



The Journal OF THE House of Representatives

Number 17

Wednesday, April 25, 2001

The House was called to order by the Speaker at 10:30 a.m.

Prayer

The following prayer was offered by the Reverend Father James Rousakis of Holy Trinity Greek Orthodox Church of Clearwater, upon invitation of Rep. Carassas:

Let us pray to the Lord. Lord, have mercy.

Almighty God, our help and refuge, fountain of wisdom, and tower of strength, who at all times and in every hour is glorified, who knows that we can do nothing without Your guidance and help. Assist us, we pray to You, and direct to divine wisdom and power the Members of the Florida House of Representatives, that they may accomplish their task and whatever they undertake to do, faithfully and diligently, according to Your will, so that it may be profitable to the great State of Florida and those citizens who live therein, young and old, and to the glory of Your Holy name. We pray to You to send Your blessings upon this session of the Florida State House. Bless them and those who put their trust in You. Sanctify and reward them with glory by Your divine power. We pray to You to be their light when the day is dark and they know not which way to turn; to be their fortress in the hour of temptation, a house of defense to save them; to be their strength when the flesh is weak and the spirit sore-troubled and depressed; to be their courage in the hour of danger and in the day of adversity; to be their hope when all other hope fails, and to be at all times their salvation.

Grant them perfect health of mind and body. Direct their thoughts, Lord, in the way of truth, that they may enact, order, and enforce those laws that are true, those laws that are just, tending toward excellence and virtue. Enlighten them to govern and to lead this State of Florida in the way of prosperity and righteousness. This we offer and pray in Your Holy Name. Amen.

The following Members were recorded present:

Session Vote Sequence: 161

The Chair	Baxley	Brutus	Diaz-Balart
Alexander	Bean	Bucher	Dockery
Allen	Bendross-Mindingall	Bullard	Farkas
Andrews	Bennett	Byrd	Fasano
Argenziano	Bense	Cantens	Fields
Arza	Benson	Carassas	Fiorentino
Attkisson	Berfield	Clarke	Flanagan
Atwater	Betancourt	Crow	Frankel
Ausley	Bilirakis	Cusack	Gannon
Baker	Bowen	Davis	Garcia
Ball	Brown	Detert	Gardiner
Barreiro	Brummer	Diaz de la Portilla	Gelber

Gibson	Kallinger	Meadows	Ryan
Goodlette	Kendrick	Mealor	Seiler
Gottlieb	Kilmer	Melvin	Simmons
Green	Kosmas	Miller	Siplin
Greenstein	Kottkamp	Murman	Slosberg
Haridopolos	Kravitz	Needelman	Smith
Harper	Kyle	Negron	Sobel
Harrington	Lacasa	Paul	Sorensen
Hart	Lee	Peterman	Spratt
Henriquez	Lerner	Pickens	Stansel
Heyman	Littlefield	Prieguez	Trovillion
Hogan	Lynn	Rich	Wallace
Holloway	Machek	Richardson	Waters
Jennings	Mack	Ritter	Weissman
Johnson	Mahon	Romeo	Wiles
Jordan	Mayfield	Ross	Wilson
Joyner	Maygarden	Rubio	Wishner
Justice	McGriff	Russell	

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

A quorum was present.

Pledge

The Members, led by Ryan Caldwell of Panama City, Orlando Cicilia of Miami, Michael G. Eves of Tampa, John-Michael Gordon of Parkland, Matt Harringer of Palm Beach Gardens, Jared J. Hatchell of Deltona, Caleb Hawkes of Tallahassee, and James Thomas Murphy, Jr. of Naples, pledged allegiance to the Flag. Ryan Caldwell served at the invitation of Rep. Bense. Orlando Cicilia served at the invitation of Rep. Rubio. Michael G. Eves served at the invitation of Rep. Henriquez. John-Michael Gordon served at the invitation of Rep. Weissman. Matt Harringer served at the invitation of Rep. Harrington. Jared J. Hatchell served at the invitation of Rep. Baker. Caleb Hawkes served at the invitation of Speaker Feeney. James Thomas Murphy, Jr. served at the invitation of Rep. Goodlette.

House Physician

The Speaker introduced Dr. David J. Becker of Clearwater, who served in the Clinic today upon invitation of Rep. Berfield.

Correction of the Journal

The *Journal* of April 24 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

The Honorable Tom Feeney
Speaker, House of Representatives

April 24, 2001

Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Wednesday, April 25, 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/CS/HB 681—Governmental Reorganization
 CS/CS/HB 1533—Education Governance Reorganization
 (Special Rule 01-14)
 HB 1971—Water Supply Policy
 HB 599—Public Record/Child Support Services
 CS/HB 83—Enterprise Zone Designations
 CS/CS/HB 247—Unfair Discrimination/Insurance
 HB 531—Counterfeit Payment Instruments
 HB 601—Judgment Liens on Personal Property
 CS/CS/HB 809—Health Insurers & HMOs
 HB 953—Burglary
 CS/HB 991—Funeral & Cemetery Services
 HB 1055—Workers' Comp./Law Enforcement
 CS/HB 1073—Behavioral Health Care Service
 CS/HB 1145—Foster Care/Residential Care
 CS/HB 187—Alcoholic Beverage Container Sizes
 HB 1091—Fla. Golf License Plate
 CS/HB 1541—Public Records/Economic Development
 HB 1585—Public Records/Abandoned Property
 HB 1787—Warranty Associations/Motor Vehicles
 HB 1811—Information Technology
 CS/HB 1829—Motor Vehicle Titles
 HB 1833—Real Property Liens/Duration
 HB 1861—Quality of Long-Term Care Facility
 HB 477—Public Records/Parents ID/Newborns
 CS/CS/HB 411—Florida Mobile Home Act
 CS/CS/HB 453—Energy Performance Savings
 CS/HB 699—Rural Electric Cooperatives
 HB 805—Pool/Spa Servicing Contractor
 HB 1009—Excise Tax on Documents
 HB 1077—Health Care/Alternative Treatment
 HB 1125—Monroe Co./Water Quality Standards
 HB 1415—Medicaid/Environmental Modification
 HB 1429—Cardiac Arrest Survival Act
 HB 1669—Harris Chain of Lakes Restoration
 HB 1681—Pest Control Operators
 HB 1915—Agric. & Consumer Services Dept.
 CS/HB 3—Citizens' Right to Honest Govt. Act
 CS/HB 211—Civil Actions/Admission of Liability
 CS/HB 437—Pharmacists/Licensure by Endorsement
 CS/HB 521—Financial Institutions
 HJR 571—Economic Impact Statement/Voting
 HB 575—Filing Fees/Corporate Fee
 HB 593—Municipal Law Enforcement Officers
 HB 757—Wrecker Liens
 CS/HB 767—Structured Settlements
 HB 791—Property Exempt from Legal Process
 HB 989—Universities Designations
 HB 1111—Spaceport Infrastructure Act
 HB 1491—Wastewater Residual Reduction Act
 HB 1615—School District Guarantee Program
 HB 1691—Law Enforcement Officers
 CS/HB 9—Solid Waste Management Facilities
 CS/HB 113—Construction/Prompt Payment Act
 CS/HB 379—Entertainment Industry
 HB 465—Tuition/Residency/National Guard
 CS/HB 747—Credit Insurance
 HB 961—Nursing Homes & Health Care Facility

CS/HB 1253—Limited Benefit Policies/Contracts
 CS/HB 1425—Violent Crime & Drug Control Council
 HB 1565—Public Records/Archaeological/Culture
 HB 441—County Government/Property Sales
 CS/HB 475—Public Health
 CS/HB 605—Florida Alzheimer's Training Act
 HB 701—Correctional Officers Memorial Hwy.
 HB 1031—Durable Powers of Attorney
 CS/HB 1219—Insurance Agents
 HB 1479—Insurance Examination/Exemptions
 CS/HB 365—Public Records/Health/Financial Info
 HB 1059—NASA's Small Aircraft Transportation
 HB 1777—Schools/Adult Entertainment Location
 HB 1799—Children's Behavioral Crisis Unit
 HB 1845—Criminal Use of Personal ID Info.
 CS/HB 789—Governmental Data Processing
 CS/HB 19—Fair Housing Act
 CS/HB 73—Fla. Customer Service Standards Act
 CS/HB 131—Correctional Facilities
 CS/HB 175—Reckless Driving
 CS/CS/HB 179—Child Care Facilities
 HB 201—Moving Traffic Violation/Fees
 HB 259—Driver's Licenses/DUI Convictions
 CS/HB 281—Higher Educational Facilities
 CS/HB 293—Certified Capital Company Act
 HB 301—Testing of Inmates for HIV
 HB 315—Opticianry/Violations & Penalties
 CS/HB 331—Physician Assistants
 CS/HB 333—Cultural Endowment Program
 HB 351—Deferred Compensation Programs
 CS/HB 371—Electric Utilities/Interruption
 CS/HB 463—Florida Prepaid College Program
 HB 569—Probation or Community Control
 CS/HB 687—Medically Essential Electric Service
 CS/HB 715 & 1355—Mary Brogan/Breast & Cervical Cancer
 CS/HB 717—Assessment of Agricultural Property
 HB 731—Public Records/Local Government/WMD
 HB 811—Criminal Records/Obscene Materials
 HB 863—North Springs Improvement District
 HB 959—Mortgage-Foreclosure Proceedings
 HB 967—Enterprise Zones/Boundaries
 HB 1039—Ad Val/Disabled Ex-Service Members
 HB 1067—Physician Records/Adverse Incidents
 HB 235—Dental Service Claims/Appeals
 HB 1203—Motor Vehicles
 HB 1221—Water Management Districts
 HB 1379—Emergency Telephone System
 HB 1395—Driver Lic. Div./Exclusionary Rule
 HB 1401—DUI
 HB 1419—Historic Preservation
 CS/HB 1529—Controlled Substances
 HB 1535—Public Records/Educ. Professionals
 (pending committee action)
 HB 1547—Fla. Prepaid College Program
 HB 1601—Workforce Development
 HB 1603—Comprehensive Everglades Restoration
 HB 1635—Environmental Control
 CS/HB 1765—Public Protection
 CS/HB 1617 & 1487—Growth Management
 CS/HB 729—Environmental Control
 CS/CS/HB 719—Agri. Products/Damage or Destruction
 CS/CS/HB 721—Public Records/Agricultural Records
 CS/HB 1397—Florida Mobile Home Relocation TF
 HB 1147—Public Records/Personal/Medical

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

Rep. Byrd moved the adoption of the above report.

Point of Order

Rep. Kosmas raised a point of order, under Rule 10.15, that the Special Order Calendar was not provided by 9:00 p.m. of the day prior to its consideration.

The Chair [Speaker Feeney] referred the point to the Chair of the Committee on Rules, Ethics & Elections. Pending a ruling, further consideration of the Special Order Calendar was temporarily postponed.

Bills and Joint Resolutions on Third Reading

Pursuant to adoption of Special Rule 01-11, consideration of Bills and Joint Resolutions on Third Reading was temporarily postponed.

Point of Order

Speaking to the point of order raised earlier by Rep. Kosmas under Rule 10.15, Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, recommended that the point be well taken.

The Chair [Speaker Feeney] ruled the point well taken.

Rep. Byrd moved that the rules be waived and the Special Order Calendar be adopted, which was not agreed to by the required two-thirds vote. The vote was:

Session Vote Sequence: 162

Yeas—75

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

Nays—40

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

Votes after roll call:

Nays—Siplin

Motion

Rep. Goodlette moved to revert to the unfinished portion of the Tuesday, April 24, Special Order Calendar.

Waiver of the Rules for Committee and Council Meetings and Bills

On motion by Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, the Procedural & Redistricting Council was given permission to meet Wednesday, April 25, at 11:00 a.m.

Motion to Reconsider

Rep. Byrd moved that the House reconsider the vote by which the Special Order Calendar failed of adoption by the required two-thirds vote.

Rep. Goodlette suggested the absence of a quorum. A quorum was present. [Session Vote Sequence: 163].

Subsequently, Rep. Byrd withdrew the motion that the House reconsider the vote by which the Special Order Calendar failed of adoption by the required two-thirds vote.

Rep. Goodlette withdrew the motion to revert to the unfinished portion of the Tuesday, April 24, Special Order Calendar.

Recessed

The House stood in informal recess at 11:02 a.m., to reconvene upon the call of the Chair.

Reconvened

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

On motion by Rep. Byrd, Special Rule 01-11 was waived to read HB 1935 the third time by title which was agreed to. The vote was:

Session Vote Sequence: 164

Yeas—76

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

Nays—42

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

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

Bills and Joint Resolutions on Third Reading

HB 1935—A bill to be entitled An act relating to the Legislature; fixing the date for convening the regular session of the Legislature in the year 2002; providing an effective date.

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

Session Vote Sequence: 165

Yeas—117

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

Nays—None

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

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.

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

Session Vote Sequence: 166

Yeas—116

The Chair	Bendross-Mindingall	Cantens	Flanagan
Alexander	Bennett	Carassas	Frankel
Allen	Bense	Clarke	Gannon
Andrews	Benson	Crow	Garcia
Argenziano	Berfield	Cusack	Gardiner
Arza	Betancourt	Davis	Gelber
Attkisson	Bilirakis	Detert	Gibson
Atwater	Bowen	Diaz de la Portilla	Goodlette
Ausley	Brown	Diaz-Balart	Gottlieb
Baker	Brummer	Dockery	Green
Ball	Brutus	Farkas	Greenstein
Barreiro	Bucher	Fasano	Haridopolos
Baxley	Bullard	Fields	Harper
Bean	Byrd	Fiorentino	Harrington

Henriquez	Kyle	Murman	Seiler
Heyman	Lacasa	Needelman	Simmons
Hogan	Lee	Negron	Siplin
Holloway	Lerner	Paul	Slosberg
Jennings	Littlefield	Peterman	Smith
Johnson	Lynn	Pickens	Sobel
Jordan	Machek	Prieguez	Sorensen
Joyner	Mack	Rich	Spratt
Justice	Mahon	Richardson	Stansel
Kallinger	Mayfield	Ritter	Trovillion
Kendrick	Maygarden	Romeo	Wallace
Kilmer	McGriff	Ross	Waters
Kosmas	Meadows	Rubio	Weissman
Kottkamp	Mealor	Russell	Wilson
Kravitz	Melvin	Ryan	Wishner

Nays—None

Votes after roll call:

Yeas—Miller

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

CS/HB 347—A bill to be entitled An act relating to the Public Employee Optional Retirement Program; creating the “Officer Malcolm Thompson Act”; providing legislative intent; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; amending ss. 175.191 and 185.18, F.S.; providing minimum retirement benefits payable to certain Special Risk Class members who are injured in the line of duty and who are totally and permanently disabled due to such injury; 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 requirements for the appointment of the executive director of the State Board of Administration; amending s. 121.4501, F.S.; providing additional definitions; providing for payment of benefits pursuant to s. 121.591, F.S.; amending s. 121.571, F.S.; revising employer contribution rates to disability accounts; creating s. 121.591, F.S.; providing for payment of normal benefits, disability retirement benefits, and death benefits under the Public Employee Optional Retirement Program; providing requirements, criteria, procedures, and limitations; providing for disability benefits for certain justices and judges; limiting application of legal process to such benefits; providing a declaration of important state interest; providing an effective date.

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

Session Vote Sequence: 167

Yeas—118

The Chair	Bennett	Clarke	Garcia
Alexander	Bense	Crow	Gardiner
Allen	Benson	Cusack	Gelber
Andrews	Berfield	Davis	Gibson
Argenziano	Betancourt	Detert	Goodlette
Arza	Bilirakis	Diaz de la Portilla	Gottlieb
Attkisson	Bowen	Diaz-Balart	Green
Atwater	Brown	Dockery	Greenstein
Ausley	Brummer	Farkas	Harper
Baker	Brutus	Fasano	Harrington
Ball	Bucher	Fields	Hart
Barreiro	Bullard	Fiorentino	Henriquez
Baxley	Byrd	Flanagan	Heyman
Bean	Cantens	Frankel	Hogan
Bendross-Mindingall	Carassas	Gannon	Holloway

Jennings	Littlefield	Paul	Slosberg
Johnson	Lynn	Peterman	Smith
Jordan	Machek	Pickens	Sobel
Joyner	Mack	Prieguez	Sorensen
Justice	Mahon	Rich	Spratt
Kallinger	Mayfield	Richardson	Stansel
Kendrick	Maygarden	Ritter	Trovillion
Kilmer	McGriff	Romeo	Wallace
Kosmas	Meadows	Ross	Waters
Kottkamp	Mealor	Rubio	Weissman
Kravitz	Melvin	Russell	Wiles
Kyle	Miller	Ryan	Wilson
Lacasa	Murman	Seiler	Wishner
Lee	Needelman	Simmons	
Lerner	Negron	Siplin	

Nays—None

Votes after roll call:

Yeas—Haridopolos

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

SB 412—A bill to be entitled An act relating to civil actions; creating s. 790.331, F.S.; providing legislative findings with respect to the lawful manufacture, distribution, and sale of firearms and ammunition; prohibiting civil actions on behalf of the state or other political subdivision against manufacturers, distributors, and dealers of firearms or ammunition and firearms trade associations; specifying that the act does not preclude an action by a person for breach of a contract or warranty or for injuries resulting from a defect in the manufacture of firearms or ammunition; providing for actions by the state or other political subdivision for breach of contract or warranty; providing for actions for injuries resulting from defects in design or manufacture; providing that the potential of firearms or ammunition to cause serious injury, damage, or death does not constitute a defective condition; providing for the award of expenses in certain civil actions; providing an exception; providing for application of the act; providing an effective date.

—was read the third time by title.

Motion

Rep. Rubio moved the previous question on the bill, which was agreed to. The vote was:

Session Vote Sequence: 168

Yeas—77

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

Nays—41

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

The question recurred on the passage of SB 412. The vote was:

Session Vote Sequence: 169

Yeas—78

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

Nays—35

Ausley	Gelber	Kosmas	Seiler
Betancourt	Gottlieb	Lee	Siplin
Bucher	Greenstein	Lerner	Slosberg
Bullard	Harper	Meadows	Smith
Crow	Henriquez	Rich	Sobel
Cusack	Heyman	Richardson	Weissman
Fields	Holloway	Ritter	Wilson
Frankel	Jennings	Romeo	Wishner
Gannon	Joyner	Ryan	

Votes after roll call:

Yeas—Davis, Littlefield

Nays—Peterman

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

HB 189—A bill to be entitled An act relating to elections; creating the “Military and Overseas Voter Protection Act;” providing definitions; stating legislative intent; providing for registration of certain recently discharged or separated military personnel, or individuals separated from employment outside the territorial United States, and family members; requiring the Department of State to adopt rules specifying eligibility; providing a state write-in absentee ballot for overseas voters; providing for absentee ballots for overseas voters; providing for advance ballots; providing for absentee ballot requests and voting via electronic transmission by overseas voters under certain circumstances; directing the promulgation of emergency rules to facilitate voting by overseas voters; providing a presumption that absentee ballots were mailed on the date stated on the outside of the absentee return envelopes of

absentee voters; authorizing the Elections Canvassing Commission to adopt emergency rules during crises to facilitate absentee voting; amending s. 101.62, F.S., to conform, amending s. 101.64, F.S.; modifying absentee ballot certificates; amending s. 101.65, F.S.; modifying instructions to absentee voters; amending s. 102.112, F.S.; extending the deadline for submission of county returns to the Department of State; amending s. 102.111, F.S.; providing an effective date.

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

Session Vote Sequence: 170

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	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

HB 1757—A bill to be entitled An act relating to absentee ballots; amending s. 97.021, F.S.; redefining the term “absent elector”; amending s. 101.62, F.S.; modifying the information persons requesting absentee ballots must disclose; amending s. 101.657, F.S.; allowing any qualified and registered elector to vote an absentee ballot in person in the office of the supervisor of elections; amending s. 101.64, F.S.; modifying the voter’s certificate on absentee ballots; amending s. 101.65, F.S.; modifying the instructions to absent electors; amending s. 101.68, F.S.; modifying the information that must be included on an absentee ballot; amending s. 104.047, F.S.; deleting a prohibition against persons witnessing more than five ballots in an election and the penalty therefor; deleting a prohibition against returning more than two absentee ballots in violation of law and the penalty therefor; repealing s. 101.647, F.S., relating to requirements for the return of absentee ballots; repealing s. 101.685, F.S., relating to authorization for absentee ballot coordinators; providing an effective date.

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

Session Vote Sequence: 171

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	Harper	Meadows	Waters
Bucher	Harrington	Mealor	Weissman
Bullard	Hart	Melvin	Wiles
Byrd	Henriquez	Miller	Wilson
Cantens	Heyman	Murman	Wishner
Carassas	Hogan	Needelman	

Nays—None

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

HB 1323—A bill to be entitled An act relating to rulemaking authority of the Department of State (RAB); amending s. 20.10, F.S.; authorizing the department to adopt rules to administer laws conferring duties upon it; amending s. 99.061, F.S.; authorizing the department to prescribe rules for filing papers to qualify as a candidate for federal, state, county, or district office; amending s. 101.161, F.S.; providing for ballot initiatives to be numbered in the order of filing or certification and as provided by department rule; amending s. 101.62, F.S.; authorizing the department to adopt rules for preparing and mailing absentee ballots to electors who are overseas; amending s. 106.07, F.S.; authorizing the department to adopt requirements for filing campaign treasurers’ reports; amending s. 106.22, F.S.; providing for rules prescribing requirements for filing complaints of voter fraud and for investigating those complaints; amending s. 106.23, F.S.; requiring that requests for advisory opinions by the Division of Elections be submitted in accordance with department rule; amending s. 120.54, F.S.; authorizing the department to prescribe rules under which a state agency may incorporate materials by reference in adopting an agency rule; amending s. 267.061, F.S.; providing additional duties of the Division of Historical Resources with respect to protecting and administering historical resources; authorizing the division to issue certain permits; requiring that the division adopt rules for issuing permits and administering the transfer of certain objects; amending s. 872.05, F.S.; authorizing the department to adopt procedures for reporting an unmarked human burial and determining jurisdiction of the burial; providing effective dates.

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

Session Vote Sequence: 172

Yeas—118

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

Nays—None

Votes after roll call:

Yeas—Cusack

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

CS/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 terms and conditions 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. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; 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; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; 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; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Goodlette, further consideration of **CS/HB 1921** was temporarily postponed under Rule 11.10.

CS/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 terms and conditions 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. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; 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; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; 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; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

—was taken up.

Rep. Goodlette suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 173].

The question recurred on the passage of CS/HB 1921. The vote was:

Session Vote Sequence: 174

Yeas—114

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

Nays—3

Bendross-Mindingall Frankel Smith

Votes after roll call:

Yeas—Meadows

Nays to Yeas—Bendross-Mindingall

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

On motion by Rep. Byrd, Special Rule 01-11 was waived and—

Bill Subject to Special Rule

CS/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; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; 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; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; 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 the proper party to bring an election contest for certain elections; providing that any elector is the 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; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; amending s. 98.255, F.S.;

providing for nonpartisan voter education; requiring the supervisors of elections to report to the Division of Elections on voter-education programs; requiring the division to report to the Legislature on the effectiveness of voter-education programs; creating s. 102.014, F.S.; providing for pollworker recruitment and training; repealing s. 102.012 (8) and (9), F.S., relating to pollworker training; amending s. 101.031, F.S.; providing for a Voter's Bill of Rights and Responsibilities; providing responsibilities of supervisors of elections; providing severability; providing effective dates.

—was read the third time by title.

Under Rule 10.7, Rep. Frankel moved to read CS/HB 1925 the third time in full.

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 175].

On motion by Rep. Byrd, by the required one-third vote, CS/HB 1925 was read the third time in full.

REPRESENTATIVE BALL IN THE CHAIR

REPRESENTATIVE DIAZ-BALART IN THE CHAIR

THE SPEAKER IN THE CHAIR

Rep. Byrd suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 176].

The question recurred on the passage of CS/HB 1925. The vote was:

Session Vote Sequence: 177

Yeas—78

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

Nays—39

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

Votes after roll call:

Yeas—Seiler

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

Explanations of Vote

HB 1925 ON PASSAGE: I cannot support House Bill 1925 in this version. My primary objection to this legislation is the increase in the amount of campaign contributions allowed. Over the past decade, campaign contributions were reduced. I see no reason to reverse course. I believe that our goal should be to restore trust and credibility to the political process. While there is a great deal of positive portions of this bill, I cannot support this version in its entirety. This is why I voted NO.

*Rep. Charlie Justice
District 53*

This is the most important bill of session. This is probably the most important general bill of any of our careers. This is our chance to regain credibility with the voters. This is our chance to do what was right for Floridians. Unfortunately, Mr. Speaker and Members, I am afraid that in we have done much wrong. I refuse to go back to my constituents and tell them that I voted to put more money into a system that is already overflowing with cash. I refuse to tie the hands of unknown statewide candidates, fighting for their chance to enter public service. Fortunately, there are still several days of session left. We can say no today and come back tomorrow and do what is right. With that, I must vote no.

*Rep. Doug Wiles
District 20*

Reports of Councils and Standing Committees

Reports of the Committee on Rules, Ethics & Elections

*The Honorable Tom Feeney
Speaker, House of Representatives*

April 25, 2001

Dear Mr. Speaker:

The Committee on Rules, Ethics & Elections met and recommends the following addition of House Rule 10.2(c) and revisions to House Rules 10.15 and 12.2:

10.2(c) By majority vote of the members present, the House may on motion of the Chair of the Procedural and Redistricting Council move either to the Order of Business of Bills and Joint Resolutions on Third Reading or Special Orders. The motion may provide which matter on such order of business may be considered.

10.15—Special Order Calendar

(a) REGULAR SESSION.

(1) The Procedural & Redistricting Council shall periodically submit, as needed, a Special Order Calendar determining the priority for consideration of legislation. The Procedural & Redistricting Council may include on a Special Order Calendar specific sections for local bills, trust fund bills, bills to be taken up at a time certain, and bills subject to Special Rule. Any amendment of a report proposing a Special Order Calendar requires a two-thirds vote of the Members present and voting. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a two-thirds vote of the Members present and voting or any bill may be added to it pursuant to Rule 10.16. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any committee, council, or Member may apply to the Procedural & Redistricting Council to place a bill on the Special Order Calendar. The Procedural & Redistricting Council may grant such requests by a majority vote.

(3) During the first 45 calendar days of a regular session, the Procedural & Redistricting Council shall publish the Special Order Calendar in two Calendars of the House, and it may be taken up on the day of the second published calendar.

(b) EXTENDED OR SPECIAL SESSION.

(1) If the Legislature extends a legislative session, all bills on the Calendar at the time of expiration of the regular session shall be placed in the Procedural & Redistricting Council.

(2) During any extended or special session, all bills upon being reported favorably by the last committee of reference shall be placed in the Procedural & Redistricting Council.

(3) During any extended or special session, the Procedural & Redistricting Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

12.2 Filing

(a) REGULAR SESSION.

(1) During the first 45 calendar days of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form prior to 3:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 5:00 p.m. of the day (excluding Saturday and Sunday) preceding the daily session at which the sponsor seeks to offer the main amendment.

(2) For calendar days 46 through 51 of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(3) After the 51st day of a regular session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form not later than 30 minutes after the convening of the daily session at which the sponsor seeks to offer the amendment or 2 1/2 hours after the Special Order Calendar has been provided, whichever is later, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 1 hour after the convening of the daily session at which the sponsor seeks to offer the main amendment or 3 hours after the Special Order Calendar has been provided, whichever is later.

(b) EXTENDED OR SPECIAL SESSION. During any extended or special session, no Member floor amendment shall be considered unless a printed original of the amendment has been delivered to the Clerk in the required form at least 1 hour prior to the daily session at which the sponsor seeks to offer the amendment, and no amendment to the amendment or substitute amendment shall be offered unless a printed original of the amendment to the amendment or substitute amendment has been delivered to the Clerk not later than 30 minutes prior to the daily session at which the sponsor seeks to offer the main amendment.

(c) WAIVER OF DEADLINE. By a majority vote, the time limitation for filing any amendment may be waived.

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

Sincerely,
J. Dudley Goodlette, Chair

Rep. Goodlette explained the addition of House Rule 10.2(c) and revisions to House Rules 10.15 and 12.2.

Motion

Rep. Rubio moved the previous question on the report, which was agreed to.

On motion by Rep. Goodlette, the above report was adopted. The vote was:

Session Vote Sequence: 178

Yeas—77

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

Nays—43

Ausley	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
Gelber	Kosmas	Ryan	

Ruling on Question of Order Certified From Committee

The Honorable Tom Feeney
Speaker of the House of Representatives

April 23, 2001

Dear Mr. Speaker:

I have received an appeal by Rep. Renier Diaz de la Portilla, under House Rule 7.5(b) regarding my decision as committee chair to refuse his motion to reconsider and leave pending during the committee's deliberation of House Bill 1189 on Thursday, April 12, 2001.

During the committee meeting, Rep. Haridopolos was recognized for a motion to reconsider House Bill 1189; the motion was subsequently defeated. After that motion was disposed of, Rep. Diaz de la Portilla made a motion to reconsider and leave the bill pending. Since the earlier reconsideration motion was clearly defeated by a voice vote of the committee, the second motion was ruled out of order based upon House Rule 7.17(d). Upon further review, it is my opinion that my ruling at the meeting was, in fact, correct and was made within the extended time limit provided for through the unanimous consent of the committee.

Thank you for your time and consideration of this matter.

Sincerely,
Rob Wallace, Chair
Committee on Fiscal Policy &
Resources

Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections: Chairman Wallace has certified forward an appeal from Rep. Diaz de la Portilla regarding a sequence of events at the April 12, 2001, meeting of the Fiscal Policy & Resources Committee. The question outlined in Chairman Wallace's letter and Rep. Diaz de la Portilla's attached materials involved whether several motions made during the consideration of HB 1189 were disposed of in the proper order and during the committee's authorized meeting time.

The audio tape of the committee meeting documents the following series of events. After the vote on passage of HB 1189, the Chair recognized Rep. Haridopolos who moved to reconsider the vote by which the bill passed. Rep. Mack was then recognized and moved to lay that motion on the table. Rep. Diaz de la Portilla moved to reconsider the vote and leave the motion pending. Upon the defeat of the motion to lay the motion to reconsider on the table, the committee addressed the motion to reconsider, which was also defeated. Chairman Wallace then stated that the motion by Rep. Diaz de la Portilla was in order at that point and the motion would be left pending.

Following the subsequent consideration of several proposed committee bills and a third motion to extend, which was adopted without objection, Chairman Wallace readdressed Rep. Diaz de la Portilla's motion to reconsider and leave the motion pending, noted that the motion had been out of order, and announced that HB 1189 would be reported favorably by the committee.

While several issues have been raised in this appeal, the essential issue is the determination of which reconsideration motion has precedence. The motion to reconsider was properly made prior to the motion to reconsider and leave the motion pending. The two motions have equal precedence under House Rule 7.17(a), and should therefore be taken in the order made, as provided in a ruling by Speaker Pettigrew on February 10, 1972 (Precedent 134-7 of *Rulings and Opinions*, Florida House of Representatives, 2000). Rep. Diaz de la Portilla has also argued that unanimous consent was provided by the committee for his motion to reconsider and leave pending. Silence on the part of the committee without the chair asking if there is an objection does not constitute unanimous consent. Since such consent was not provided, this opinion does not reach the issue of whether a motion to reconsider and leave pending may be made when unanimous consent of the committee is received and once a motion to reconsider has been disposed of. It is my opinion that the final ruling by Chairman Wallace was properly reached.

The Chair [Speaker Feeney] concurred in the recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, and ruled the final ruling by Chairman Wallace was properly reached.

On motion by Rep. Goodlette, Special Rule 01-11 was waived and—

Bills and Joint Resolutions on Third Reading

CS/HB 1199—A bill to be entitled An act relating to education; authorizing individual district school boards by resolution to allow invocation or benediction at specified secondary school-related events; providing legislative intent; providing for severability; providing an effective date.

—was read the third time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 1199. The vote was:

Session Vote Sequence: 179

Yeas—84

The Chair	Bense	Clarke	Gibson
Alexander	Benson	Crow	Goodlette
Allen	Berfield	Davis	Haridopolos
Andrews	Betancourt	Diaz de la Portilla	Harper
Arza	Bilirakis	Diaz-Balart	Harrell
Attkisson	Bowen	Dockery	Harrington
Atwater	Brown	Fasano	Hart
Baker	Brummer	Fields	Hogan
Ball	Bullard	Fiorentino	Holloway
Barreiro	Byrd	Flanagan	Johnson
Baxley	Cantens	Garcia	Jordan
Bean	Carassas	Gardiner	Kallinger

Kendrick	Mahon	Negron	Russell
Kilmer	Mayfield	Paul	Simmons
Kottkamp	Maygarden	Peterman	Siplin
Kravitz	McGriff	Pickens	Sorensen
Kyle	Mealor	Prieguez	Spratt
Lacasa	Melvin	Richardson	Stansel
Littlefield	Miller	Romeo	Trovillion
Lynn	Murman	Ross	Wallace
Mack	Needelman	Rubio	Waters

Nays—29

Ausley	Gannon	Justice	Smith
Bendross-Mindingall	Gelber	Kosmas	Sobel
Bennett	Gottlieb	Lerner	Weissman
Brutus	Greenstein	Machek	Wiles
Bucher	Henriquez	Rich	Wishner
Cusack	Heyman	Ritter	
Detert	Jennings	Ryan	
Frankel	Joyner	Slosberg	

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

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

Reports of Councils and Standing Committees

Report of the Procedural & Redistricting Council

On motion by Rep. Byrd, the Special Order Calendar for Wednesday, April 25 (shown in the *Journal* earlier today on page 662) was adopted.

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

Motions Relating to Committee References

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 285 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 291 was withdrawn from the Committee on General Government Appropriations and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 567 was withdrawn from the Committee on Economic Development & International Trade and remains referred to the Committee on Fiscal Policy & Resources and the Council for Smarter Government.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 751 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 773 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 917 was withdrawn from the Committee on Fiscal Policy & Resources and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1129 was withdrawn from the Council for Lifelong Learning and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1187 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1255 was withdrawn from the Committee on Fiscal Policy & Resources and the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1361 was withdrawn from the Council for Lifelong Learning and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1367 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1371 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1431 was withdrawn from the Committee on Fiscal Policy & Resources and remains referred to the Council for Lifelong Learning.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1439 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1593 was withdrawn from the Committee on Crime Prevention, Corrections & Safety and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1607 was withdrawn from the Council for Competitive Commerce and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1673 was withdrawn from the Council for Smarter Government and placed on the Calendar of the House.

On motion by Rep. Goodlette, agreed to by two-thirds vote, CS/HB 1699 was withdrawn from the Committee on State Administration and remains referred to the Council for Competitive Commerce.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1701 was withdrawn from the Council for Smarter Government and remains referred to the Committee on State Administration.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1869 was withdrawn from the Committee on Child & Family Security and remains referred to the Council for Healthy Communities.

On motion by Rep. Goodlette, agreed to by two-thirds vote, HB 1967 was withdrawn from the Council for Healthy Communities and placed on the Calendar of the House.

Among the earlier motions to withdraw bills from Committees or Councils, Rep. Goodlette moved to withdraw CS/HB 1819 from the Council for Smarter Government.

Under Rule 11.4, Rep. Ritter requested a division of the question.

On motion by Rep. Goodlette, further consideration of the question on CS/HB 1819 was temporarily postponed.

Resolutions

By Representatives Peterman, Joyner, Wilson, Harper, Smith, Cusack, Meadows, Richardson, Siplin, Jennings, Holloway, Bullard, Bendross-Mindingall, Brutus, Fields, Justice, Kendrick, Lee, Heyman, Slosberg, Gannon, Weissman, Bucher, Lerner, McGriff, Sobel, Henriquez, Betancourt, Ausley, Gottlieb, Romeo, Meador, Baxley, Prieguez, Waters, Brown, Detert, Murman, Mayfield, Ross, Allen, Benson, Hogan, Baker, Bean, Stansel, Kravitz, Simmons, Garcia, Paul, Arza, Wallace, Berfield, Argenziano, Russell, Littlefield, Needelman, Farkas, Ritter, and Wishner—

HR 9073—A resolution honoring the memory of Douglas Lee “Tim” Jamerson.

WHEREAS, remembered for his “great sense of humor, his booming voice for the underprivileged, and his kind heart,” Douglas Lee “Tim” Jamerson left no doubt as to where he stood on an issue, yet so adept was he at concealing the state of his health that many who were closest to

him were profoundly shocked when cancer claimed his life on Saturday, April 21, 2001, and

WHEREAS, Doug Jamerson was a teacher at St. Petersburg High School when he made his successful bid for the Legislature, quickly becoming recognized as a “tireless champion for public education” as he pushed for measures that put more control of schools in local hands, led in establishing school accountability in Florida, and promoted parental involvement in their children’s schools, and

WHEREAS, known as one of the most prominent black politicians in Florida, smart, passionate, and well-connected, Doug Jamerson served with uncommon distinction as the District 55 State Representative for 11 years after his election in 1982 until his resignation in 1993 to assume statewide positions, first as Commissioner of Education and, later, as Secretary of Labor, both by appointment of then-Governor Lawton Chiles, and

WHEREAS, service to his state kept him in Tallahassee for much of his political career, but in his heart Douglas Lee Jamerson never truly left St. Petersburg, where he was born on October 16, 1947, and remained intensely interested in its welfare, often visiting in the neighborhoods in which he grew up and, when racial violence broke out in the city in 1996, he walked the streets, attempting to cool emotions and restore order, the following year winning a national award for his efforts, and

WHEREAS, the first black legislator elected from Pinellas County and referred to as “one of the political pioneers of the African-American community” and as a statesman who “represented all that is right in public service,” Douglas Lee “Tim” Jamerson accomplished much in the relatively short span of his public service and has made a lasting impact on the lives of all Floridians, 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 honor the memory of Douglas Lee “Tim” Jamerson and to reflect upon the contributions made by this dedicated public servant.

BE IT FURTHER RESOLVED that copies of this resolution be presented to Mrs. Leatha Jamerson and to Cedric Jamerson, wife and son of Doug Jamerson, as a tangible token of the esteem in which this body holds the memory of its former colleague.

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

Rep. Peterman, Rep. Frankel, and the Speaker each gave brief remarks.

In honor and appreciation of the Honorable Douglas L. “Tim” Jamerson’s life and service to the State of Florida, the Members stood and applauded.

On motion by Rep. Peterman, the board was opened [Session Vote Sequence: 0180] and the following Members were recorded as cosponsors of the resolution, along with Reps. Peterman, Joyner, Wilson, Harper, Smith, Cusack, Meadows, Richardson, Siplin, Jennings, Holloway, Bullard, Bendross-Mindingall, Brutus, Fields, Justice, Kendrick, Lee, Heyman, Slosberg, Gannon, Weissman, Bucher, Lerner, McGriff, Sobel, Henriquez, Betancourt, Ausley, Gottlieb, Romeo, Meador, Baxley, Prieguez, Waters, Brown, Detert, Murman, Mayfield, Ross, Allen, Benson, Hogan, Baker, Bean, Stansel, Kravitz, Simmons, Garcia, Paul, Arza, Wallace, Berfield, Argenziano, Russell, Littlefield, Needelman, Farkas, Ritter, and Wishner: Reps. Alexander, Andrews, Attkisson, Atwater, Ball, Barreiro, Bennett, Bense, Bilirakis, Bowen, Brummer, Byrd, Cantens, Carassas, Clarke, Crow, Davis, Diaz de la Portilla, Diaz-Balart, Dockery, Fasano, Feeney, Fiorentino, Flanagan, Frankel, Gardiner, Gelber, Gibson, Goodlette, Greenstein, Haridopolos, Harrell, Harrington, Hart, Jordan, Kallinger, Kilmer, Kosmas, Kottkamp, Kyle, Lacasa, Lynn, Macheck, Mack, Mahon, Maygarden, Melvin, Miller, Negron, Pickens, Rich, Rubio, Ryan, Seiler, Sorensen, Trovillion, and Wiles.

Recessed

On motion by Rep. Byrd, the House recessed at 4:34 p.m., to reconvene at 7:00 p.m. today.

Reconvened

The House was called to order by the Speaker at 7:04 p.m. A quorum was present [Session Vote Sequence: 181].

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

Special Orders

Special Order Calendar

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.

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

Session Vote Sequence: 182

Yeas—113

The Chair	Betancourt	Fiorentino	Hogan
Alexander	Bilirakis	Flanagan	Jennings
Allen	Bowen	Frankel	Johnson
Andrews	Brown	Gannon	Jordan
Argenziano	Brummer	Garcia	Joyner
Arza	Bucher	Gardiner	Justice
Attkisson	Bullard	Gelber	Kallinger
Atwater	Byrd	Gibson	Kendrick
Ausley	Cantens	Goodlette	Kosmas
Baker	Carassas	Gottlieb	Kottkamp
Ball	Clarke	Green	Kravitz
Barreiro	Cusack	Greenstein	Kyle
Baxley	Davis	Haridopolos	Lacasa
Bean	Detert	Harper	Lee
Bendross-Mindingall	Diaz de la Portilla	Harrell	Lerner
Bennett	Dockery	Harrington	Littlefield
Bense	Farkas	Hart	Lynn
Benson	Fasano	Henriquez	Machek
Berfield	Fields	Heyman	Mack

Mahon	Negron	Rubio	Trovillion
Mayfield	Paul	Russell	Wallace
Maygarden	Peterman	Ryan	Waters
McGriff	Pickens	Seiler	Weissman
Meadows	Prieguez	Simmons	Wiles
Mealor	Rich	Slosberg	Wilson
Melvin	Richardson	Smith	Wishner
Miller	Ritter	Sobel	
Murman	Romeo	Sorensen	
Needelman	Ross	Stansel	

Nays—1

Spratt

Votes after roll call:

Yeas—Kilmer

Nays to Yeas—Spratt

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

Bill Subject to Special Rule

CS/CS/HB 1533—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization

Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus,

the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was read the second time by title.

Under Rule 10.7, Rep. Frankel moved to read CS/CS/HB 1533 the second time in full, which was agreed to by the required one-third vote. The vote was:

Session Vote Sequence: 183

Yeas—41

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

Nays—74

The Chair	Andrews	Attkisson	Ball
Alexander	Argenziano	Atwater	Barreiro
Allen	Arza	Baker	Baxley

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

Votes after roll call:
 Nays—Kilmer

On motion by Rep. Byrd, further consideration of CS/CS/HB 1533 was temporarily postponed under Rule 11.10.

On motion by Rep. Byrd, the House moved to the consideration of CS/HB 83 on Special Orders.

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.

On motion by Rep. Frankel, by the required one-third vote under Rule 10.7, CS/HB 83 was read the second time in full. The vote was:

Session Vote Sequence: 184

Yeas—41

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

Nays—74

The Chair	Bennett	Detert	Harrell
Alexander	Bense	Diaz de la Portilla	Harrington
Allen	Benson	Dockery	Hart
Andrews	Berfield	Farkas	Hogan
Argenziano	Bilirakis	Fasano	Johnson
Arza	Fiorentino	Bowen	Jordan
Attkisson	Brown	Flanagan	Kallinger
Atwater	Brummer	Garcia	Kilmer
Baker	Byrd	Gardiner	Kottkamp
Ball	Cantens	Gibson	Kravitz
Barreiro	Carassas	Goodlette	Kyle
Baxley	Clarke	Green	Lacasa
Bean	Davis	Haridopolos	Littlefield

On motion by Rep. Fasano, the Chamber was secured and no Members were allowed to leave during the reading of the bill.

Representative(s) Russell offered the following:

(Amendment Bar Code: 583105)

Amendment 1 (with title amendment)—

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 290.00555, Florida Statutes, is amended to read:

290.00555 Satellite enterprise zones.—~~Before December 31, 1999,~~ Any municipality an area of which has previously received designation as an enterprise zone in the population category described in s. 290.0065(3)(a)3. may create a satellite enterprise zone not exceeding 1.5 square miles in area outside of and, notwithstanding anything contained in s. 290.0055(4), or any other law, in addition to the previously designated enterprise zone boundaries. The Office of Tourism, Trade, and Economic Development shall amend the boundaries of the areas previously designated by any such municipality as enterprise zones upon receipt of a resolution adopted by the municipality describing the satellite enterprise zone areas, as long as the additional areas are consistent with the categories, criteria, and limitations imposed by s. 290.0055. However, the requirements imposed by s. 290.0055(4)(d) do not apply to such satellite enterprise zone areas.

Section 2. *Satellite enterprise zones may be created pursuant to s. 290.00555, Florida Statutes, effective retroactively to December 31, 1999. Resolutions adopted to create satellite enterprise zones under this section must be submitted to the Office of Tourism, Trade, and Economic Development no later than August 1, 2001. The Office of Tourism, Trade, and Economic Development must amend the boundaries of previously designated enterprise zones to create eligible satellite enterprise zones no later than September 1, 2001. Notwithstanding the time limitations contained in chapter 212, Florida Statutes, a business in a satellite enterprise zone designated under this section which was eligible to receive tax incentives pursuant to ss. 212.08(5)(g) and (h) and 212.096, Florida Statutes, during the period beginning December 31, 1999, and ending on the date of the creation of the satellite enterprise zone must submit an application for the tax incentives by December 1, 2001. All other requirements of the enterprise zone program apply to such a business.*

Section 3. Section 290.00694, Florida Statutes, is created to read:

290.00694 Enterprise zone designation for Sarasota County or Sarasota County and Sarasota.—Sarasota County, or Sarasota County and the City of Sarasota jointly, may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the municipality, which zone encompasses an area that is south of the north county line, west of Tuttle Avenue, north of 10th Street, and east of U.S. Highway 41. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 4. Section 290.00695, Florida Statutes, is created to read:

290.00695 Enterprise zone designation for Hernando County or Hernando County and Brooksville.—Hernando County, or Hernando County and the City of Brooksville jointly, may apply to the Office of

Tourism, Trade, and Economic Development for designation of one enterprise zone within the county, or within both the county and the city, which zone encompasses an area up to 10 contiguous square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 5. Section 290.00696, Florida Statutes, is created to read:

290.00696 Enterprise zone designation for Holmes County.—Holmes County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Holmes County. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 6. Section 290.00697, Florida Statutes, is created to read:

290.00697 Enterprise zone designation for Calhoun County.—Calhoun County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Calhoun County. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 7. Section 290.00698, Florida Statutes, is created to read:

290.00698 Enterprise zone designation for Okaloosa County.—Okaloosa County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone within an area in Okaloosa County, which zone encompasses an area up to 6 square miles. The application must be submitted by December 31, 2001, and must comply with the requirements of s. 290.0055, except subsection (3) thereof. Notwithstanding the provisions of s. 290.0065 limiting the total number of enterprise zones designated and the number of enterprise zones within a population category, the Office of Tourism, Trade, and Economic Development may designate one enterprise zone under this section. The Office of Tourism, Trade, and Economic Development shall establish the initial effective date of the enterprise zone designated under this section.

Section 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove from the title of the bill: the entire title

and insert in lieu thereof: A bill to be entitled An act relating to enterprise zones; amending s. 290.00555, F.S.; removing the December 31, 1999, deadline for creation of satellite enterprise zones by certain municipalities; 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; creating s. 290.00694, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Sarasota County or Sarasota County and the City of Sarasota jointly; providing requirements with respect thereto; creating s. 290.00695, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to designate an enterprise zone in Hernando County or 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 Holmes 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 Calhoun County; providing requirements with respect thereto; creating s. 290.00698, 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.

Rep. Russell 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 House moved to the consideration of HB 531 on Special Orders.

HB 531—A bill to be entitled An act relating to counterfeit payment instruments; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud; providing a felony penalty; specifying prima facie evidence of intent to defraud; providing an exception for law enforcement agencies under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Crime Prevention, Corrections & Safety offered the following:

(Amendment Bar Code: 051781)

Amendment 1 (with title amendment)—On page 2, between lines 5 and 6,

insert:

Section 2. Section 817.625, Florida Statutes, is created to read:

817.625 Use of scanning device or reencoder to defraud; penalties.—

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

(a) *“Scanning device” means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.*

(b) *“Reencoder” means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.*

(c) *“Payment card” means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.*

(d) *“Merchant” means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.*

(2)(a) *It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:*

1. *A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user.*

2. *A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from*

which the information is being reencoded and with the intent to defraud the authorized user.

(b) Any person who violates subparagraph (a)1. or subparagraph (a)2. and who has been previously convicted of a violation of this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates subparagraph (a)1. or subparagraph (a)2. shall also be subject to the provisions of ss. 932.701-932.707.

Section 3. Paragraphs (d) and (e) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
			812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
			812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
			817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
			817.625(2)(a)	3rd	Fraudulent use of scanning device or re-encoder.
			828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
			837.02(1)	3rd	Perjury in official proceedings.
		(d) LEVEL 4	837.021(1)	3rd	Make contradictory statements in official proceedings.
316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
			843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
784.075	3rd	Battery on detention or commitment facility staff.	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.081(3)	3rd	Battery on specified official or employee.	914.14(2)	3rd	Witnesses accepting bribes.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
784.083(3)	3rd	Battery on code inspector.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	918.12	3rd	Tampering with jurors.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.			(e) LEVEL 5
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	316.1935(4)	2nd	Aggravated fleeing or eluding.
			322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.115(2)(c)	3rd	Possessing firearm on school property.	790.01(2)	3rd	Carrying a concealed firearm.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	790.162	2nd	Threat to throw or discharge destructive device.
			790.163	2nd	False report of deadly explosive.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
			790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
810.06	3rd	Burglary; possession of tools.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.			

Florida Statute	Felony Degree	Description	
800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.	authorized user of the payment card; providing a penalty; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; conforming the offense severity ranking chart to changes made by the act;
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.	Rep. Bilirakis moved the adoption of the amendment, which failed of adoption.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.	The Council for Competitive Commerce offered the following: (Amendment Bar Code: 885749)
812.131(2)(b)	3rd	Robbery by sudden snatching.	Amendment 2 (with title amendment)— Remove from the bill: Everything after the enacting clause
812.16(2)	3rd	Owning, operating, or conducting a chop shop.	and insert in lieu thereof:
817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.	Section 1. Section 812.012, Florida Statutes, is amended to read:
817.625(2)(b)	2nd	<i>Second or subsequent fraudulent use of scanning device or reencoder.</i>	812.012 Definitions.—As used in ss. 812.012-812.037:
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	(1) <i>“Cargo” means partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.</i>
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.	(2)(4) <i>“Dealer in property” means any person in the business of buying and selling property.</i>
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	(3)(8) <i>“Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity.</i>
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	(4)(2) <i>“Obtains or uses” means any manner of:</i>
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	(a) Taking or exercising control over property.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.	(b) Making any unauthorized use, disposition, or transfer of property.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.	(c) Obtaining property by fraud, willful misrepresentation of a future act, or false promise.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	(d)1. Conduct previously known as stealing; larceny; purloining; abstracting; embezzlement; misapplication; misappropriation; conversion; or obtaining money or property by false pretenses, fraud, or deception; or
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.	2. Other conduct similar in nature.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	(5)(3) <i>“Property” means anything of value, and includes:</i>

And the title is amended as follows:

On page 1, line 9, after the semicolon,

insert: creating s. 817.625, F.S.; providing definitions; prohibiting the use of a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; prohibiting the use of a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the

(7)(5) *“Services” means anything of value resulting from a person’s physical or mental labor or skill, or from the use, possession, or presence of property, and includes:*

- (a) Repairs or improvements to property.
- (b) Professional services.
- (c) Private, public, or government communication, transportation, power, water, or sanitation services.

- (d) Lodging accommodations.
- (e) Admissions to places of exhibition or entertainment.
- (8)(6) "Stolen property" means property that has been the subject of any criminally wrongful taking.
- (9)(7) "Traffic" means:
 - (a) To sell, transfer, distribute, dispense, or otherwise dispose of property.
 - (b) To buy, receive, possess, obtain control of, or use property with the intent to sell, transfer, distribute, dispense, or otherwise dispose of such property.
- (10)(9) "Value" means value determined according to any of the following:

(a)1. Value means the market value of the property at the time and place of the offense or, if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the offense.

2. The value of a written instrument that does not have a readily ascertainable market value, in the case of an instrument such as a check, draft, or promissory note, is the amount due or collectible or is, in the case of any other instrument which creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation, the greatest amount of economic loss that the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

3. The value of a trade secret that does not have a readily ascertainable market value is any reasonable value representing the damage to the owner, suffered by reason of losing an advantage over those who do not know of or use the trade secret.

(b) If the value of property cannot be ascertained, the trier of fact may find the value to be not less than a certain amount; if no such minimum value can be ascertained, the value is an amount less than \$100.

(c) Amounts of value of separate properties involved in thefts committed pursuant to one scheme or course of conduct, whether the thefts are from the same person or from several persons, may be aggregated in determining the grade of the offense.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 812.014, Florida Statutes, are amended, and paragraph (f) is added to said subsection, to read:

812.014 Theft.—

(2)(a)1. If the property stolen is valued at \$100,000 or more or

2. *The property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or*

3. ~~2.~~ If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or

b. In the course of committing the offense the offender causes damage to the real or personal property of another in excess of \$1,000, the offender commits grand theft in the first degree, punishable as a felony of the first degree, as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000, or

2. *The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock, or*

3. *The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401,*

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. *Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002(10) or to treat medical emergencies.*

(f) *Upon a second or subsequent conviction for stealing cargo pursuant to subparagraph (a)2. or subparagraph (b)2., the offender shall be sentenced to a minimum mandatory term of no less than 3 years' imprisonment.*

Section 3. Paragraphs (d) and (h) of subsection (1) and subsections (5) and (7) of section 812.015, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

812.015 Retail and farm theft; transit fare evasion; mandatory fine; alternative punishment; detention and arrest; exemption from liability for false arrest; resisting arrest; penalties.—

(1) As used in this section:

(d) "Retail theft" means the taking possession of or carrying away of merchandise, *property*, money, or negotiable documents; altering or removing a label, *universal product code*, or price tag; transferring merchandise from one container to another; or removing a shopping cart, with intent to deprive the merchant of possession, use, benefit, or full retail value.

(h) "Antishoplifting or inventory control device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specially marked or tagged merchandise. *The term includes any electronic or digital imaging or any video recording or other film used for security purposes and the cash register tape or other record made of the register receipt.*

(5)(a) A merchant, merchant's employee, farmer, or a transit agency's employee or agent who takes a person into custody, as provided in subsection (3), or who causes an arrest, as provided in subsection (4), of a person for retail theft, farm theft, transit fare evasion, or trespass shall not be criminally or civilly liable for false arrest or false imprisonment when the merchant, merchant's employee, farmer, or a transit agency's employee or agent has probable cause to believe that the person committed retail theft, farm theft, transit fare evasion, or trespass.

(b) *If a merchant or merchant's employee takes a person into custody as provided in this section, or acts as a witness with respect to any person taken into custody as provided in this section, the merchant or merchant's employee may provide his or her business address rather than home address to any investigating law enforcement officer.*

(7) It is unlawful to possess, or use or attempt to use, any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise. Any person who possesses any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a ~~felony misdemeanor~~ *felony* of the third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. Any person who uses or attempts to use any antishoplifting or inventory control device countermeasure within any premises used for the retail purchase or sale of any merchandise commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) *If a person commits retail theft, it is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is valued at \$300 or more and the person:*

(a) *Individually, or in concert with one or more other persons, coordinates the activities of one or more individuals in committing the offense, in which case the amount of each individual theft shall be aggregated to determine the value of the property stolen;*

(b) Commits theft from more than one location within a 48-hour period, in which case the amount of each individual theft shall be aggregated to determine the value of the property stolen;

(c) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense or acts in other ways to coordinate efforts to carry out the offense; or

(d) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box.

(9) Any person who violates subsection (8), and who has previously been convicted of a violation of subsection (8), commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Section 812.0155, Florida Statutes, is created to read:

812.0155 Suspension of driver's license following an adjudication of guilt for retail theft.—

(1) Except as provided in subsections (2) and (3), the court may order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. The court shall order the suspension of the driver's license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015 who has previously been convicted of such an offense. Upon ordering the suspension of the driver's license of the person adjudicated guilty, the court shall forward the driver's license of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.

(a) The first suspension of a driver's license under this subsection shall be for a period of up to 6 months.

(b) A second or subsequent suspension of a driver's license under this subsection shall be for 1 year.

(2) The court may revoke, suspend, or withhold issuance of a driver's license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:

(a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in s. 948.01, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.

(3) As used in this subsection, the term "department" means the Department of Highway Safety and Motor Vehicles. A court that revokes, suspends, or withholds issuance of a driver's license under subsection (2) shall:

(a) If the person is eligible by reason of age for a driver's license or driving privilege, direct the department to revoke or withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year;

(b) If the person's driver's license is under suspension or revocation for any reason, direct the department to extend the period of suspension or revocation by not less than 6 months and not more than 1 year; or

(c) If the person is ineligible by reason of age for a driver's license or driving privilege, direct the department to withhold issuance of the person's driver's license or driving privilege for not less than 6 months and not more than 1 year after the date on which the person would otherwise become eligible.

(4) Subsections (2) and (3) do not preclude the court from imposing any sanction specified or not specified in subsection (2) or subsection (3).

Section 5. Section 812.017, Florida Statutes, is created to read:

812.017 Use of a fraudulently obtained or false receipt.—

(1) Any person who requests a refund of merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who obtains merchandise, money, or any other thing of value through the use of a fraudulently obtained receipt or false receipt commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 6. Section 812.0195, Florida Statutes, is created to read:

812.0195 Dealing in stolen property by use of the Internet.—Any person in this state who uses the Internet to sell or offer for sale any merchandise or other property that the person knows, or has reasonable cause to believe, is stolen commits:

(1) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, if the value of the property is less than \$300; or

(2) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the value of the property is \$300 or more.

Section 7. Section 817.625, Florida Statutes, is created to read:

817.625 Use of scanning device or reencoder to defraud; penalties.—

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

(a) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card.

(b) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.

(c) "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.

(d) "Merchant" means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing, or receiving goods, services, money, or anything else of value from the person.

(2)(a) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, for a person to use:

1. A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user.

2. A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user.

(b) Any person who violates paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who violates paragraph (a) shall also be subject to the provisions of ss. 932.701-932.707.

Section 8. Section 831.07, Florida Statutes, is amended to read:

831.07 Forging bank bills, checks, drafts, or promissory notes.—Whoever falsely makes, alters, forges, or counterfeits a bank bill, check,

draft, or promissory note payable to the bearer thereof, or to the order of any person, issued by an incorporated banking company established in this state, or within the United States, or any foreign province, state, or government, with intent to injure any person, ~~commits shall be guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Section 831.08, Florida Statutes, is amended to read:

831.08 Possessing certain forged notes, ~~or~~ bills, checks, or drafts.—Whoever has in his or her possession 10 or more similar false, altered, forged, or counterfeit notes, bills of credit, bank bills, checks, drafts, or notes, such as are mentioned in any of the preceding sections of this chapter, payable to the bearer thereof or to the order of any person, knowing the same to be false, altered, forged, or counterfeit, with intent to utter and pass the same as true, and thereby to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 831.09, Florida Statutes, is amended to read:

831.09 Uttering forged bills, checks, drafts, or notes.—Whoever utters or passes or tenders in payment as true, any such false, altered, forged, or counterfeit note, or any bank bill, check, draft, or promissory note, payable to the bearer thereof or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud any person, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. For the purposes of incorporating the amendment to s. 831.09, Florida Statutes, section 831.10, Florida Statutes, is reenacted to read:

831.10 Second conviction of uttering forged bills.—Whoever, having been convicted of the offense mentioned in s. 831.09 is again convicted of the like offense committed after the former conviction, and whoever is at the same term of the court convicted upon three distinct charges of such offense, shall be deemed a common utterer of counterfeit bills, and shall be punished as provided in s. 775.084.

Section 12. Section 831.11, Florida Statutes, is amended to read:

831.11 Bringing into the state forged bank bills, checks, drafts, or notes.—Whoever brings into this state or has in his or her possession a false, forged, or counterfeit bill, check, draft, or note in the similitude of the bills or notes payable to the bearer thereof or to the order of any person issued by or for any bank or banking company established in this state, or within the United States, or any foreign province, state or government, with intent to utter and pass the same or to render the same current as true, knowing the same to be false, forged, or counterfeit, ~~commits shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 13. Section 831.12, Florida Statutes, is amended to read:

831.12 Fraudulently connecting parts of genuine instrument.—Whoever fraudulently connects together parts of several banknotes, checks, drafts, or other genuine instruments in such a manner as to produce one additional note, check, draft, or instrument, with intent to pass all of them as genuine, ~~commits shall be deemed guilty of forgery in like manner~~ as if each of them had been falsely made or forged.

Section 14. Section 831.28, Florida Statutes, is created to read:

831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—

(1) As used in this section, the term “counterfeit” means the manufacture of or arrangement to manufacture a payment instrument, as defined in s. 560.103, without the permission of the financial institution, account holder, or organization whose name, routing number, or account number appears on the payment instrument, or the manufacture of any payment instrument with a fictitious name, routing number, or account number.

(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person’s possession. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The printing of a payment instrument in the name of a person or entity or with the routing number or account number of a person or entity without the permission of the person or entity to manufacture or reproduce such payment instrument with such name, routing number, or account number is prima facie evidence of intent to defraud.

(3) This section does not apply to a law enforcement agency that produces or displays counterfeit payment instruments for investigative or educational purposes.

Section 15. Subsection (10) is added to section 832.05, Florida Statutes, to read:

832.05 Giving worthless checks, drafts, and debit card orders; penalty; duty of drawee; evidence; costs; complaint form.—

(10) CONSTRUCTION; PAYEE OR HOLDER; INSUFFICIENT FUNDS.—For purposes of construction of this section, a payee or holder does not have knowledge, express notification, or reason to believe that the maker or drawer has insufficient funds to ensure payment of a check, draft, or debit card solely because the maker or drawer has previously drawn or issued a worthless check, draft, or debit card order to the payee or holder.

Section 16. Paragraphs (b), (c), (d), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(b) LEVEL 2
403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07	3rd	Registration of securities and furnishing of prospectus required.
590.28(1)	3rd	Willful, malicious, or intentional burning.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
812.015(7)	3rd	Possession, use, or attempted use of an antishiplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.52(3)	3rd	Failure to redeliver hired vehicle.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
817.60(5)	3rd	Dealing in credit cards of another.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
831.01	3rd	Forgery.	817.233	3rd	Burning to defraud insurer.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes note .	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.08	3rd	Possessing Possession of 10 or more forged notes, bills, checks, or drafts.	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes; passes as bank bill or promissory note .	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.	843.19	3rd	Injure, disable, or kill police dog or horse.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.	870.01(2)	3rd	Riot; inciting or encouraging.
843.08	3rd	Falsely impersonating an officer.	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of university or public park.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 200 feet of public housing facility.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.			(d) LEVEL 4
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	316.1935(3)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a marked patrol vehicle with siren and lights activated.
697.08	3rd	Equity skimming.			
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.			
796.05(1)	3rd	Live on earnings of a prostitute.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, intake officer, etc.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
784.075	3rd	Battery on detention or commitment facility staff.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.	874.05(1)	3rd	Encouraging or recruiting another to join a criminal street gang.
784.081(3)	3rd	Battery on specified official or employee.	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
784.082(3)	3rd	Battery by detained person on visitor or other detainee.	914.14(2)	3rd	Witnesses accepting bribes.
784.083(3)	3rd	Battery on code inspector.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
787.03(1)	3rd	Interference with custody; wrongly takes child from appointed guardian.	918.12	3rd	Tampering with jurors.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.			(e) LEVEL 5
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
			316.1935(4)	2nd	Aggravated fleeing or eluding.
			322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
790.115(2)(c)	3rd	Possessing firearm on school property.	790.01(2)	3rd	Carrying a concealed firearm.
800.04(7)(d)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	790.162	2nd	Threat to throw or discharge destructive device.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	790.163	2nd	False report of deadly explosive.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
810.06	3rd	Burglary; possession of tools.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
812.0195(2)	3rd	<i>Dealing in stolen property by use of the Internet; property stolen \$300 or more.</i>	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
817.625(2)(a)	3rd	<i>Fraudulent use of scanning device or reencoder.</i>	812.131(2)(b)	3rd	Robbery by sudden snatching.
			812.16(2)	3rd	Owning, operating, or conducting a chop shop.
			817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.	817.625(2)(b)	2nd	<i>Second or subsequent fraudulent use of scanning device or reencoder.</i>
837.02(1)	3rd	Perjury in official proceedings.	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
837.021(1)	3rd	Make contradictory statements in official proceedings.	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility or school.	794.05(1)	2nd	Unlawful sexual activity with specified minor.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of university or public park.	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 200 feet of public housing facility.	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	(f)	LEVEL 6	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.	812.014(2)(b)2.	2nd	Property stolen cargo valued at less than \$50,000, grand theft in 2nd degree.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.	812.015(9)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
775.0875(1)	3rd	Taking firearm from law enforcement officer.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
784.041	3rd	Felony battery.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
784.048(3)	3rd	Aggravated stalking; credible threat.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
784.048(5)	3rd	Aggravated stalking of person under 16.	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	827.03(1)	3rd	Abuse of a child.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	827.03(3)(c)	3rd	Neglect of a child.
784.081(2)	2nd	Aggravated assault on specified official or employee.	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	836.05	2nd	Threats; extortion.
784.083(2)	2nd	Aggravated assault on code inspector.	836.10	2nd	Written threats to kill or do bodily injury.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	843.12	3rd	Aids or assists person to escape.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
790.164(1)	2nd	False report of deadly explosive or act of arson or violence to state property.	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
			944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
			944.40	2nd	Escapes.
			944.46	3rd	Harboring, concealing, aiding escaped prisoners.
			944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
			951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
		(g) LEVEL 7	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
409.920(2)	3rd	Medicaid provider fraud.	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
456.065(2)	3rd	Practicing a health care profession without a license.	784.081(1)	1st	Aggravated battery on specified official or employee.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
458.327(1)	3rd	Practicing medicine without a license.	784.083(1)	1st	Aggravated battery on code inspector.
459.013(1)	3rd	Practicing osteopathic medicine without a license.	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
460.411(1)	3rd	Practicing chiropractic medicine without a license.	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
461.012(1)	3rd	Practicing podiatric medicine without a license.	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
462.17	3rd	Practicing naturopathy without a license.	796.03	2nd	Procuring any person under 16 years for prostitution.
463.015(1)	3rd	Practicing optometry without a license.	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
464.016(1)	3rd	Practicing nursing without a license.	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
465.015(2)	3rd	Practicing pharmacy without a license.	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
467.201	3rd	Practicing midwifery without a license.	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
468.366	3rd	Delivering respiratory care services without a license.	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000, or more; property stolen while causing other property damage; 1st degree grand theft
483.901(9)	3rd	Practicing medical physics without a license.	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
484.053	3rd	Dispensing hearing aids without a license.	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.	812.131(2)(a)	2nd	Robbery by sudden snatching.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).			
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.			

Florida Statute	Felony Degree	Description
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
872.06	2nd	Abuse of a dead human body.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 50 lbs., less than 2,000 lbs.
893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

Section 17. *Local task force on retail crime.—The Legislature encourages local law enforcement agencies to establish a task force on retail crime. The task force should act as an advisory body to study the problem of retail crime and develop recommendations for handling retail crime and theft in an expeditious and uniform manner. The task force should submit its recommendations to the sheriff or chief officer of the local law enforcement agency, the state attorney, and the chief judge of the judicial circuit. The sheriff or chief officer of the local law enforcement agency should appoint the members of the task force. A majority of the membership of the task force should consist of persons actively engaged in a retail business or employees of persons actively engaged in a retail business. The task force should terminate existence upon completing its assignment.*

Section 18. *If any provision of this act or the applications thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 19. This act shall take effect July 1, 2001.

And the title is amended as follows:

On page 1,
remove from the title of the bill: the entire title

and insert in lieu thereof:

An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment and theft of certain cargo; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishiplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, and 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

Rep. Gardiner moved the adoption of the amendment.

Representative(s) Betancourt offered the following:

(Amendment Bar Code: 274425)

Amendment 1 to Amendment 2—On page 5, lines 16 - 19
remove from the amendment: all of said lines

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

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

Representative(s) Betancourt offered the following:
(Amendment Bar Code: 723845)

Amendment 2 to Amendment 2—On page 4, lines 9 and 10 remove from the amendment: , and paragraph (f) is added to said subsection,

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

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

Representative(s) Gardiner offered the following:
(Amendment Bar Code: 882153)

Amendment 3 to Amendment 2—On page 12, lines 2 and 8 ,of the amendment

after “user” insert: , *the issuer of the authorized user’s payment card, or a merchant*

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

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

Representative(s) Gardiner offered the following:
(Amendment Bar Code: 181687)

Amendment 4 to Amendment 2—On page 26, between lines 21 and 22 of the amendment

insert:
812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more other specified acts.

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

The question recurred on the adoption of **Amendment 2**, as amended, which was adopted.

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

On motion by Rep. Byrd, the House moved to the consideration of CS/CS/HB 809 on Special Orders.

CS/CS/HB 809 was taken up. On motion by Rep. Murman, the rules were waived and CS for SB 836 was substituted for CS/CS/HB 809. Under Rule 5.15, the House bill was laid on the table and—

CS for SB 836—A bill to be entitled An act relating to health insurers and health maintenance organizations; creating s. 627.6474, F.S.; prohibiting health insurers from requiring certain contracted health care practitioners to accept the terms of other health care contracts as a condition of continuation or renewal; providing exceptions; amending s. 627.662, F.S.; applying this prohibition to group health insurance, blanket health insurance, and franchise health insurance; amending s. 641.315, F.S.; applying this prohibition to health maintenance organizations; providing an effective date.

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

CS/HB 187 was taken up. On motion by Rep. Kyle, the rules were waived and—

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 202 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Agriculture and Consumer Services and Senator Lee—

CS for SB 202—A bill to be entitled An act relating to the size of individual containers of malt beverages; amending s. 563.06, F.S.; removing current restrictions on containers under a specified size; creating s. 564.055, F.S.; providing certain size restrictions on containers in which cider is packaged and sold; providing an effective date.

—was taken up, read the first time by title, and substituted for CS/HB 187. Under Rule 5.15, the House bill was laid on the table. On motion by Rep. Kyle, the rules were waived and CS for SB 202 was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

On motion by Rep. Byrd, the House moved to the consideration of CS/CS/HB 1533 on Special Orders.

Motion to Reconsider

On motion by Rep. Byrd, the House reconsidered the vote by which the motion to read CS/CS/HB 1533 the second time in full was agreed to.

The question recurred on the motion to read CS/CS/HB 1533 the second time in full, which was not agreed to by the required one-third vote. The vote was:

Session Vote Sequence: 185

Yeas—34

Ausley	Gelber	Lerner	Slosberg
Bendross-Mindingall	Gottlieb	Machek	Smith
Brutus	Harper	McGriff	Sobel
Bucher	Heyman	Peterman	Stansel
Bullard	Jennings	Rich	Weissman
Cusack	Joyner	Richardson	Wiles
Fields	Kendrick	Romeo	Wilson
Frankel	Kosmas	Ryan	
Gannon	Lee	Seiler	

Nays—75

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

Votes after roll call:

Yeas—Henriquez, Ritter, Wishner
Nays to Yeas—Betancourt

CS/CS/HB 1533—A bill to be entitled An act relating to education governance reorganization; amending s. 229.001, F.S.; revising a short title to delete obsolete language; amending s. 229.002, F.S.; revising the policy and guiding principles of the Legislature relating to education governance; amending s. 229.003, F.S.; revising the timeframe for education governance reorganization; revising the titles of the education governance officers; revising the name of the Florida On-Line High School to conform with changes made by the bill; revising the membership of university boards of trustees and making appointees subject to Senate confirmation; abolishing the Board of Regents, the State Board of Community Colleges, and the Postsecondary Education Planning Commission; transferring the powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, other funds, administrative authority, administrative rules, pending issues, and existing contracts of the Board of Regents to the Florida Board of Education, of the State Board of Community Colleges to the Florida Board of Education, and of the Postsecondary Education Planning Commission to the Center for Education Policy Research and Improvement, respectively; creating the Center for Education Policy Research and Improvement within OPPAGA; transferring the Articulation Coordinating Committee and the Education Standards Commission by type two transfer from the Department of Education to the Florida Board of Education; requiring the Commissioner of Education to commence reorganization of the department and specifying offices and divisions; requiring the merger of the powers, duties, and staffs of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, into a single Commission for Independent Education; creating s. 229.0031, F.S.; creating the Center for Education Policy Research and Improvement; providing duties of the center; establishing membership and duties of an advisory council to the center; providing for funding and staff; providing for the appointment and employment of an executive director; amending s. 229.004, F.S.; revising the timeframe for the creation of the Florida Board of Education; deleting the requirement that the board be part time; revising the duties and responsibilities of the board; conforming terminology with changes made by the bill; providing cross references to newly created missions and goals and guidelines; amending s. 229.005, F.S.; revising provisions relating to qualifications of Florida education governance officers to conform terminology to changes made by the bill and to provide cross references to newly created missions and goals; requiring the Commissioner of Education to work with the board and oversee the chancellors and the executive director; deleting references to requirements of the Florida Constitution relating to education; requiring the Chancellor of Public Schools, the Chancellor of Colleges and Universities, the Chancellor of Community Colleges, and the Executive Director of Independent Education to work as division vice presidents of the seamless K-20 education system; revising the name of the Florida On-Line High School to conform with changes made by the bill; amending s. 229.006, F.S.; deleting obsolete language relating to the creation and already-accomplished duties of the Education Governance Reorganization Transition Task Force; revising the timeframe for the reorganization; requiring the task force to provide guidance and monitoring of the reorganization implementation process and to report to the Governor, the Legislature, the chief transition officer, and the public on its progress; revising the timeframe and recipients of the final report of the task force; creating s. 229.0061, F.S.; establishing guidelines for the implementation, structure, functions, and organization of Florida's K-20 education system; creating s. 229.007, F.S.; establishing Florida's K-20 education performance accountability system; providing legislative intent; establishing the mission, goals, and systemwide measures; creating s. 229.0072, F.S.; establishing a reorganization implementation process; requiring the Governor to appoint university boards of trustees and a Florida Board of Education; providing for appointment of a chief transition officer and specifying duties of the officer; establishing duties of the Florida Board of Education relating to the transition and implementation of the K-20 system; requiring the Florida Board of Education to appoint advisory bodies as necessary and develop and recommend a new School Code; requiring the Commissioner of Education to work with the Florida Board of Education to achieve full implementation of the seamless K-20 system and to commence

reorganization of the department as required by the act; creating s. 229.0073, F.S.; establishing the chief transition officer's Education Reorganization Workgroup to direct and oversee reorganization of the Department of Education; providing requirements for reorganization to include the establishment of offices and divisions; providing duties of the offices; transferring the SMART Schools Clearinghouse to the Office of Educational Facilities and SMART Schools Clearinghouse within the Office of the Commissioner of Education; creating s. 229.0074, F.S.; establishing the mission of the Division of Independent Education; providing for membership and duties of the executive director; combining and transferring the powers and duties of the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education, with an exception, to the Commission for Independent Education; providing for membership and duties of the commission; creating s. 229.008, F.S.; providing for establishment and membership of boards of trustees of universities in the State University System; providing for protections from civil liability; creating s. 229.0081, F.S.; establishing powers and duties of university boards of trustees; creating s. 229.0082, F.S.; establishing powers and duties of university presidents; creating s. 229.0083, F.S.; providing legislative intent regarding the School Readiness Act; clarifying and providing responsibilities of the Florida Partnership for School Readiness, the Agency for Workforce Innovation, the Department of Education, and parents relating to school readiness; providing for the addition of members to the Florida Partnership for School Readiness; providing for the development of minimum child care licensing standards; transferring the Florida Partnership for School Readiness from the Executive Office of the Governor to the Agency for Workforce Innovation; transferring the Child Care Executive Partnership Program, child care and early childhood resource and referral, and the subsidized child care program including statewide staff to the Agency for Workforce Innovation; transferring the prekindergarten early intervention, migrant prekindergarten, and Florida First Start programs, including statewide staff, to the Agency for Workforce Innovation; amending s. 216.136, F.S.; deleting certain duties of the Social Services Estimating Conference; adding staff of the Agency for Workforce Innovation to the School Readiness Program Estimating Conference; amending ss. 232.01, 236.08104, and 445.023, F.S.; conforming language and correcting cross references; effective January 1, 2002, repealing ss. 228.061(1) and (2), 230.23(4)(o), 230.2303, 230.2305, and 230.2306, F.S., relating to preschool and prekindergarten early intervention programs in the public schools, school board provision of early childhood and basic skills development, the Florida First Start Program, the prekindergarten early intervention program, and prekindergarten children service needs assessments; effective July 1, 2002, repealing ss. 230.23166, 232.01(1)(d), 234.01(1)(e), and 236.083(1)(f), F.S., relating to teenage parent programs, school attendance for married or pregnant students, transportation for pregnant students or student parents, and the annual allocation for such transportation; effective January 1, 2002, repealing ss. 402.28, 402.281(1), 402.3015, 402.3027, 402.3028, 402.305(18), 402.3052, 402.3135(2)(c), and 402.45(2) and (6), F.S., relating to Child Care Plus, the Gold Seal Quality Care program rating system, the subsidized child care program, observation and assessment of young children in subsidized child care programs, referral for assessment, the child care technical review panel, the child development associate training grants program, provision of assistance to Child Care Plus facilities, and certain requirements for the community resource mother or father program; effective January 1, 2002, repealing ss. 391.304(1)(a), 411.01(4)(l), (q), (s), and (t), (5)(g), and (9)(c), 411.201, 411.202, 411.203, 411.205, 411.22, 411.221, 411.222, 411.223, 411.224, 411.23, and 411.231, F.S., relating to Department of Health coordination with the Department of Education and specified councils, specified duties of the Florida Partnership for School Readiness and school readiness coalition grants and bonuses, the Florida Prevention, Early Assistance, and Early Childhood Act, legislative intent for prevention and early assistance, the prevention and early assistance strategic plan, the State Coordinating Council for School Readiness Programs, uniform standards for preventive health care, a family support planning process, and the short title and legislative intent for the Children's Early Investment Program; creating s. 229.0084, F.S.; providing a statement of legislative findings

and intent regarding liability for student achievement and the autonomy of independent K-12 schools and home education programs; amending s. 228.082, F.S.; revising the name of the Florida On-Line High School to the Florida Virtual High School, which school shall be housed within the Commissioner of Education's Office of Technology and Information Services and monitored by the commissioner; stating the mission of the Florida Virtual High School; deleting obsolete language; revising the duties of the school's board of trustees; requiring the Department of Education to maximize federal indirect cost allowed on federal grants; requiring appropriation for expenditure of funds received from indirect cost allowance; effective June 30, 2002, repealing s. 229.8065, F.S., relating to expenditures for the Knott Data Center and projects, contracts, and grants programs; amending s. 229.085, F.S.; removing an exemption for personnel employed by projects funded by contracts and grants; providing for recommendations on performance-based funding for the State University System; repealing s. 235.217(1)(b), (c), and (d), (2), (3)(a), (c), (d), and (e), (4), and (5), F.S., relating to membership and certain duties of the SMART Schools Clearinghouse; repealing ss. 240.145, 240.147, 240.209(2), 240.227, 240.307, and 240.311(4), F.S., relating to the Postsecondary Education Planning Commission, the powers and duties of the commission, the Board of Regents appointment of a Chancellor of the State University System, powers and duties of university presidents, the appointment of members of the State Board of Community Colleges, and the appointment of an executive director of the community college system; providing effective dates.

—was taken up, having been read the second time by title earlier today.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Motion

Rep. Atwater moved that the questions and answers relating to **CS/CS/HB 1533** be spread upon the *Journal*. Under Rule 8.2(b), the motion was referred to the Committee on Rules, Ethics & Elections.

On motion by Rep. Byrd, further consideration of **CS/CS/HB 1533** was temporarily postponed under Rule 11.10.

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HBs 659, 661, 663, 665, 667, 669, and 671.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

First Reading by Publication

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 94; CS for CS for SB 248; CS for SB 252; and CS for CS for CS for SB 446, as amended; passed SB 532; passed SB 708; CS for SB 838; CS for CS for SB 912; and CS for SB 1018, as amended; passed SB 1126 and CS for CS for SB 1180; passed SB 1198, as amended; passed SB 1424; passed SB 1840, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senator Laurent—

CS for SB 94—A bill to be entitled An act relating to consumer collection practices; amending s. 559.72, F.S.; prohibiting certain communications with a debtor who is represented by an attorney; prohibiting the causing of charges to be made to a debtor; amending s. 559.77, F.S.; revising civil remedies for engaging in prohibited collection

practices; providing for damages in class actions; prescribing circumstances under which liability does not attach; providing a limitation on bringing an action for a remedy for unlawful collection practices; providing for application of federal precedent regarding corresponding federal laws; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Judiciary, Children and Families and Senator Saunders—

CS for CS for SB 248—A bill to be entitled An act relating to domestic violence; amending ss. 25.385, 39.902, 741.28, 943.171, F.S.; redefining the terms “domestic violence” and “family or household member”; 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 requirement that a court order certain defendants to attend a batterers’ intervention program; 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; amending s. 28.101, F.S.; increasing an additional charge on a dissolution of marriage petition to \$36; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Commerce and Economic Opportunities and Senator King—

CS for SB 252—A bill to be entitled An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms “employing agency” and “employment information”; providing for injunctive relief; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Children and Families, Comprehensive Planning, Local and Military Affairs and Senator Constantine and others—

CS for CS for CS for SB 446—A bill to be entitled An act relating to homelessness; amending s. 228.041, F.S.; redefining the term “homeless child”; amending ss. 232.03, 232.0315, 232.032, F.S.; revising the deadline for submission of documents for school registration; amending s. 420.5087, F.S.; relating to the State Apartment Incentive Loan Program; revising the requirements for qualifying to participate in the program; adding the homeless to the list of eligible tenant groups; amending s. 420.5092, F.S.; increasing the amount of revenue bonds the Florida Housing Finance Corporation may issue for the corporation's guarantee fund; amending s. 420.511, F.S.; revising reporting requirements of the Florida Housing Finance Corporation; amending s. 420.609, F.S.; relating to the Affordable Housing Study Commission; revising the membership of the commission; requiring the commission to analyze how to address the acute need for housing for the homeless; amending s. 420.621, F.S.; redefining the term “homeless”; creating s. 420.622, F.S.; creating the State Office on Homelessness within the Department of Children and Family Services; authorizing the Governor to appoint an executive director for the State Office on Homelessness; creating the Council on Homelessness; providing for council membership; providing for council members to be reimbursed for travel expenses; providing for grants for homeless assistance continuums of care; providing grants for homeless housing assistance; prescribing duties and responsibilities of the State Office of Homelessness; requiring the Department of Children and Family Services to adopt rules with input from the Council on Homelessness; requiring an annual

report; amending s. 420.623, F.S.; revising the list of organizations that may participate in local homeless coalitions; revising the functions of local homeless coalitions; creating s. 420.624, F.S.; establishing guidelines for local homeless continuum of care; creating s. 420.626, F.S.; establishing guidelines for discharging persons at risk for homelessness from facilities serving persons with mental illness or substance abuse; amending s. 420.9075, F.S.; expanding the list of partners that counties and cities are encouraged to involve in developing housing assistance plans; amending s. 445.009, F.S.; revising regional workforce boards' one-stop delivery system; requiring the Office of Program, Policy Analysis, and Government Accountability to report on homelessness; dedicating December 21 as the Homeless Persons' Memorial Day; providing an appropriation for Challenge Grants; providing an appropriation for positions in local homeless coalitions; providing appropriations for the Department of Children and Family Services; providing an effective date.

Referred to the Calendar of the House.

By Senator Posey—

SB 532—A bill to be entitled An act creating the Outcome-Based Total Accountability Act; amending s. 216.023, F.S.; requiring state agencies to submit additional information in legislative budget requests; providing an effective date.

Referred to the Calendar of the House.

By Senator Sullivan—

SB 708—A bill to be entitled An act relating to education; amending s. 231.40, F.S.; limiting the amount of pay certain employees of district school systems may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; amending s. 231.481, F.S.; limiting the amount of pay certain employees of district school systems may earn for unused vacation leave upon termination of employment; amending s. 240.343, F.S.; limiting the amount of pay certain employees of community college districts may receive for unused sick leave upon termination of employment; providing conditions on the use of sick leave; providing for payment to the employee's beneficiary under specified conditions; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Saunders—

CS for SB 838—A bill to be entitled An act relating to landlord and tenant; amending s. 83.67, F.S.; exempting certain landlords from a requirement to give notice to former tenants regarding personal property; amending s. 475.011, F.S.; providing an exemption from the real estate brokers and salespersons regulatory law; amending ss. 715.105, 715.106, 715.109, F.S.; increasing the value of abandoned personal property that may be kept, sold, or destroyed by a landlord; conforming notice provisions; providing for termination of a rental agreement by a member of the United States Armed Forces; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Criminal Justice and Senator Villalobos—

CS for CS for SB 912—A bill to be entitled An act relating to criminal rehabilitation; amending s. 20.315, F.S.; redesignating the area of program services within the Department of Corrections as program, transition, and postrelease services; amending s. 397.333, F.S.; revising the qualifications for members appointed to the Statewide Drug Policy Advisory Council; providing additional duties of the council; amending s. 944.026, F.S.; requiring the department to designate a certain number of beds to be used for transition assistance; expanding the types of offenders who are eligible for nonsecure community-based residential drug treatment; amending s. 944.473, F.S.; requiring certain inmates to participate in substance-abuse treatment; providing criteria for program participation; creating s. 944.4731, F.S.; creating the

Addiction-Recovery Supervision Program Act; providing criteria for program participation; requiring the department to contract with faith-based groups and private organizations to operate substance-abuse-transition housing programs; providing program requirements; requiring prerelease screening; providing requirements for offenders who participate in the program; amending s. 944.702, F.S.; providing legislative intent with respect to support services for inmates who abuse substances; amending ss. 944.703, 944.704, F.S., relating to transition assistance for inmates; requiring that inmates who abuse substances receive priority assistance; providing for transition-assistance specialists at institutions; creating s. 944.7031, F.S.; providing for inmates released from private correctional facilities to be eligible for the same transition-assistance services that are provided to inmates in state correctional facilities; requiring that such inmates be given access to placement consideration in substance-abuse-transition housing programs, including programs that have a faith-based component; amending ss. 944.705, 944.706, 944.707, F.S.; authorizing the department to contract with faith-based service groups for release-assistance programs and postrelease services; amending s. 944.803, F.S.; providing additional requirements for faith-based programs for inmates; requiring the department to assign chaplains to certain community correctional centers; amending s. 945.091, F.S.; authorizing an inmate to participate in faith-based service groups; amending s. 947.141, F.S.; providing revocation process for offenders on addiction-recovery supervision; amending s. 948.08, F.S.; providing that specified offenders are eligible for certain pretrial intervention programs; providing requirements for a defendant to be designated as eligible for a pretrial intervention program; amending s. 951.10, F.S.; clarifying provisions governing the leasing of prisoners; requiring the Department of Corrections to report to the Governor and the Legislature on the implementation of the act; requiring the Legislative Committee on Intergovernmental Relations to report to the Legislature on intervention and treatment strategies for persons convicted of prostitution; requiring inmates to complete a course on job readiness and life management before release; providing an appropriation; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Education and Senators Pruitt and Crist—

CS for SB 1018—A bill to be entitled An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a 3-year demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in three counties; authorizing designated agencies to share confidential information with Learning Gateway programs; amending s. 228.093, F.S.; providing access to student records by Learning Gateway programs and the Learning Gateway steering committee; providing for funding; providing an effective date.

Referred to the Calendar of the House.

By Senator Latvala—

SB 1126—A bill to be entitled An act relating to nonprofit civic organizations; amending s. 561.422, F.S.; authorizing nonprofit civic organizations to purchase alcoholic beverage permits for three events per calendar year; providing an effective date.

Referred to the Calendar of the House.

By the Committees on Appropriations, Education and Senator Pruitt—

CS for CS for SB 1180—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the scholarship program for students with disabilities; providing for eligibility; establishing obligations of school districts; establishing criteria for private school eligibility; establishing obligations for program participants; providing for funding; authorizing the State Board of Education to adopt rules; providing an effective date.

Referred to the Calendar of the House.

By Senators Webster and Crist—

SB 1198—A bill to be entitled An act relating to criminal offenses; creating s. 934.215, F.S.; providing that the use of a two-way communications device to facilitate or further the commission of any felony offense is a felony of the third degree; amending s. 921.0022, F.S., relating to the Criminal Punishment Code; ranking the offense of unlawfully using a two-way communications device on the offense severity ranking chart; providing an effective date.

Referred to the Calendar of the House.

By Senator Posey—

SB 1424—A bill to be entitled An act relating to real estate professionals; amending s. 475.25, F.S.; providing an exception to provisions governing the return of escrowed personal property; amending s. 475.22, F.S.; requiring supervisors of registered assistant real estate appraisers to sign appraisals and make certain disclosures; creating s. 475.6221, F.S.; requiring registered assistant real estate appraisers to be supervised by licensed or certified appraisers; providing supervisory guidelines; prohibiting direct payments for services to registered assistant real estate appraisers with the supervising appraiser's agreement; providing an effective date.

Referred to the Calendar of the House.

By Senator Clary—

SB 1840—A bill to be entitled An act relating to school board service programs; creating the "David Levitt School Food Anti-Hunger Act of 2001"; amending s. 228.195, F.S.; requiring school districts to donate surplus or excess canned or perishable foods to food recovery or hunger assistance programs; providing exemptions; authorizing rules; providing an effective date.

Referred to the Calendar of the House.

Conference Committee Changes

The Speaker advised that he had made the following changes to the membership of the Conference Committee on SBs 2000 and 2002 (general appropriations and implementing bills):

At Large:

Rep. Sobel (alternate), appointed

The Committee on Transportation & Economic Development Appropriations:

Rep. Hogan (alternate), appointed

The Committee on Criminal Justice Appropriations:

Rep. Mahon, appointed

Rep. Cantens, removed

The Committee on General Government Appropriations:

Rep. Spratt, appointed

Rep. Goodlette, removed

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 10:30 a.m., Thursday, April 26. The motion was agreed to.

Recorded Votes

Rep. Justice:

Nays—SB 412

Rep. Seiler:

Nays—CS/HB 1199

Prime Sponsors

HB 25—Fiorentino

HB 291—Waters

CS/CS/HB 1053—Slosberg

HB 1439—Murman

HB 1747—Murman

HB 1971—Baxley, Bendross-Mindingall, Bense, Byrd, Greenstein,

Machek, McGriff, Murman, Needelman, Paul, Russell, Sorensen

HR 9073—Peterman

Cosponsors

CS/HB 3—Bullard

HM 37—Bullard

CS/HB 147—Heyman

HB 193—Farkas, Fiorentino, Rich, Sobel

HB 251—Haridopolos, Mack

HB 301—Wishner

CS/HB 427—Ritter

HB 485—Kallinger

HB 489—Hogan, Lynn, Melvin, Slosberg, Spratt

HB 529—Haridopolos, Mack

HB 651—Farkas

HJR 689—Haridopolos, Mack

HB 701—Haridopolos

CS/HBs 715 & 1355—Bullard

HB 985—Wishner

HB 1111—Haridopolos

CS/HB 1145—Farkas

HB 1371—Benson, Gelber, Green, Justice, Littlefield, Murman, Rich,

Romeo, Sobel

HB 1429—Murman

HB 1505—Justice

HB 1581—Bullard, Gelber, Holloway

HB 1603—Haridopolos, Wishner

HB 1681—Heyman

HB 1747—Farkas, Green, Heyman, Littlefield, Needelman

HB 1873—Flanagan

CS/HB 1889—Haridopolos, Lee

HB 1943—Arza, Baxley, Bowen, Flanagan, Kallinger, Mack,

Maygarden, Rubio

First Reading of Council and Committee Substitutes by Publication

By the Council for Lifelong Learning; Representatives Wallace and McGriff—

CS/HB 443—A bill to be entitled An act relating to the State University System; creating s. 240.6065, F.S.; establishing the industrial partnership professorship program within the State University System; providing that certain professorships shall be established by contract; providing for contribution by sponsoring corporations; specifying percentage of such contribution; providing for credit against the corporate income tax for contributions made by a sponsoring corporation; creating s. 220.192, F.S.; providing a credit against the corporate income tax for contributions made by a corporation sponsoring an industrial partnership professorship; providing for carryover of the credit; authorizing rules; providing a limitation on the credit; amending s. 220.15, F.S.; providing that a recipient of an industrial partnership professorship tax credit shall not exclude compensation for specified research and development activities when computing adjusted federal income; amending s. 220.02, F.S.; providing order of credits against the tax; providing for future repeal of ss. 240.6065 and 220.192, F.S.; providing an effective date.

By the Council for Smarter Government; Committee on State Administration; Representatives Kallinger, Bense, Melvin, and Brown—

CS/CS/HB 615—A bill to be entitled An act relating to surety bonds; amending ss. 235.32 and 255.05, F.S.; prohibiting boards or public

entities from requiring certain contractors to obtain surety bonds from a specific agent or bonding company; providing an effective date.

By the Council for Healthy Communities; Representatives Littlefield and Fiorentino—

CS/HB 997—A bill to be entitled An act relating to persons with disabilities; creating s. 413.402, F.S.; directing the Florida Association of Centers for Independent Living to develop a personal care attendant pilot program to serve persons with spinal cord injuries; providing for memorandums of understanding with specified entities; providing eligibility for pilot program participation; providing for selection and training of participants and personal care attendants; providing for assessment of participants for work-related training programs; providing for development of a plan for program implementation; requiring a report to the Legislature; providing for implementation on a specified date; directing the Department of Revenue to develop and implement a tax collection enforcement diversion program; providing for coordination with the Florida Association of Centers for Independent Living, the Florida Prosecuting Attorneys Association, and the state attorneys' offices; providing for deposit and use of funds collected; directing the Revenue Estimating Conference to make certain annual projections; providing an appropriation; providing an effective date.

By the Council for Smarter Government; Committee on Local Government & Veterans Affairs; Representative Byrd—

CS/CS/HB 1121—A bill to be entitled An act relating to driver licenses; amending s. 322.02, F.S.; providing legislative intent with regard to the delivery of driver license services; authorizing county tax collectors to serve as exclusive agents of the Department of Highway Safety and Motor Vehicles; amending s. 322.135, F.S.; providing an application process for county tax collectors to serve as exclusive agents; creating the Cost Determination and Allocation Task Force; establishing the duties and responsibilities of the task force; providing for the development of transition plans to transfer certain responsibilities to tax collectors; providing an effective date.

By the Council for Smarter Government; Representatives Diaz-Balart, Murman, and Greenstein—

CS/HB 1189—A bill to be entitled An act relating to brownfield redevelopment economic incentives; amending s. 376.84, F.S.; providing definitions; providing that a county that constructs, renovates, or expands a significant new facility on a qualifying brownfield site is entitled to a sales tax increment rebate if the facility is leased to, licensed to, or operated by a private entity for the operation of a professional sports franchise; providing requirements with respect thereto; providing that, if the franchise is relocated or sold, a portion of the proceeds of the sale shall be remitted to the state; requiring such county to submit certain information to the Department of Revenue; providing for certification of the county by the department; providing for rules; providing for use of the rebate funds; providing requirements with respect to certain excess funds; providing for computation of the amount of the rebate; requiring repayment of rebate proceeds to the state if the county sells or otherwise conveys the facility or the real property on which it is located to a private entity; providing conditions under which eligibility for the rebate terminates; amending s. 212.20, F.S.; providing for distribution of the sales tax increment rebate to such counties; creating s. 186.5053, F.S.; authorizing the South Florida Regional Planning Council to undertake certain responsibilities and activities; providing effective dates.

By the Committee on State Administration; Representatives Joyner, Richardson, Cusack, Bendross-Mindingall, Smith, Bullard, Holloway, and Henriquez—

CS/HB 1385—A bill to be entitled An act relating to public meetings and public records; creating s. 414.106, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by the Department of Children and Family Services, Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to

temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; creating s. 414.295, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member held by the Department of Children and Family Services, the Agency for Workforce Innovation, Workforce Florida, Inc., the Department of Management Services, the Department of Health, the Department of Revenue, the Department of Education, a regional workforce board, a local committee, or service providers under contract with any of these entities; authorizing release of such information under specified circumstances; amending s. 445.007, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings held by Workforce Florida, Inc., a regional workforce board, or a local committee at which personal identifying information contained in records relating to temporary cash assistance which identifies a participant, participant's family, or participant's family or household member is discussed; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

By the Council for Lifelong Learning; Committee on Education Innovation; Representative Mealor—

CS/CS/HB 1661—A bill to be entitled An act relating to scholarships for students with disabilities; amending s. 229.05371, F.S.; creating the John M. McKay Scholarships for Students with Disabilities Program; 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; limiting liability of the state; authorizing the State Board of Education to adopt rules; providing an effective date.

By the Council for Competitive Commerce; Committee on Insurance; Representatives Waters, Melvin, Brown, Berfield, Kallinger, McGriff, Clarke, Simmons, Sobel, Ross, Negron, Fields, and Wiles—

CS/HB 1803—A bill to be entitled An act relating to workers' compensation; amending s. 61.14, F.S.; requiring a judge of compensation claims to consider the interests of the worker and the worker's family when approving settlements of workers' compensation claims; requiring appropriate recovery of any child support arrearage from such settlements; amending s. 61.30, F.S.; providing that gross income includes all workers' compensation benefits and settlements; amending s. 112.3145, F.S.; redefining the term "specified state employee" to include the Deputy Chief Judge of Compensation Claims; amending s. 120.65, F.S.; establishing requirements for the Deputy Chief Judge; amending s. 121.055, F.S.; including the Deputy Chief Judge in the Senior Management Service Class of the Florida Retirement System; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings; amending s. 381.004, F.S.; conforming provisions to the transfer of the judges of compensation claims to the Division of Administrative Hearings; amending s. 440.02, F.S.; revising a monetary limit in a definition; excluding certain sports officials from the definition of "employee"; excluding certain work done by state prisoners and county inmates from the definition of "employment"; amending s. 440.09, F.S.; excluding employees covered under the Defense Base Act from payment of benefits; amending s. 440.105, F.S.; reclassifying the Chief Judge of Compensation Claims as the Deputy Chief Judge of Compensation Claims; amending s. 440.12, F.S.; providing for direct deposit of compensation payments; amending s. 440.13, F.S.; revising requirements for submission of certain medical reports and bills; granting rehabilitation providers access to medical records; revising provider eligibility requirements; amending s. 440.134, F.S.; requiring certain insurers to provide medically necessary remedial treatment, care, and attendance under certain circumstances; amending s. 440.14, F.S.; requiring an employee to provide certain information concerning concurrent employment; amending s. 440.185, F.S.; authorizing the division to contract with a private entity for collection of certain policy information; providing application; amending s. 440.192, F.S.; revising

requirements and procedures for filing petitions for benefits; permitting judges to dismiss portions of a petition; specifying that dismissal of petitions is without prejudice; amending grounds for dismissal; redesignating the notice of denial as a response to petition; amending s. 440.20, F.S.; providing for payment of compensation by direct deposit under certain circumstances; providing procedural guidelines for certain carriers for certain purposes; revising lump-sum settlement requirements; amending s. 440.22, F.S.; excluding child support and alimony claims from general exemption of workers' compensation benefits from claims of creditors; amending s. 440.25, F.S.; revising mediation procedures; requiring written consent for additional continuances; authorizing the director of the Division of Administrative Hearings to employ mediators; requiring judges of compensation claims to file a report under certain circumstances; eliminating local rule adoption; removing the division's participation in indigency proceedings; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.271, F.S.; requiring the First District Court of Appeal to establish a specialized division to hear workers' compensation cases; amending s. 440.29, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; amending s. 440.34, F.S.; providing for attorney's fees in a response to petition; amending s. 440.345, F.S.; revising reporting requirements; amending s. 440.38, F.S.; providing for the type of qualifying security deposit necessary to become a self-insured employer; providing requirements, procedures, and criteria; correcting a cross reference; amending s. 440.44, F.S.; revising record requirements; authorizing the director of the Division of Administrative Hearings to make expenditures relating to the Office of the Judges of Compensation Claims; requiring the office to maintain certain offices and personnel; conforming provisions to the transfer of the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; amending s. 440.442, F.S.; deleting Code of Judicial Conduct requirements; providing for a Code of Judicial Conduct as adopted by the Florida Supreme Court; amending s. 440.45, F.S.; eliminating the Chief Judge position; creating the position of Deputy Chief Judge of Compensation Claims; conforming provisions to the transfer of the judges of compensation claims from the Department of Labor and Employment Security to the Division of Administrative Hearings within the Department of Management Services; requiring nominees for the judges of compensation claims to meet additional experience requirements; authorizing the director of the Division of Administrative Hearings to initiate and investigate complaints against the Deputy Chief Judge and judges of compensation claims and make recommendations to the Governor; revising reporting requirements; requiring the judicial nominating commission to consider whether judges of compensation claims have met certain requirements; providing procedures; authorizing the Governor to appoint certain judges of compensation claims; amending s. 440.47, F.S.; conforming provisions to the reclassification of the Chief Judge as the Deputy Chief Judge; providing that the director of the Division of Administrative Hearings must approve travel expenses; amending s. 440.59, F.S.; revising certain reporting requirements; deleting an injury reporting requirement; deleting an annual reporting requirement of the Chief Judge; amending s. 440.593, F.S.; providing the division with enforcement authority relating to electronic reporting; authorizing the division to assess a civil penalty; authorizing the division to adopt rules; amending ss. 489.114 and 489.510, F.S.; providing an exception to certain workers' compensation coverage evidence requirements; amending ss. 489.115 and 489.515, F.S.; revising certification and registration requirements for initial licensure; amending s. 627.0915, F.S.; eliminating references to the Division of Safety of the Department of Labor and Employment Security in relation to rating plans' workplace safety programs; amending s. 627.311, F.S.; clarifying language with respect to joint underwriters' liability for monetary damages; amending s. 627.914, F.S.; revising the requirements for reports of information by workers' compensation insurers; deleting a reporting requirement for the Division of Workers' Compensation; transferring the Office of the Judges of Compensation Claims to the Division of Administrative Hearings; transferring certain positions from the Division of Workers' Compensation to the Office of Judges of Compensation Claims; providing effective dates.

Resolutions Adopted by Publication

At the request of Rep. Melvin—

HR 9025—A resolution honoring the Plew Elementary Knowledge Masters team.

WHEREAS, begun in 1981, the Knowledge Master Open is a challenging, low-cost academic competition in which teams of students compete on an international level without leaving their own schools, and

WHEREAS, elementary-level Knowledge Master teams compete, using a computer at their own schools, by answering 100 questions in the areas of American history, world history, government, recent events, geography, literature, English, math, physical science, biology, earth science, health and psychology, fine arts, and useless trivia within a 1 1/2-hour time period, and

WHEREAS, on January 24, 2001, students at Plew Elementary School in Niceville participated in the Knowledge Masters Open, and

WHEREAS, the Plew Elementary Knowledge Masters team answered 99 out of 100 questions correctly, earning a score of 798 and placing first in the State of Florida, and

WHEREAS, in addition to their remarkable showing among Florida schools, the Plew Elementary Knowledge Masters team achieved the second highest score out of all teams participating, earning a number-2 ranking internationally, and

WHEREAS, it is fitting and proper that Ben Rast, captain; Esther Hsiang, co-captain; Jacquelyn Babe; Patrick Tully; Tyler Williams; Kyle Ulrich; Dana Ziegler; Paul Smith; Alex Sincore; Jennifer Flowers; Daniel Elsesser; Melissa McCown; and Ryan Rodriguez be recognized for their accomplishment as the members of the Plew Elementary Knowledge Masters team, 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 honor the outstanding achievement of the young men and women of the Plew Elementary Knowledge Masters team and extends heartiest congratulations on their remarkable performance and sincerest best wishes for success in future competitions.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Littlefield—

HR 9031—A resolution designating the month of March 2001 as "Colorectal Cancer Awareness Month."

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer among both men and women, and is the second leading cause of cancer death in the United States each year, and

WHEREAS, research has shown not only that regular screening practices prevent colorectal cancer, but that, when localized colorectal cancer is diagnosed early, there is a 91-percent survival rate among its victims, and

WHEREAS, advancing age has been found to be the greatest risk factor leading to colorectal cancer, yet nationally, less than half of individuals above 50 years of age receive annual screenings for the disease, and

WHEREAS, it is recognized that dietary factors greatly influence the risk of developing this type of cancer and that a healthy diet plays a significant role in the prevention of the disease, and

WHEREAS, inasmuch as early detection is crucial to the successful treatment and cure of colorectal cancer, and the value of regular screenings and a proper diet in the prevention of the disease cannot be overemphasized, 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 March 2001 as "Colorectal Cancer Awareness Month," a time in which to stress to the public the importance of becoming knowledgeable of the risks, symptoms, and prevention of colorectal cancer, and to urge all Florida residents to become better informed concerning the practices they may adopt to avoid this disease or to lessen its devastating effect on their lives.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Waters—

HR 9037—A resolution recognizing April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week."

WHEREAS, government figures show that more than 1 million children were victims of abuse and neglect in 1997, causing unspeakable pain and suffering to our most vulnerable citizens, and

WHEREAS, of the children who are victims of abuse and neglect, more than three die each day in this country, and

WHEREAS, the rate of child fatalities rose by 37 percent between 1985 and 1997, and children who were 3 years old or younger accounted for 77 percent of the fatalities, and

WHEREAS, the leading cause of death of abused children is head trauma, including the trauma known as Shaken Baby Syndrome, and

WHEREAS, Shaken Baby Syndrome, which results from a caregiver's losing control and shaking a baby, usually less than 1 year of age, and which can cause loss of vision, brain damage, paralysis, seizures, or death, is a totally preventable form of child abuse, and

WHEREAS, an estimated 3,000 children are diagnosed with Shaken Baby Syndrome every year, and thousands more are misdiagnosed and undetected, and

WHEREAS, Shaken Baby Syndrome often causes permanent, irreparable brain damage or death to an infant, and may result in more than \$1 million in medical costs for the care of a single disabled child during the first few years of life, and

WHEREAS, the most effective way to end Shaken Baby Syndrome is by preventing such abuse, and it is clear that the minimal costs of educational and preventive programs may avert enormous medical and disability costs and untold grief for many families, and

WHEREAS, prevention programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives, and

WHEREAS, prevention of Shaken Baby Syndrome is supported by groups such as the Shaken Baby Alliance, an organization started by three mothers of children who had been diagnosed with Shaken Baby Syndrome, and whose mission is to educate the general public and professionals about the syndrome and to increase support for victims and their families in the health care and criminal justice systems, and

WHEREAS, a year 2000 survey by Prevent Child Abuse America shows that half of all Americans believe that child abuse and neglect is the most important issue facing this country, compared to other public health issues, and

WHEREAS, the Florida House of Representatives strongly supports efforts to protect children from abuse and neglect, NOW, THEREFORE,

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

That the Florida House of Representatives recognizes the week of April 22-29, 2001, as "Shaken Baby Syndrome Awareness Week."

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Baxley—

HR 9045—A resolution acknowledging May 3, 2001, as the National Day of Prayer in Florida.

WHEREAS, the Congress of the United States has passed a law proclaiming the first Thursday of each May as the "National Day of Prayer," and

WHEREAS, May 3 is the first Thursday in May of 2001, and

WHEREAS, it is fitting and appropriate that the House of Representatives acknowledge May 3, 2001, as the National Day of Prayer in Florida, NOW, THEREFORE,

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

That the House of Representatives joyfully acknowledges May 3, 2001, as the National Day of Prayer in Florida and joins Floridians of all faiths in celebrating this occasion.

BE IT FURTHER RESOLVED that we express our faith with gladness, knowing that we are protected in our ability to worship devoutly, and that we be thankful and enjoy and exercise our religious beliefs, secure in the knowledge that in this great country we shall always be free to do so.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Murman—

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

WHEREAS, there are 2.2 million registered nurses in the United States, comprising the nation's largest group of health care professionals, and

WHEREAS, the skills of highly trained professional nurses are indispensable in the care of hospitalized patients, as well as in providing for the complex health care needs emerging in a wide range of settings among the populations of our communities all across America, and

WHEREAS, demand for the safe, high-quality, cost-effective health care provided by registered nurses is becoming noticeably more evident in light of an ever-increasing and aging population, the continuing development of life-sustaining technology, and the explosive growth in home health services, and

WHEREAS, the education and holistic focus of the registered nurse is geared toward the restoration and maintenance of health in the individual and the family and, as the voice for the nation's registered nurses, the American Nurses Association is promoting a renewed emphasis on the provision of primary health care and preventive health care measures, and

WHEREAS, while devoting more attention to primary and preventive health care services will greatly benefit the health and well-being of the public, such a direction will require better utilization of the nation's existing force of nursing professionals and will create a demand for increased numbers of registered nurses to meet future needs, and

WHEREAS, the American Nurses Association, joined by the Florida Nurses' Association, has declared the week of May 6-12, 2001, to be National Nurses Week, 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 honor the nation's registered nurses, extending particular recognition and gratitude to those skilled professionals serving within the State of Florida, and requests that all residents unite with this body, the American Nurses Association, and the Florida Nurses' Association in celebrating the week of May 6-12, 2001, as National Nurses Week.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Bullard—

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

WHEREAS, Sunday, June 17, 2001, has been designated as Father's Day in the United States, and

WHEREAS, the greatest education in honesty, decency, integrity, industry, and fidelity is to see these qualities embodied in the life and works of a parent, and

WHEREAS, the American tradition of a productive society and a secure home has depended in great part on the hard work and sacrifice of fathers who tirelessly seek for their children a better life and greater opportunity than they knew, and

WHEREAS, fulfilling the demanding roles of fatherhood, as provider, teacher, role model, comforter, and protector, is an act of true heroism in today's world, and

WHEREAS, each new generation looks to its fathers for courage, strength, and understanding, and

WHEREAS, the enduring affection between a father and his family is recognized and appreciated as one of the most positive elements upon which our future as a nation depends, and

WHEREAS, it is fitting and appropriate that the members and staff of the House of Representatives recognize the immeasurable debt of gratitude owed to fathers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the House of Representatives do hereby express to their own fathers and to all fathers, on behalf of the citizens of the State of Florida, deep personal affection and abiding gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all fathers.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Bullard—

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

WHEREAS, Sunday, May 13, 2001, has been designated Mother's Day, and

WHEREAS, the highest ideals and noblest principles of humanity find their most exemplary expression in the sacrifice and devotion of mothers, and

WHEREAS, mothers exemplify enduring courage and conviction, charity without condescension, and emotion with sanity, and

WHEREAS, mothers are characterized by unconditional love for their offspring, are slow to lose patience, and serve as the anchors that bond the family, and

WHEREAS, a mother's love is like a flame that is always burning but intensifies each time a child is born, and

WHEREAS, a mother is a gift bestowed on man, never more dear than when bringing forth life in the form of a child, and

WHEREAS, it is proper that the members and staff of the Florida House of Representatives recognize the immeasurable debt of gratitude owed to all mothers for their strength, guidance, understanding, and love, NOW, THEREFORE,

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

That the members of the House of Representatives do hereby express to their own mothers and to all mothers, on behalf of the citizens of the State of Florida, personal affection and heartfelt gratitude.

BE IT FURTHER RESOLVED that this resolution be spread upon the Journal of the House of Representatives as a tangible token of the love and respect that the members hold for all mothers.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Murman—

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

WHEREAS, there are 32 Healthy Start coalitions throughout the state, each charged with the mission of reducing infant mortality, and these coalitions have played a large part in improving Florida's rank in infant mortality to 24th in the nation, and

WHEREAS, Healthy Start coalitions, comprised of community volunteers who are uniquely positioned to assess and respond to maternal and child health needs and to direct funding toward services that address those needs, have created a seamless system of care that benefited more than 85,000 women and their families in Florida in the year 2000, and

WHEREAS, in one recent year, Healthy Start coalitions collectively leveraged almost \$13 million, including 100,000 volunteer hours of in-kind services and resources, cash, grants, and projects related to maternal and infant health, 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 applaud the outstanding efforts of, and recognize the remarkable benefits afforded by, the state's dedicated Healthy Start coalitions and to designate April 11, 2001, as "Healthy Start Coalitions Day" in Florida.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Rubio—

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

WHEREAS, the state's oldest land-grant university and its largest university, the University of Florida was the first Florida institution to achieve university status, is the most comprehensive university in the state, and is among the nation's most academically diverse universities, and

WHEREAS, the University of Florida is the state's only member of the Association of American Universities, is the only university with extension programs in every county of the state and, through the extension's 4-H branches, on five Seminole Tribe reservations, has awarded more than 300,000 degrees, with an estimated 150,000 alumni currently living and working in Florida, and is exceeded by only two other public universities in the nation in the number of National Merit Scholars to its credit, and

WHEREAS, the University of Florida's Health Science Center is the most all-inclusive academic health center in the Southeast, and, through its Institute of Food and Agricultural Sciences, the university reaches more than 1.3 million participants throughout the state, thanks to more than 41,000 volunteers in the areas of urban horticulture, youth and family development, nutrition education, and natural resources enhancement, and

WHEREAS, the University of Florida has just concluded a five-year "It's Performance that Counts" campaign that raised more than \$850 million toward the furtherance of academic excellence, has been awarded \$339 million in funding for sponsored research, and has a total annual impact on the state of almost \$3.2 billion, more than six times

the \$511 million comprising the state's investment in the university,
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 recognize the University of Florida for its superlative accomplishments in the State of Florida and to designate April 18, 2001, "University of Florida Day."

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Meadows—

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

WHEREAS, formed in 1979 and officially recognized by the Social Security Administration in 1981, the Black Affairs Advisory Council (BAAC) is a voluntary organization which works to improve employment opportunities and training programs for African Americans, and

WHEREAS, the mission of the BAAC is to continue the efforts and goals of the Social Security Administration in providing equal employment opportunity, training, and upward mobility for African Americans and to help find ways to ensure that the African-American community receives the full range of quality services available through programs administered by the administration, and

WHEREAS, the BAAC serves to advise the Commissioner of the Social Security Administration on ways to promote and stimulate the development and monitoring of affirmative action and career development programs for African Americans and to monitor, encourage, and improve services to the African-American community, and

WHEREAS, the BAAC works together with other advisory groups and forms coalitions in order to effect and facilitate changes in Social Security Administration policy that are of mutual concern, translating matters of wide applicability into recommendations in meetings with the Commissioner of the Social Security Administration, NOW, THEREFORE,

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

That the House of Representatives extends sincerest appreciation to the Black Affairs Advisory Council for its service to the African-American community in Florida and nationwide as it strives to enhance and improve opportunities for African Americans.

—was read and adopted by publication pursuant to Rule 10.20.

At the request of Rep. Hogan—

HR 9071—A resolution recognizing March 6 as "Lymphedema D-Day" in Florida and expressing support for those who have lymphedema.

WHEREAS, lymphedema is an accumulation of lymphatic fluid which causes swelling in the arms, legs, or other areas of the body and affects both men and women, and

WHEREAS, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients who suffer from lymphedema must endure physical discomfort and disfigurement and must cope with the distress caused by these symptoms, and

WHEREAS, the single largest group of people who get lymphedema are cancer patients, including those who have breast, prostate, gynecological, head, neck, and lung cancer, sarcoma, and melanoma, and

WHEREAS, recent studies have indicated that 15-20 percent of breast cancer patients will get lymphedema after surgery and radiation, and

WHEREAS, according to the National Cancer Institute, there are a reported 8.5 million Americans living after a diagnosis of cancer, of whom about 2 million are breast cancer survivors, and

WHEREAS, no drug or effective surgical treatment for lymphedema currently exists, and

WHEREAS, research in all areas of lymphedema has been notably limited, and

WHEREAS, lymphedema, which has no cure and can occur any time, has a severe financial, physical, and psychological impact on patients, and

WHEREAS, each year on March 6, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition, NOW, THEREFORE,

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

That the Florida House of Representatives recognizes March 6, 2001, as "Lymphedema D-Day" in Florida.

BE IT FURTHER RESOLVED that the Florida House of Representatives encourages the residents of this state to honor and support the courageous patients who are living with and coping with this debilitating condition.

—was read and adopted by publication pursuant to Rule 10.20.

Reports of Councils and Standing Committees

Council Reports

Received April 25:

The Council for Competitive Commerce recommends the following pass:

CS/HB 255
CS/HB 309
CS/HB 337
HB 1157, with 1 amendment
HB 1215
HB 1539, with 2 amendments
HB 1663, with 1 amendment

The above bills were placed on the Calendar.

The Fiscal Responsibility Council recommends the following pass:

CS/HB 85
HB 1127
HB 1241
HJR 1451
HB 1523
HB 1551
HB 1937
HB 1939

The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:

HB 423
CS/HB 523, with 1 amendment
CS/HB 1405
HB 1695

The above bills were placed on the Calendar.

The Council for Smarter Government recommends the following pass:

HJR 99
CS/HB 199
CS/HB 341, with 2 amendments
HB 349, with 2 amendments
HB 1197, with 2 amendments
HB 1223, with 1 amendment
HB 1413, with 3 amendments
HB 1469
HB 1513

HB 1771, with 1 amendment
 HB 1907, with 1 amendment
 HB 1923, with 8 amendments
 HB 1947

The above bills were placed on the Calendar.

The Council for Competitive Commerce recommends a council substitute for the following:
 HB 1803

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1803 was laid on the table.

The Council for Healthy Communities recommends a council substitute for the following:
 HB 997

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 997 was laid on the table.

The Council for Lifelong Learning recommends council substitutes for the following:
 HB 443
 CS/HB 1661

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 443 and CS/HB 1661 were laid on the table.

The Council for Smarter Government recommends council substitutes for the following:
 CS/HB 615
 CS/HB 1121
 HB 1189

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 615; CS/HB 1121; and HB 1189 were laid on the table.

The Council for Competitive Commerce recommends the following pass:
 HB 1929, with 4 amendments

The above bill was referred to the Fiscal Responsibility Council.

The Fiscal Responsibility Council recommends the following pass:
 HB 1949

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

Committee Reports

Received April 25:

The Committee on Fiscal Policy & Resources recommends the following pass:
 HB 457 (fiscal note attached)
 HB 1225, with 1 amendment (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
 HB 1151 (fiscal note attached)
 HB 1229 (fiscal note attached)

The above bills were referred to the Fiscal Responsibility Council.

The Committee on Criminal Justice Appropriations recommends the following pass:

HB 285 (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 193 (fiscal note attached)
 HB 751 (fiscal note attached)
 HB 1371, with 1 amendment (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
 CS/HB 1361, with 7 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:
 HB 1063 (fiscal note attached)
 HB 1367, with 1 amendment (fiscal note attached)
 HB 1471 (fiscal note attached)
 HB 1911 (fiscal note attached)

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

The Committee on General Government Appropriations recommends the following pass:
 HB 1519, with 3 amendments (fiscal note attached)

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

The Committee on Health & Human Services Appropriations recommends the following pass:
 HB 1823, with 5 amendments (fiscal note attached)

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

The Committee on State Administration recommends the following pass:
 HB 1383, with 1 amendment

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

The Committee on State Administration recommends the following pass:
 HB 1135, with 1 amendment

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

The Committee on State Administration recommends a committee substitute for the following:
 HB 1385

The above committee substitute was referred to the Committee on Workforce & Technical Skills, subject to review under Rule 6.3, and, under the rule, HB 1385 was laid on the table.

Communications

The Governor advised that he had filed in the Office of the Secretary of State HB 407, which he approved on April 25.

Excused

Rep. Harrell until 1:17 p.m.

Conference Committee Managers Excused

The following Conference Committee Managers were excused from time to time:

SBs 2000 and 2002 (appropriations): Rep. Lacasa, Chair; At Large—Reps. Fasano, Greenstein, Murman, Wallace, Wilson, and Sobel (alternate); Transportation & Economic Development Appropriations—Rep. Johnson, Chair, Reps. Bense, Hart, Jennings, Ritter, Rubio, Berfield (alternate), and Hogan (alternate); Health & Human Services Appropriations—Rep. Maygarden, Chair, Reps. Brummer, Farkas, Green, Rich, Slosberg, Benson (alternate), Brutus (alternate), and

Garcia (alternate); Education Appropriations—Rep. Lynn, Chair, Reps. Alexander, Flanagan, Justice, Melvin, Stansel, Arza (alternate), Bucher (alternate), and Mealor (alternate); Criminal Justice Appropriations—Rep. Ball, Chair, Reps. Barreiro, Bilirakis, Mahon, Meadows, Seiler, and Bowen (alternate); General Government Appropriations—Rep. Dockery, Chair, Reps. Holloway, Kilmer, Miller, Siplin, Spratt, and Brown (alternate).

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 9:04 p.m., to reconvene at 10:30 a.m., Thursday, April 26.