirements relating to education for licensure as an architect; amending s. 481.223, F.S.; providing for injunctive relief for certain violations relating to architecture and interior design; amending s. 489.107, F.S.; reducing the number of members on the Construction Industry Licensing Board; relocating the offices of the board; creating s. 489.113, F.S.; providing for temporary certificates and registrations; amending s. 489.115, F.S.; eliminating references to divisions of the Construction Industry Licensing Board; amending s. 489.118, F.S.; revising grandfathering provisions for certification of registered contractors to qualify persons holding certain registered local specialty licenses; repealing s. 489.507(6), F.S., to delete a duplicate provision relating to appointment of committees of the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board for the purpose of meeting jointly twice each year; requiring the Electrical Contractors' Licensing Board to develop a plan to reduce its annual operating budget by a specified amount and submit such plan to the department by a specified date; amending s. 489.511, F.S.; revising provisions relating to licensure as an electrical or alarm system contractor by endorsement; amending ss. 498.005, 498.019, and 498.049, F.S.; reassigning the regulation of land sales from the Division of Florida Land Sales, Condominiums, and Mobile Homes to the Division of Real Estate; requiring all funds collected by the department pursuant to the regulation of land sales to be deposited in the Professional Regulation Trust Fund; amending s. 190.009, F.S.; conforming terminology; amending ss. 718.103, 718.105, 718.1255, 718.501, 718.502, 718.504, 718.508, 718.509, 718.608, 719.103, 719.1255, 719.501, 719.502, 719.504, 719.508, 719.608, 721.05, 721.07, 721.08, 721.26, 721.28, 721.301, 721.50, 723.003, 723.006, 723.0065, and 723.009, F.S.; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes as the Division of Condominiums, Timeshare, and Mobile Homes; renaming the Division of Florida Land Sales, Condominiums, and Mobile Homes Trust Fund as the Division of Condominiums, Timeshare, and Mobile Homes Trust Fund; conforming provisions; providing division enforcement powers and duties; providing for injunction, restitution, and civil penalties; providing certain immunity; providing for use of certain documents as evidence; providing for certain notice; providing for intervention in suits; locating the executive offices of the division in Tallahassee; authorizing branch offices; providing for adoption and use of a seal; providing applicability to specified chapters of the Florida Statutes; amending ss. 73.073, 192.037, 213.053, 215.20, 380.0651, 455.116, 475.455, 509.512, and 559.935, F.S.; conforming terminology; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Rules, Ethics & Elections; Representative Goodlette—

**HB 1925**—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; authorizing the Department of State to hold the copyright to the database software as provided by law; providing for update of information in the database; providing for an operational date; providing that funding shall be as provided for in the General Appropriations Act; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is a proper party to bring an election contest for certain elections; providing that any taxpayer is a proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Murman—

**HR 9053**—A resolution acknowledging May 6-12, 2001, as National Nurses Week.

First reading by publication (Art. III, s. 7, Florida Constitution).

**HR 9055**—Adopted earlier today

By Representative Bullard—

**HR 9057**—A resolution expressing affection for and gratitude to all fathers.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bullard—

**HR 9059**—A resolution expressing gratitude and affection to all mothers.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Murman—

**HR 9061**—A resolution recognizing Florida's Healthy Start coalitions and designating April 11, 2001, as "Healthy Start Coalitions Day."

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Rubio—

**HR 9063**—A resolution designating April 18, 2001, "University of Florida Day."

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Meadows—

**HR 9065**—A resolution honoring the Black Affairs Advisory Council.

First reading by publication (Art. III, s. 7, Florida Constitution).

#### Reference

**HB 1847**—Referred to the Committees on Information Technology; General Government Appropriations; and Council for Lifelong Learning.

**HB 1849**—Referred to the Committees on Local Government & Veterans Affairs; and State Administration.

**HB 1851**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1853**—Referred to the Calendar of the House.

**HB 1855**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1857**—Referred to the Committee on Local Government & Veterans Affairs.

**HB 1861**—Referred to the Calendar of the House.

**HB 1863**—Referred to the Committee on Natural Resources & Environmental Protection; and Council for Healthy Communities.

**HB 1867**—Referred to the Council for Healthy Communities.

**HB 1869**—Referred to the Committee on Child & Family Security; and Council for Healthy Communities.

**HB 1871**—Referred to the Committee on State Administration; and Council for Healthy Communities.

**HB 1873**—Referred to the Council for Healthy Communities.

**HB 1875**—Referred to the Council for Ready Infrastructure.

**HB 4011**—Referred to the Committees on Crime Prevention, Corrections & Safety; State Administration; and Council for Healthy Communities.

**HB 4013**—Referred to the Council for Competitive Commerce.

#### First Reading of Council and Committee Substitutes by Publication

By the Council for Competitive Commerce; Representative Russell—

**CS/HB 83**—A bill to be entitled An act relating to enterprise zones; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone within a described area of Hernando County or of Hernando County and the City of Brooksville jointly; providing requirements with respect thereto; creating s. 290.00696, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Calhoun County; providing requirements with respect thereto; creating s. 290.00697, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Okaloosa County; providing requirements with respect thereto; providing an effective date.

By the Committee on Education Innovation; Representatives Bendross-Mindingall, Gottlieb, Garcia, Harper, and Byrd—

**CS/HB 135**—A bill to be entitled An act relating to Workforce Florida, Inc.; amending s. 445.004, F.S.; expanding the utilization of faith-based and community-based organizations; requiring certain funds to be expended for after-school care programs; providing an effective date.

By the Council for Smarter Government; Representatives Goodlette, Cantens, Pickens, Seiler, and Bense—

**CS/HB 137**—A bill to be entitled An act relating to probate; amending s. 63.172, F.S.; providing for the right of inheritance with respect to adoption; amending s. 409.9101, F.S.; revising language with respect to recovery of payments made on behalf of certain Medicaid-eligible persons; amending s. 655.936, F.S., relating to the opening of a decedent's safe-deposit box; amending s. 731.005, F.S., relating to the Florida Probate Code; amending s. 731.011, F.S.; providing reference to the Florida Probate Rules with respect to the determination of substantive rights under the Florida Probate Code; amending s. 731.104, F.S.; revising language with respect to the verification of documents; amending s. 731.106, F.S., relating to the assets of nondomiciliaries; repealing s. 731.107, F.S., relating to adversary proceedings; amending s. 731.110, F.S.; revising language with respect to proceedings concerning caveat; repealing s. 731.111, F.S., relating to notice to creditors; amending s. 731.201, F.S.; revising general definitions with respect to the Florida Probate Code; amending s. 731.301, F.S.; revising language with respect to notice; amending s. 731.303, F.S., relating to representation; amending s. 732.101, F.S., relating to intestate estates; amending s. 732.102, F.S.; revising language with respect to the share of the spouse; increasing the monetary amount of certain shares; amending s. 732.103, F.S., relating to the share of certain heirs; amending s. 732.107, F.S.; clarifying provisions; revising a filing date; revising certain provisions regarding owner's representation; amending s. 732.1101, F.S.; providing that aliens shall have the same right of inheritance as citizens; amending s. 732.2025, F.S.; redefining the term "qualifying special needs trust" or "supplemental needs trust"; amending s. 732.2035, F.S.; redefining the term "decedent's ownership interest"; amending s. 732.2045, F.S.; adding an exclusion to the elective share for property that is part of the protected homestead; amending s. 732.2055, F.S.; redefining "value" for purposes of calculating the elective estate; amending s. 732.2075, F.S.; revising the formula for payment of the elective share; amending s. 732.2085, F.S.; adding a cross reference; amending s. 732.2095, F.S.; correcting a cross reference; modifying the formula for determining the fair market value of assets regarding the elective share; amending s. 732.2105, F.S.; revising the effect of an elective share election on other estate interests; amending s. 732.2125, F.S.; revising language with respect to the right of election; amending s. 732.2135, F.S.; revising language with respect to time of election, extensions, and withdrawal; amending s. 732.2145, F.S.; revising language with respect to the order of contribution; amending s. 732.2155, F.S.; revising language with respect to the effective date of certain trusts; amending s. 732.218, F.S.;

revising language with respect to rebuttable presumptions; amending s. 732.219, F.S., relating to disposition upon death; amending s. 732.221, F.S.; revising language with respect to perfection of title of personal representative or beneficiary; amending s. 732.222, F.S., relating to the purchaser for value or lender; amending s. 732.223, F.S.; revising language with respect to perfection of title of surviving spouse; amending s. 732.302, F.S.; revising language with respect to pretermitted children; amending s. 732.401, F.S.; revising language with respect to descent of homestead; amending s. 732.4015, F.S.; revising language with respect to the definition of "owner" and "devise" concerning homestead; amending s. 732.402, F.S.; revising language with respect to exempt property; amending s. 732.403, F.S.; revising language with respect to family allowance; amending s. 732.501, F.S.; revising language with respect to who may make a will; amending s. 732.502, F.S.; revising language with respect to execution of wills; amending s. 732.503, F.S.; revising language with respect to self-proof of will; amending s. 732.505, F.S.; revising language with respect to revocation by writing; amending s. 732.507, F.S.; revising language with respect to effect of subsequent marriage, birth, or dissolution of marriage; amending s. 732.513, F.S.; revising language with respect to devises to trustees; amending s. 732.514, F.S., relating to vesting of devises; amending s. 732.515, F.S.; revising language with respect to separate writing identifying devises of tangible property; amending s. 732.6005, F.S., relating to rules of construction and intention; amending s. 732.601, F.S.; revising language with respect to the Simultaneous Death Law; amending s. 732.603, F.S.; revising language with respect to antilapse, deceased devises, and class gifts; amending s. 732.604, F.S., relating to the failure of a testamentary provision; amending s. 732.605, F.S., relating to change in securities, accessions, and nonademption; amending s. 732.606, F.S., relating to nonademption of specific devises in certain cases; amending s. 732.701, F.S.; providing for agreements concerning succession executed by a nonresident under certain circumstances; amending s. 732.702, F.S.; revising language with respect to waiver of spousal rights; amending s. 732.801, F.S.; revising language with respect to disclaimer of interests in property passing by will or intestate succession or under certain powers of appointment; amending s. 732.804, F.S.; providing for provisions relating to disposition of the body; amending s. 732.901, F.S., relating to production of wills; eliminating language with respect to willful failure to deposit the will; transferring, amending, and renumbering ss. 732.910, 732.911, 732.912, 732.913, 732.914, 732.915, 732.916, 732.917, 732.918, 732.9185, 732.919, 732.921, 732.9215, 732.92155, 732.9216, and 732.922, F.S.; correcting cross references; amending ss. 381.004 and 381.0041, F.S.; correcting cross references; amending s. 733.101, F.S., relating to the venue of probate proceedings; amending s. 733.103, F.S., relating to the effect of probate; amending s. 733.104, F.S.; revising language with respect to the suspension of the statute of limitations in favor of the personal representative; amending s. 733.105, F.S.; revising language with respect to the determination of beneficiaries; amending s. 733.106, F.S.; revising language with respect to costs and attorney fees; amending s. 733.107, F.S., relating to the burden of proof in contests; amending s. 733.109, F.S.; revising language with respect to the revocation of probate; amending s. 733.201, F.S., relating to proof of wills; amending s. 733.202, F.S.; providing that any interested person may petition for administration; repealing s. 733.203, F.S., relating to when notice is required; amending s. 733.204, F.S.; revising language with respect to the probate of a will written in a foreign language; amending s. 733.205, F.S., relating to the probate of a notarial will; amending s. 733.206, F.S., relating to the probate of a resident after foreign probate; amending s. 733.207, F.S.; revising requirements with respect to the establishment and probate of a lost or destroyed will; amending s. 733.208, F.S.; revising language with respect to the discovery of a later will; amending s. 733.209, F.S.; providing requirements with respect to the estates of missing persons; amending s. 733.212, F.S.; revising language with respect to the notice of administration and filing of objections; creating s. 733.2121, F.S.; providing for notice to creditors and the filing of claims; amending s. 733.2123, F.S., relating to adjudication before issuance of letters; amending s. 733.213, F.S.; providing that a will may not be construed until after it has been admitted to probate; amending s. 733.301, F.S.; revising language with respect to preference in the appointment of the personal representative; amending s. 733.302, F.S.; revising language

with respect to who may be appointed personal representative; amending s. 733.305, F.S., relating to trust companies and other corporations and associations; amending s. 733.306, F.S.; revising language with respect to the effect of the appointment of a debtor; amending s. 733.307, F.S., relating to succession of administration; amending s. 733.308, F.S., relating to the administrator ad litem; amending s. 733.309, F.S., relating to the executor de son tort; creating s. 733.310, F.S.; providing for when a personal representative is not qualified; repealing s. 733.401, F.S., relating to the issuance of letters; amending s. 733.402, F.S.; revising language with respect to the bond of a fiduciary; amending s. 733.403, F.S.; revising language with respect to the amount of the bond; amending s. 733.404, F.S., relating to the liability of the surety; amending s. 733.405, F.S.; revising language with respect to the release of surety; amending s. 733.406, F.S.; revising language with respect to bond premium allowable as an expense of administration; amending s. 733.501, F.S.; revising language with respect to curators; amending s. 733.502, F.S.; revising language with respect to the resignation of the personal representative; amending s. 733.503, F.S.; providing for the appointment of a successor upon the resignation of the personal representative; creating s. 733.5035, F.S.; providing for the surrender of assets after resignation; creating s. 733.5036, F.S.; providing for accounting and discharge following resignation; amending s. 733.504, F.S.; revising language with respect to the removal of the personal representative; amending s. 733.505, F.S.; providing that a petition for removal shall be filed in the court having jurisdiction of the administration; amending s. 733.506, F.S.; revising language with respect to proceedings for removal; creating s. 733.5061, F.S.; providing for the appointment of a successor upon removal of the personal representative; repealing s. 733.507, F.S., relating to administration following resignation or removal; amending s. 733.508, F.S.; providing for accounting and discharge upon removal; amending s. 733.509, F.S.; revising language with respect to surrender of assets upon removal; amending s. 733.601, F.S.; revising language with respect to time of accrual of duties and powers; amending s. 733.602, F.S., relating to the general duties of a personal representative; amending s. 733.603, F.S., relating to when a personal representative may proceed without court order; amending s. 733.604, F.S.; revising language with respect to inventory; repealing s. 733.605, F.S., relating to appraisers; creating s. 733.6065, F.S.; providing for the opening of a safe-deposit box; amending s. 733.607, F.S.; revising language with respect to the possession of the estate; amending s. 733.608, F.S.; revising language with respect to the general power of the personal representative; amending s. 733.609, F.S.; revising language with respect to improper exercise of power and the breach of fiduciary duty; amending s. 733.610, F.S., relating to the sale, encumbrance, or transaction involving a conflict of interest; amending s. 733.611, F.S.; revising language with respect to persons dealing with the personal representative; amending s. 733.612, F.S.; revising language with respect to transactions authorized for the personal representatives and exceptions thereto; amending s. 733.6121, F.S., relating to powers of the personal representative with respect to environmental or human health laws affecting property subject to administration; amending s. 733.613, F.S.; revising language with respect to the personal representatives' right to sell real property; amending s. 733.614, F.S., relating to the powers and duties of a successor personal representative; amending s. 733.615, F.S.; revising language with respect to joint personal representatives; amending s. 733.616, F.S.; revising language with respect to the powers of the surviving personal representatives; amending s. 733.617, F.S.; revising language with respect to compensation of the personal representative; amending s. 733.6171, F.S.; revising language with respect to compensation of the attorney for the personal representative; amending s. 733.6175, F.S.; revising language with respect to proceedings for review of employment of agents and compensation of personal representatives and employees of the estate; amending s. 733.619, F.S., relating to the individual liability of the personal representative; amending s. 733.701, F.S.; revising language with respect to notifying creditors; correcting cross references; amending s. 733.702, F.S.; revising language with respect to limitations on presentation of claims; amending s. 733.703, F.S.; revising language with respect to the form and manner of presenting a claim; amending s. 733.704, F.S., relating to amendment of claims; amending s. 733.705, F.S.; revising language with respect to payment of and objection to

claims; amending s. 733.707, F.S.; revising language with respect to the order of payment of expenses and obligations; amending s. 733.708, F.S.; revising language with respect to compromise; amending s. 733.710, F.S., relating to claims against estates; amending s. 733.801, F.S.; providing that the personal representative shall pay as an expense of administration certain costs; amending s. 733.802, F.S.; revising language with respect to proceedings for compulsory payment of devises or distributive interest; amending s. 733.803, F.S., relating to encumbered property; amending s. 733.805, F.S.; revising language with respect to the order in which assets are appropriated; amending s. 733.806, F.S., relating to advancement; amending s. 733.808, F.S.; revising language with respect to death benefits and disposition of proceeds; amending s. 733.809, F.S., relating to right of retainer; amending s. 733.810, F.S.; revising language with respect to distribution in kind and valuation; amending s. 733.811, F.S.; revising language with respect to the right or title of distributee; amending s. 733.812, F.S.; providing for improper distribution or payment and liability of distributee; amending s. 733.813, F.S., relating to protection of the purchaser from the distributee; amending s. 733.814, F.S.; revising language with respect to partition for the purpose of distribution; amending s. 733.815, F.S.; providing for private contracts among certain interested persons; amending s. 733.816, F.S., relating to the distribution of unclaimed property held by the personal representative; amending s. 733.817, F.S.; revising language with respect to apportionment of estate taxes; amending s. 733.901, F.S.; providing requirements with respect to final discharge; amending s. 733.903, F.S.; revising language with respect to subsequent administration; amending s. 734.101, F.S., relating to the foreign personal representative; amending s. 734.102, F.S.; revising language with respect to ancillary administration; amending s. 734.1025, F.S.; revising language with respect to the nonresident decedent's testate estate with property not exceeding a certain value in this state; providing for the determination of claims; amending s. 734.104, F.S., relating to foreign wills; amending s. 734.201, F.S., relating to jurisdiction by act of a foreign personal representative; amending s. 734.202, F.S., relating to jurisdiction by act of decedent; repealing s. 735.101, F.S., relating to family administration and the nature of the proceedings; repealing s. 735.103, F.S., relating to petition for family administration; repealing s. 735.107, F.S., relating to family administration distribution; amending s. 735.201, F.S.; increasing a monetary amount with respect to summary administration; amending s. 735.203, F.S.; revising language with respect to the petition for summary administration; amending s. 735.206, F.S.; revising language with respect to summary administration distribution; amending s. 735.2063, F.S.; revising language with respect to notice to creditors; repealing s. 735.209, F.S., relating to joinder of heirs, devisees, or surviving spouse in summary administration; amending s. 735.301, F.S., relating to disposition without administration; amending s. 735.302, F.S.; revising language with respect to income tax refunds in certain circumstances; creating s. 737.208, F.S.; prohibiting distribution pending outcome of contest; providing exceptions; amending s. 737.3054, F.S.; revising language with respect to trustee's duty to pay expenses and obligations of grantor's estate; amending s. 737.306, F.S.; revising language with respect to personal liability of trustee; creating s. 737.3061, F.S.; providing for limitation on actions against certain trusts; amending s. 737.308, F.S.; revising language with respect to notice of trust; amending ss. 215.965, 660.46, and 737.111, F.S.; correcting cross references; directing the Division of Statutory Revision and Indexing to change the title of certain parts of the Probate Code; providing an effective date.

By the Council for Competitive Commerce; Representatives Weissman, Greenstein, Henriquez, Smith, Kendrick, Meadows, Siplin, Richardson, Gelber, Slosberg, Bendross-Mindingall, Romeo, Garcia, Justice, Ritter, Gannon, Gottlieb, Brown, Lerner, Bucher, Fields, and Wishner—

**CS/HB 157**—A bill to be entitled An act relating to motor vehicle airbags; creating s. 860.146, F.S.; prohibiting the installation or reinstallation in a motor vehicle of anything other than a new or salvaged airbag designed in accordance with certain federal safety standards; providing a felony penalty; providing for application of certain recordkeeping requirements and penalties; providing an effective date.

By the Council for Smarter Government; Committee on Judicial Oversight; Representatives Littlefield, Cantens, Crow, Gannon, and Byrd—

**CS/CS/HB 167**—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, and 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 28.101, F.S.; increasing a dissolution of marriage fee; amending s. 61.1825, F.S.; providing for additional circumstances when a family violence indicator must be placed on a record; amending s. 741.281, F.S.; deleting certain provisions relating to pretrial diversion programs; amending s. 741.30, F.S.; specifying when a person has standing to file a petition for an injunction against domestic violence; providing for incidents that describe violence or threats of violence; specifying when a court may grant relief; providing factors for the court to consider in determining imminent danger; providing for recording of proceedings; providing an effective date.

By the Committees on Information Technology; Child & Family Security; Representatives Lynn, Rich, and Bucher—

**CS/CS/HB 179**—A bill to be entitled An act relating to child care facilities; amending s. 402.3055, F.S.; requiring validation of information provided by an applicant for a child care facility license; creating s. 402.3105, F.S.; requiring the Department of Children and Family Services to establish a database of information relating to violations, citations, and penalties imposed against child care facilities regulated by the state; providing duties of the State Technology Office; specifying database capabilities and uses of information contained therein; requiring the department to establish and impose uniform penalties; amending s. 409.146, F.S., relating to children and families client and management information; deleting obsolete language; providing an effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Harrell, Gannon, Argenziano, Green, Clarke, Bowen, Murman, Berfield, Detert, Lynn, Waters, Dockery, Benson, and Kilmer—

**CS/CS/HB 247**—A bill to be entitled An act relating to unfair discrimination in the business of insurance; amending s. 626.9541, F.S.; providing for application to certain additional types of insurers; providing construction; providing an effective date.

By the Committee on Juvenile Justice; Representatives Kravitz, Barreiro, Davis, Wiles, Baxley, Needelman, Bean, Hogan, Negron, Kottkamp, Detert, Richardson, Gannon, Pickens, Fields, Byrd, Alexander, and Berfield—

**CS/HB 267**—A bill to be entitled An act relating to school attendance by violent offenders; amending s. 230.235, F.S.; requiring schools to adopt a policy of zero tolerance for victimization of students; requiring each school district to enter into an agreement with the Department of Juvenile Justice for the purpose of protecting victims; amending s. 231.0851, F.S.; requiring principals to take certain actions when a student has been a victim of a violent crime perpetrated by another student; providing ineligibility for certain performance pay policy incentives under certain circumstances; creating s. 232.265, F.S.; requiring the Department of Juvenile Justice to provide certain notice to school districts under certain circumstances; prohibiting certain persons from attending certain schools or riding on certain school buses under certain circumstances; providing for attending alternate schools; assigning responsibility for certain transportation under certain circumstances; amending s. 960.001, F.S.; providing an additional guideline for attendance of a victim at the same school as a juvenile defendant; amending s. 985.228, F.S.; requiring certain court orders to include certain findings; amending s. 985.23, F.S.; requiring a court to determine the appropriateness of a no contact order under certain circumstances; amending s. 985.231, F.S.; requiring a court placement order or a commitment order to include certain findings; providing an effective date.

By the Fiscal Responsibility Council; Representative Fasano—

**CS/HB 347**—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; amending s. 121.4501, F.S.;

redefining the term “approved provider”; providing requirements for the State Board of Administration in carrying out its duties under the program; providing requirements for approved providers regarding federal and state laws and regulations, and for communications with participants; providing an effective date.

By the Council for Competitive Commerce; Representatives Allen, Alexander, Needelman, and Lerner—

**CS/HB 379**—A bill to be entitled An act relating to the entertainment industry; amending s. 288.1251, F.S.; renaming the Office of the Film Commissioner as the Office of Film and Entertainment; renaming the Film Commissioner as the Commissioner of Film and Entertainment; authorizing receipt and expenditure of certain grants and donations; requiring such funds to be deposited in the Grants and Donations Trust Fund of the Executive Office of the Governor; amending s. 288.1252, F.S.; renaming the Florida Film Advisory Council as the Florida Film and Entertainment Advisory Council; adding a representative of Workforce Florida, Inc., as an ex officio, nonvoting member of the council; requiring the council chair to be elected from its appointed membership; amending ss. 212.097 and 212.098, F.S.; expanding the definition of “eligible business” under the Urban High-Crime Area Job Tax Credit Program and the Rural Job Tax Credit Program to include certain businesses involved in motion picture production and allied services; amending ss. 14.2015, 213.053, 288.1253, and 288.1258, F.S.; conforming language to changes made by the act; providing an effective date.

By the Fiscal Responsibility Council; Committee on State Administration; Representative Fasano—

**CS/CS/HB 503**—A bill to be entitled An act relating to trust funds; creating s. 121.4502, F.S.; creating the Public Employee Optional Retirement Program Trust Fund, to be administered by the State Board of Administration as a retirement trust fund not subject to termination pursuant to s. 19(f), Art. III of the State Constitution; providing for sources of moneys and purposes; providing for exemption from the general revenue service charges; amending s. 121.4501, F.S.; authorizing the board to adopt rules to maintain the qualified status of the Optional Retirement Program in compliance with the Internal Revenue Code; providing a contingent effective date.

By the Council for Competitive Commerce; Representatives Green and Goodlette—

**CS/HB 521**—A bill to be entitled An act relating to financial institutions; amending ss. 655.043, 655.411, and 658.23, F.S.; deleting provisions relating to reservation of proposed names of financial entities with the Department of State; providing legislative intent; specifying certain deposits as pay-on-death designated accounts under certain circumstances; amending s. 655.50, F.S.; clarifying certain exemption provisions relating to reports by financial institutions for money laundering purposes; amending s. 655.82, F.S.; providing for a right of survivorship relating to sums on deposit in certain accounts under certain circumstances; amending s. 658.12, F.S.; revising a definition of banker’s bank; amending s. 658.165, F.S.; providing criteria for formation of a banker’s bank; providing application; amending s. 658.19, F.S.; providing for return and resubmission of certain applications under certain circumstances; amending s. 658.21, F.S.; revising application approval criteria relating to limitations on certain capital accounts and experience of certain officers; amending s. 658.235, F.S.; clarifying a requirement for subscriptions for stock; amending s. 658.25, F.S.; revising bank or trust company opening for business date criterion; amending s. 658.26, F.S.; clarifying provisions relating to branch places of transacting business; revising certain operational characteristics; renumbering s. 663.066, F.S., as s. 658.285, F.S.; amending s. 658.34, F.S.; revising a condition for the issuance of authorized but unissued bank or trust company capital stock; amending s. 658.48, F.S.; revising special provisions relating to limitations on certain state bank loans; amending s. 658.73, F.S.; revising certain fees and assessments provisions; imposing an additional fee for certain certificates; amending s. 663.09, F.S.; deleting an administrative fine provision for certain late audits; repealing s. 655.81, F.S., relating to deposits in trust; providing effective dates.

By the Council for Competitive Commerce; Committee on State Administration; Representatives Waters, Flanagan, Brummer, Kosmas, and Greenstein—

**CS/CS/HB 681**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance, Commissioner of Financial Services, and Commissioner of Securities; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner’s office; transferring certain powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; directing the Division of Statutory Revision to prepare proposed substantive legislation by a certain time for certain purposes; repealing ss. 20.12 and 20.13, F.S., relating to the Department of Banking and Finance and the Department of Insurance, respectively; providing an appropriation; providing effective dates.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Goodlette and Heyman—

**CS/HB 697**—A bill to be entitled An act relating to the judiciary; creating ss. 43.201, 43.202, 43.203, 43.204, 43.205, 43.206, 43.207, 43.208, and 43.209, F.S.; creating the Capital Case Staff Attorney Program; providing for statewide distribution of capital case staff attorneys; providing for assignment, including assignment to other appellate districts, as needed; providing for selection, supervision, and duties of such attorneys; prescribing qualifications; providing for costs, expenses, and training; providing reporting; providing an appropriation; providing an effective date.

By the Committee on Health Promotion; Representatives Lerner, Gannon, Detert, Ritter, Henriquez, Greenstein, Heyman, Rich, Weissman, Mahon, Frankel, Sobel, Seiler, Betancourt, Meadows, Ausley, Kosmas, Littlefield, Harrell, Atwater, Ryan, Bendross-Mindingall, Joyner, Cusack, Machek, Romeo, McGriff, and Justice—

**CS/HBs 715 & 1355**—A bill to be entitled An act relating to breast and cervical cancer; creating s. 381.93, F.S.; providing a short title; providing legislative intent; authorizing specified breast and cervical cancer services to be rendered by the Department of Health; providing for funding sources for such services; providing for limits on service enrollment based on income; providing for income verification; authorizing the department to provide related services funded by other means; amending s. 409.904, F.S.; providing for Medicaid eligibility for certain women in need of treatment for breast and cervical cancer; specifying “qualified entity” for such purpose; providing for eligibility, presumptive eligibility, and duration of eligibility; providing an effective date.

By the Committee on State Administration; Representatives Green, Goodlette, Spratt, Kottkamp, Littlefield, Murman, Argenziano, Detert, Rubio, Barreiro, Kilmer, Negron, Farkas, Crow, Byrd, Bilirakis, Russell, Bucher, Davis, Betancourt, Kendrick, McGriff, Mahon, Henriquez, Atwater, Diaz de la Portilla, Rich, Romeo, Gannon, Bean, Bense, Wiles, Heyman, Fiorentino, Justice, Kosmas, Lynn, Seiler, Paul, Holloway, Hart, Garcia, Bullard, Attkisson, Bendross-Mindingall, Prieguez,

Waters, Stansel, Cusack, Melvin, Lacasa, Lerner, Sobel, Slosberg, Kallinger, Gelber, Smith, Ausley, Jennings, and Bennett—

**CS/HB 1095**—A bill to be entitled An act relating to the death penalty; creating s. 921.137, F.S.; defining the term “mental retardation”; prohibiting the imposition of a sentence of death on a defendant who has mental retardation; providing requirements for raising mental retardation as a bar to the death sentence; providing for a separate proceeding to determine whether the defendant has mental retardation; providing for a determination of mental retardation to be appealed; providing for application of provisions prohibiting imposition of a sentence of death; providing an effective date.

By the Committee on Insurance; Representatives Spratt and Alexander—

**CS/HB 1393**—A bill to be entitled An act relating to the Hurricane Loss Mitigation Program; amending s. 215.559, F.S.; specifying the amount of funds to be used to inspect and improve tie-downs for mobile homes; requiring the Department of Community Affairs to contract with a public higher educational institution to serve as an administrative entity and fiscal agent for certain purposes; requiring a certain Type I Center to develop a work plan for certain purposes; revising the process for establishing an advisory council; requiring an annual report; extending a future repeal; requiring the department to allocate a portion of appropriated funds to fund a factory-built shelter demonstration project with local school districts; providing criteria and limitations; providing an effective date.

By the Committee on Education Innovation; Representative Mealor—

**CS/HB 1661**—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 228.041, F.S.; providing a definition; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts and the Department of Education; establishing criteria for private school eligibility; establishing obligations of program participants; providing for funding and payment; authorizing the State Board of Education to adopt rules; amending ss. 228.121, 230.2316, 230.23161, 232.246, 240.116, and 414.125, F.S.; correcting cross references; providing an effective date.

By the Council for Ready Infrastructure; Committee on Information Technology; Representatives Hart, Mack, Mealor, Gelber, Fiorentino, and Harrell—

**CS/HB 1763**—A bill to be entitled An act relating to the Department of Environmental Protection; creating s. 120.551, F.S.; directing the Department of Environmental Protection and the State Technology Office to establish a pilot project to test the cost-effectiveness of publication of notices on the Internet in lieu of publication in the Florida Administrative Weekly; directing the Department of State to publish notice of the pilot project; requiring the Department of Environmental Protection, the State Technology Office, and the Department of State to submit a joint report on the cost-effectiveness of publication of such notices on the Internet; providing an effective date.

By the Committees on Health Regulation; Insurance; Representatives Waters, Heyman, Brown, Negron, Wiles, Simmons, McGriff, Melvin, Berfield, Kallinger, Lee, Fields, Ross, Sobel, Wishner, and Farkas—

**CS/HB 1819**—A bill to be entitled An act relating to insurance and illegal use of public records; amending s. 119.10, F.S.; providing a criminal penalty for use of certain report information for commercial solicitation; creating s. 456.0375, F.S.; providing a definition; requiring registration of certain clinics; providing requirements; requiring medical directors for certain clinics; providing duties and responsibilities of medical directors; authorizing the Department of Insurance to adopt rules for certain purposes; providing for enforcement; amending s. 626.989, F.S.; clarifying immunity from civil actions provisions; amending s. 627.732, F.S.; providing a definition; amending s. 627.736, F.S.; revising provisions relating to personal injury protection benefits; revising provisions for charges for

treatments; providing for electronic access to certain information under certain circumstances; prohibiting compilation of and retention of such information; providing presuit notice requirements; providing for civil actions against persons convicted of fraud; amending s. 627.739, F.S.; providing limitations on certain charges by providers; amending s. 817.234, F.S.; prohibiting solicitation of specific persons involved in motor vehicle crashes; specifying certain charges as unlawful and unenforceable; amending s. 324.021, F.S.; correcting a cross reference; providing an appropriation; providing effective dates.

## Reports of Councils and Standing Committees

### Council Reports

#### Received April 5:

The Council for Healthy Communities recommends the following pass:

HB 361  
HB 483  
HB 505  
HB 599  
HB 759  
CS/HB 771, with 1 amendment

#### The above bills were placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:

CS/HB 371, with 1 amendment  
HB 489  
HB 1831

#### The above bills were placed on the Calendar.

The Council for Smarter Government recommends a council substitute for the following:

CS/HB 167

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 167 was laid on the table.**

#### Received April 6:

The Council for Competitive Commerce recommends the following pass:

HB 575

#### The above bill was placed on the Calendar.

The Fiscal Responsibility Council recommends the following pass:

HB 163, with 2 amendments  
HB 967  
HB 1009

#### The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:  
CS/HB 357, with 1 amendment

#### The above bill was placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:  
HB 959, with 2 amendments

#### The above bill was placed on the Calendar.

The Council for Ready Infrastructure recommends a council substitute for the following:  
HB 1763

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1763 was laid on the table.**

The Council for Smarter Government recommends a council substitute for the following:

HB 137

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 137 was laid on the table.**

**Received April 9:**

The Council for Competitive Commerce recommends a council substitute for the following:

CS/HB 681

**The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 681 was laid on the table.**

**Received April 10:**

The Council for Smarter Government recommends the following pass:

CS/HB 187

HB 201

CS/HB 455

CS/HB 767, with 1 amendment

HB 1031

HB 1205

HB 1537

HB 1827, with 2 amendments

HB 1833

**The above bills were placed on the Calendar.**

The Council for Competitive Commerce recommends council substitutes for the following:

HB 83

HB 157

CS/HB 247

HB 379

HB 521

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 83 and 157; CS/HB 247; HBs 379 and 521 were laid on the table.**

The Fiscal Responsibility Council recommends council substitutes for the following:

HB 347

CS/HB 503

**The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 347 and CS/HB 503 were laid on the table.**

**Committee Reports**

**Received April 5:**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 943 (fiscal note attached)

HB 1041 (fiscal note attached)

**The above bills were placed on the Calendar.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:

HB 857, with 1 amendment

HB 901

**The above bills were placed on the Calendar.**

The Committee on Transportation recommends the following pass:

HB 777

**The above bill was placed on the Calendar.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 701 (fiscal note attached)

**The above bill was placed on the Calendar.**

The Committee on Banking recommends the following pass:

CS/HB 747

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Fiscal Policy & Resources recommends the following pass:

HB 289 (fiscal note attached)

CS/HB 345, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Competitive Commerce.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

HB 733, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Competitive Commerce.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:

HB 533

**The above bill was referred to the Fiscal Responsibility Council.**

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 375 (fiscal note attached)

HB 649 (fiscal note attached)

HB 1465, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Economic Development & International Trade recommends the following pass:

HB 1049

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 11 (fiscal note attached)

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Health & Human Services Appropriations recommends the following pass:

HB 1077 (fiscal note attached)

CS/HB 1145, with 2 amendments (fiscal note attached)

HB 1415 (fiscal note attached)

HB 1543 (fiscal note attached)

HB 1843, with 2 amendments (fiscal note attached)

**The above bills were referred to the Council for Healthy Communities.**

The Committee on Education Appropriations recommends the following pass:

CS/HB 463, with 2 amendments (fiscal note attached)

**The above bill was referred to the Council for Lifelong Learning.**

The Committee on Fiscal Policy & Resources recommends the following pass:

CS/HB 293 (fiscal note attached)

HB 1811, with 6 amendments (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on General Government Appropriations recommends the following pass:

- CS/HB 729 (fiscal note attached)
- HB 1085, with 1 amendment (fiscal note attached)
- HB 1221, with 1 amendment (fiscal note attached)

**The above bills were referred to the Council for Ready Infrastructure.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:

- CS/HB 1053, with 4 amendments (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Banking recommends the following pass:  
HB 625

**The above bill was referred to the Council for Smarter Government.**

The Committee on Fiscal Policy & Resources recommends the following pass:

- CS/HB 3, with 1 amendment (fiscal note attached)
- HB 65 (fiscal note attached)
- HJR 209, with 2 amendments (fiscal note attached)
- CS/HB 305 (fiscal note attached)
- HB 1039 (fiscal note attached)
- HB 1197, with 1 amendment (fiscal note attached)
- HB 1207 (fiscal note attached)

**The above bills were referred to the Council for Smarter Government.**

The Committee on Transportation recommends the following pass:  
HB 635  
HB 757, with 2 amendments  
HB 869, with 2 amendments

**The above bills were referred to the Council for Smarter Government.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:  
HB 1419 (fiscal note attached)

**The above bill was referred to the Council for Smarter Government.**

The Committee on Health Regulation recommends a committee substitute for the following:  
HB 1819

**The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 1819 was laid on the table.**

The Committee on Insurance recommends the following pass:  
HB 1055, with 1 amendment

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Transportation recommends the following pass:  
HB 1687, with 2 amendments

**The above bill was referred to the Committee on Criminal Justice Appropriations.**

The Committee on Economic Development & International Trade recommends the following pass:  
HB 457  
HB 1473

HB 1551

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Health & Human Services Appropriations recommends the following pass:  
HB 421 (fiscal note attached)

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1189

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Transportation recommends the following pass:  
HB 507

**The above bill was referred to the Committee on Fiscal Policy & Resources.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 1389, with 1 amendment

**The above bill was referred to the Committee on General Government Appropriations.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1263, with 1 amendment  
HB 1577, with 1 amendment  
HB 1603, with 1 amendment

**The above bills were referred to the Committee on General Government Appropriations.**

The Committee on Transportation recommends the following pass:  
CS/HB 67  
HB 1059

**The above bills were referred to the Committee on Transportation & Economic Development Appropriations.**

The Committee on Crime Prevention, Corrections & Safety recommends a committee substitute for the following:  
HB 697

**The above committee substitute was referred to the Committee on Criminal Justice Appropriations, subject to review under Rule 6.3, and, under the rule, HB 697 was laid on the table.**

The Committee on Health Promotion recommends a committee substitute for the following:  
HBs 715 & 1355

**The above committee substitute was referred to the Committee on Health & Human Services Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 715 and 1355 were laid on the table.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 1681, with 3 amendments

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Economic Development & International Trade recommends the following pass:  
HB 1789, with 1 amendment

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Banking recommends the following pass:  
HB 1783

**The above bill was referred to the Committee on Colleges & Universities.**

The Committee on Economic Development & International Trade recommends the following pass:  
HB 1663, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Transportation recommends the following pass:  
HB 557

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Agriculture & Consumer Affairs recommends the following pass:  
HB 1017

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Fiscal Policy & Resources recommends the following pass:  
HB 1171, with 4 amendments (fiscal note attached)

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1165, with 1 amendment

**The above bill was referred to the Committee on Local Government & Veterans Affairs.**

The Committee on Tourism recommends the following pass:  
HB 1565, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1491, with 1 amendment

**The above bill was referred to the Committee on Utilities & Telecommunications.**

The Committee on State Administration recommends a committee substitute for the following:  
HB 1095

**The above committee substitute was referred to the Committee on Crime Prevention, Corrections & Safety, subject to review under Rule 6.3, and, under the rule, HB 1095 was laid on the table.**

**Received April 6:**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 837, with 1 amendment  
HB 919, with 1 amendment  
HB 939

**The above bills were placed on the Calendar.**

The Committee on Insurance recommends the following pass:  
HB 235

**The above bill was referred to the Council for Healthy Communities.**

The Committee on Transportation & Economic Development Appropriations recommends the following pass:  
HB 1091, with 1 amendment (fiscal note attached)

**The above bill was referred to the Council for Ready Infrastructure.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 1341

**The above bill was referred to the Council for Smarter Government.**

The Committee on Information Technology recommends a committee substitute for the following:  
CS/HB 179

**The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, CS/HB 179 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends the following pass:

HJR 99  
HB 561, with 1 amendment  
HB 927, with 2 amendments  
HB 979  
HB 1099, with 1 amendment  
HB 1127, with 1 amendment  
HB 1229, with 1 amendment  
HJR 1451

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Natural Resources & Environmental Protection recommends the following pass:  
HB 1043, with 1 amendment  
HB 1635, with 1 amendment

**The above bills were referred to the Committee on Fiscal Policy & Resources.**

The Committee on Insurance recommends a committee substitute for the following:  
HB 1393

**The above committee substitute was referred to the Committee on Transportation & Economic Development Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1393 was laid on the table.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
HB 1645, with 2 amendments

**The above bill was referred to the Committee on Agriculture & Consumer Affairs.**

The Committee on Insurance recommends the following pass:  
HB 1479

**The above bill was referred to the Committee on Business Regulation.**

The Committee on Transportation recommends the following pass:  
HB 1029, with 1 amendment

**The above bill was referred to the Committee on Crime Prevention, Corrections & Safety.**

The Committee on Insurance recommends the following pass:  
HB 1607, with 1 amendment

**The above bill was referred to the Committee on Health Promotion.**

The Committee on Health Regulation recommends the following pass:  
 HB 653, with 1 amendment  
 HB 1579, with 4 amendments

**The above bills were referred to the Committee on Judicial Oversight.**

The Committee on Transportation recommends the following pass:  
 HB 1239, with 1 amendment

**The above bill was referred to the Committee on Judicial Oversight.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 1125, with 1 amendment

**The above bill was referred to the Committee on Natural Resources & Environmental Protection.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 937

**The above bill was referred to the Committee on Rules, Ethics & Elections.**

The Committee on Banking recommends the following pass:  
 HB 1585, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Information Technology recommends the following pass:  
 HB 1437

**The above bill was referred to the Committee on State Administration.**

The Committee on Insurance recommends the following pass:  
 HB 1147, with 1 amendment

**The above bill was referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 873  
 HB 875, with 1 amendment  
 HB 911  
 HB 915, with 4 amendments  
 HB 931, with 2 amendments

**The above bills were referred to the Committee on State Administration.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 1367

**The above bill was referred to the Committee on Tourism.**

The Committee on Insurance recommends the following pass:

HB 1203, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on Local Government & Veterans Affairs recommends the following pass:  
 HB 363, with 1 amendment

**The above bill was referred to the Committee on Transportation.**

The Committee on Information Technology recommends the following pass:  
 HB 1379

**The above bill was referred to the Committee on Utilities & Telecommunications.**

**Received April 9:**

The Committee on Education Innovation recommends committee substitutes for the following:  
 HB 135  
 HB 1661

**The above committee substitutes were referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 135 and 1661 were laid on the table.**

**Received April 10:**

The Committee on Juvenile Justice recommends a committee substitute for the following:  
 HB 267

**The above committee substitute was referred to the Council for Lifelong Learning, subject to review under Rule 6.3, and, under the rule, HB 267 was laid on the table.**

The Committee on Workforce & Technical Skills recommends the following pass:  
 HB 1241

**The above bill was referred to the Committee on Health & Human Services Appropriations.**

### Enrolling Reports

CS/HB 215 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 9, 2001.

*John B. Phelps, Clerk*

CS/HB 141 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 10, 2001.

*John B. Phelps, Clerk*

### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 4:33 p.m., to reconvene at 3:30 p.m., Monday, April 16.

**Pages and Messengers  
for the week of  
April 9-13**

PAGES—John B. Atwater, North Palm Beach; Jennifer J. Fiorentino, New Port Richey; Sara Nicole Jans, Rutherfordton, NC; Whitney Tyler Jernigan, Pace; Sarah C. Maguire, Ponte Vedra Beach; Harrison S. Mahon, Port St. Lucie; Gregory D. Owens, Miami; Page Painter, Tampa; Steven W. Pruitt, Port St. Lucie; Sara Beth Rawlings, Babson Park; Timothy Rawlins, Key Largo; Kyle Ruditz, Tallahassee; Kristie Sebesta, Jacksonville; Robby Stahl, St. Petersburg Beach; Blaine Varn, Tallahassee; Salem Willis, Tampa; Andrew Wilson, Gainesville.

MESSENGERS—Brady Atwater, North Palm Beach; Amanda Marie Bannon, Mt. Dora; Elizabeth Barton, Wauchula; Sarah Bell, Mattituck, NY; Sadé Blackshear, Fort Pierce; Aaron Burgin, Jacksonville; Grace Oller Carlson, Ramsey, MN; Geeta Dharmappa, Coral Springs; Kevin Healey, Jacksonville; Mark Lieber, Tampa; Diana J. Lossing, Spring Hill; Christopher A. Maguire, Ponte Vedra Beach; Kim A. Marston, Jr., Palm Harbor; Brittney Shanta Nealy, DeLand; Kathleen Remington, Naples; Greg Saari, Lakeland; Patrick Smith, Immokalee; James R. Varvorines, Walnut Hill; KayCee Wingert, Dade City.