



The Journal OF THE House of Representatives

Number 22

Monday, March 18, 2002

The House was called to order by the Speaker at 1:00 p.m.

Trovillion Weissman Wilson Wishner
Waters Wiles

Prayer

The following prayer was offered by the Reverend Michael J. Johnson, Sr., of Sixth Avenue Baptist Church of Pensacola, upon invitation of Rep. Benson:

Dear God, we invite Your presence in this place. We are thankful for Your many blessings to us. We thank You for making America the greatest nation in the world. We thank You for the great state of Florida and its wonderful citizens. We thank You for the many Representatives who give stewardship on behalf of the people of this great state. We thank You for the President of our country, the Governor of our state, the Speaker of the House, and all the leaders of this body of stewards.

Dear God, we ask for Your forgiveness when we fall short of Your expectations and for Your mercy at all times. Bless this session today with productivity. Help our Representatives make wise decisions, that we may live peaceable lives. We thank You for Your presence and Your blessings. Amen.

The following Members were recorded present:

Session Vote Sequence: 932

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

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

A quorum was present.

Pledge

The Members, led by Ben Attkisson of Kissimmee, Christina H. Barron of Punta Gorda, Storm A. Blitz of Dunedin, David Alden Bondy of Orlando, and John H. "Trey" Dyer III of Orlando, pledged allegiance to the Flag. Ben Attkisson served at the invitation of his father, Rep. Attkisson. Christina H. Barron served at the invitation of Rep. Harrington. Storm A. Blitz served at the invitation of Rep. Crow. David Alden Bondy and John H. "Trey" Dyer III served at the invitation of the Speaker.

House Physician

The Speaker introduced Dr. Donna Ann Zeide of Palm Beach Gardens, who served in the Clinic today upon invitation of Rep. Atwater.

Correction of the Journal

The *Journal* of March 15 was corrected and approved as follows: On page 1881, column 2, lines 10-17, delete all of said lines

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for SB 1656 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committees on Children and Families, Judiciary and Senators Burt and Saunders—

CS for CS for SB 1656—A bill to be entitled An act relating to sexual assault counselors; amending s. 90.5035, F.S.; providing a definition; providing for confidential communication between a sexual crime victim and a trained volunteer at a rape crisis center; expanding the privilege of refusal to disclose certain information to include communications between a victim and a trained volunteer; amending s. 794.024, F.S.; prohibiting disclosure of certain identifying information relating to sexual crime victims by public officers or employees; providing a penalty; providing an effective date.

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

On motion by Rep. Goodlette, the House moved to the consideration of HR 9091.

Resolutions

HR 9091—A resolution honoring Mrs. Nancy Seiler, Irish Mother of the Year.

WHEREAS, on St. Patrick's Day, everyone is Irish, and everyone who is Irish enjoys the revelry, the antics of the Wee Ones, and the traditions, folklore, and yarns brought over from Old Erin, and

WHEREAS, the Emerald Society of Fort Lauderdale, Inc., a nonprofit corporation dedicated to the youth of Broward County, is marking its 52nd anniversary on Sunday, March 17, 2002, and

WHEREAS, the Society is celebrating this momentous occasion by hosting a Grand Gaelic Gala, an Irish breakfast to be held at the Fort Lauderdale Marina Marriott at 9:30 on the morning of St. Patrick's Day, and

WHEREAS, at this time, Irish hearts will beat with immeasurable pride as Mrs. Nancy Seiler is recognized and honored as the 2002 Irish Mother of the Year, 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 join the good folk of the Emerald Society of Fort Lauderdale, Inc., in paying tribute to and extending a hearty Irish blessing to Mrs. Nancy Seiler, Fort Lauderdale's 2002 Irish Mother of the Year.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mrs. Nancy Seiler as a tangible token of the Irish sentiments expressed herein.

—was read the second time by title. On motion by Rep. Goodlette, the resolution was adopted.

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for SB 1264 and CS for SB 268, as amended, and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Health, Aging and Long-Term Care and Senator Brown-Waite—

CS for SB 1264—A bill to be entitled An act relating to public health; amending s. 381.0011, F.S.; revising the rulemaking authority of the Department of Health with respect to its power to impose quarantine, including requiring vaccination; amending s. 381.00315, F.S.; defining the terms "public health advisory" and "public health emergency"; specifying the terms under which a public health emergency is declared; providing for consultation for, notice, and duration of a declaration of a public health emergency; authorizing the State Health Officer to take specified actions upon the declaration of a public health emergency relating to shipping of specified drugs, directing the compounding of bulk prescription drugs, and specifying the use of such drugs; authorizing the State Health Officer to reactivate the inactive licenses of certain practitioners who request such reactivation; authorizing the State Health Officer to order that an individual be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances; specifying benefits to be made available to volunteers acting under a public health emergency; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; providing an effective date.

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

By the Committee on Finance and Taxation and Senator Carlton—

CS for SB 268—A bill to be entitled An act relating to persons in a position of trust and confidence; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly or disabled person; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly or disabled person; authorizing the court to advance a trial on the docket which involves a victim who is an elderly or disabled person; creating s. 744.1083, F.S.; providing guidelines for the registration of professional guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.309, F.S.; revising qualifications for trust companies that may be appointed guardians; amending s. 744.3135, F.S.; revising credit and background screening requirements for guardians; providing such requirements for employees of a professional guardian who have a fiduciary responsibility to the ward; providing applicability; amending s. 744.446, F.S.; providing for court actions to protect the ward in the event of a breach of fiduciary duty by the guardian; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term "direct-support organization"; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; clarifying provisions relating to medical proxies for incapacitated persons; providing priority of a guardian advocate who has been authorized to consent to medical treatment for a person with a developmental disability; providing an effective date.

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

Bills and Joint Resolutions on Third Reading

HB 1289—A bill to be entitled An act relating to the testing of inmates for HIV; creating s. 945.355, F.S.; defining the term "HIV test"; requiring the Department of Corrections to perform an HIV test before an inmate is released if the inmate's HIV status is unknown; providing certain exceptions; requiring that the Department of Corrections notify the Department of Health and the county health department where the inmate plans to reside following release if the inmate is HIV positive; requiring the department to provide special transitional assistance to an inmate who is HIV positive; requiring the department to report to the Legislature; amending s. 945.10, F.S.; requiring that certain medical records be released to the Department of Health and the county health department where an inmate who is HIV positive plans to reside; reenacting s. 945.10(1)(a), F.S., relating to mental health, medical, or substance abuse records of an inmate; amending s. 381.004, F.S.; providing that informed consent is not required for an HIV test of an inmate prior to the inmate's release; amending s. 944.704, F.S.; providing additional duties for the department with respect to transition assistance for inmates who are HIV positive; providing an appropriation; providing an effective date.

—was read the third time by title.

Representative(s) Wilson offered the following:

(Amendment Bar Code: 494663)

Amendment 2 (with title amendment)—On page 15, between lines 17, and 18,

insert: Section 6. *Notwithstanding any provision of the Florida Statutes providing for a waiver of sovereign immunity, neither the state, its agencies, subdivisions nor employees of the state, its agencies, or subdivisions shall be liable to any person for negligently causing death or personal injury arising out of complying with section 944.355, Florida Statutes.*

And the title is amended as follows:

On page 1, line 28,

after the semicolon insert: limiting liability;

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

The question recurred on the passage of HB 1289. The vote was:

Session Vote Sequence: 933

Yeas—97

The Chair	Cusack	Heyman	Negron
Alexander	Davis	Hogan	Paul
Argenziano	Detert	Holloway	Peterman
Arza	Diaz de la Portilla	Jennings	Pickens
Attkisson	Diaz-Balart	Johnson	Rich
Atwater	Dockery	Jordan	Richardson
Ausley	Evers	Joyner	Romeo
Baker	Farkas	Kallinger	Rubio
Ball	Fasano	Kendrick	Russell
Barreiro	Fields	Kilmer	Ryan
Baxley	Flanagan	Kosmas	Simmons
Bendross-Mindingall	Frankel	Kottkamp	Slosberg
Bennett	Gannon	Kravitz	Smith
Bense	Garcia	Kyle	Sobel
Benson	Gardiner	Lee	Spratt
Berfield	Gelber	Lerner	Stansel
Betancourt	Gibson	Littlefield	Wallace
Bilirakis	Goodlette	Lynn	Waters
Bowen	Gottlieb	Machek	Weissman
Brutus	Green	Mack	Wiles
Bucher	Greenstein	Mahon	Wilson
Bullard	Harper	McGriff	Wishner
Byrd	Harrell	Meadows	
Carassas	Hart	Murman	
Clarke	Henriquez	Needelman	

Nays—9

Andrews	Fiorentino	Maygarden	Sorensen
Brummer	Haridopolos	Melvin	Trovillion
Cantens			

Votes after roll call:

Yeas—Allen, Bean, Brown, Harrington, Prieguez, Ritter, Ross, Seiler, Siplin

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

HB 565—A bill to be entitled An act relating to farm labor contractors; amending s. 450.34, F.S.; prohibiting farm labor contractors from charging or deducting from wages certain fees; providing an effective date.

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

Session Vote Sequence: 934

Yeas—110

Alexander	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett
Argenziano	Ausley	Baxley	Bense
Arza	Baker	Bean	Benson

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

Nays—None

Votes after roll call:

Yeas—Allen, Crow, Feeney, Gottlieb, Harper, Harrington, Justice, Seiler, Siplin

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

CS/HB 1673—A bill to be entitled An act relating to a public records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 712411)

Amendment 2—On page 9, lines 12 through 14, remove: all of said lines

and insert: Council Substitute for House Bill 1673, First Engrossed, for the language “the effective date of this act” as used in section 119.072(9) and (11), Florida Statutes, as created by section 1 of Council Substitute for House Bill 1673, First Engrossed.

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

The question recurred on the passage of CS/HB 1673. The vote was:

Session Vote Sequence: 935

Yeas—110

The Chair	Andrews	Arza	Atwater
Alexander	Argenziano	Attkisson	Ausley

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

Nays—None

Votes after roll call:

Yeas—Allen, Bendross-Mindingall, Crow, Harrington, Justice, Melvin, Seiler, Siplin

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

HB 935—A bill to be entitled An act relating to public records; amending s. 121.4501, F.S.; creating a public records exemption for personal identifying information regarding participants in the Public Employee Optional Retirement Program; providing an exception to the exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Session Vote Sequence: 936

Yeas—106

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

Rubio	Sorensen	Wallace	Wilson
Ryan	Spratt	Waters	Wishner
Simmons	Stansel	Weissman	
Slosberg	Trovillion	Wiles	

Nays—3

Argenziano Goodlette Lerner

Votes after roll call:

Yeas—Allen, Crow, Harrington, Justice, Mayfield, Rich, Russell, Seiler, Siplin, Sobel

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

CS/HB 933—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.053, F.S., relating to termination requirements and benefits of elected officers participating in the Deferred Retirement Option Program; amending s. 121.091, F.S., regarding Deferred Retirement Option Program termination requirements for elected officers; amending s. 121.4501, F.S., relating to the Public Employee Optional Retirement Program; amending the definition of “eligible employee”; providing for an extension of time to transfer assets from the defined benefit plan in the event of market disruption; providing for acceptance of rollovers; requiring the election be filed with the third-party administrator; amending the earnings rate for funds in the suspense account to be invested by the board; providing for spousal notification of designation of beneficiary; providing for spousal rollovers to an eligible retirement plan; providing authorization for statements under oath; amending s. 121.571, F.S., relating to contributions to participant accounts; providing for a penalty for late contributions; providing for an assessment equal to certain market losses and the calculation thereof; providing an effective date.

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

Session Vote Sequence: 937

Yeas—112

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

Nays—None

Votes after roll call:

Yeas—Allen, Crow, Holloway, Justice, Seiler

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

CS/HB 787—A bill to be entitled An act relating to limited liability companies; amending s. 608.401, F.S.; conforming a cross-reference to changes made by the act; amending s. 608.402, F.S.; revising definitions; amending s. 608.404, F.S.; authorizing a limited liability company to select managing members; amending s. 608.407, F.S.; revising requirements of the articles of organization for a company managed by one or more managers; amending s. 608.408, F.S.; providing requirements for executing articles of organization; amending s. 608.4081, F.S.; providing for filing a document with the Department of State; amending s. 608.409, F.S.; prohibiting the transaction of business or incurrence of debt until the effective date of the company's existence; amending s. 608.4101, F.S.; providing additional requirements with respect to recordkeeping; amending s. 608.411, F.S.; providing for amendments to or restatements of articles of organization; amending s. 608.422, F.S.; providing requirements for a member-managed company; providing for appointing a proxy; amending s. 608.4225, F.S.; providing standards for managers and managing members; amending s. 608.4226, F.S.; providing for validity of contracts and other transactions notwithstanding certain conflicts of interest; amending s. 608.4227, F.S.; providing for liability of managers and managing members; amending s. 608.4228, F.S.; limiting the liability of managers and managing members; amending s. 608.4229, F.S.; providing for indemnification of members of a limited liability company; amending s. 608.423, F.S.; providing requirements for operating agreements by members of a limited liability company; amending s. 608.4231, F.S.; providing for voting by managing members; authorizing a vote by proxy; amending s. 608.4235, F.S.; authorizing a managing member to act as an agent of the limited liability company; amending s. 608.4238, F.S.; providing liability for unauthorized actions; amending s. 608.425, F.S.; providing for validity of certain instruments and documents; amending s. 608.428, F.S.; prohibiting certain distributions from a limited liability company; amending s. 608.432, F.S.; providing for assignment of a member's interest in a limited liability company; amending s. 608.438, F.S.; requiring that a plan of merger specify the managing members; amending s. 608.441, F.S.; providing for dissolution of a limited liability company; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending ss. 608.445, 608.446, F.S.; providing requirements for articles of dissolution and for filing the articles; amending s. 608.449, F.S.; providing grounds for judicial dissolution; amending s. 608.463, F.S.; providing for service of process; amending s. 608.504, F.S.; providing for an amended certificate of authority; amending s. 608.507, F.S.; revising requirements for the registered office of a domestic company; creating s. 608.704, F.S.; specifying the Legislature's power to amend or repeal ch. 608, F.S.; creating s. 608.705, F.S.; providing for the effect of the repeal of a prior act; providing an effective date.

—was read the third time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

The question recurred on the passage of CS/HB 787. The vote was:

Session Vote Sequence: 938

Yeas—113

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

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

Nays—None

Votes after roll call:

Yeas—Allen, Bean, Crow, Hart, Justice, Seiler, Siplin

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

CS/HB 1515—A bill to be entitled An act relating to high-speed rail transportation; creating the "Florida High-Speed Rail Authority Act"; creating s. 341.8201, F.S.; providing a short title; creating s. 341.8202, F.S.; providing legislative findings, policy, purpose, and intent with respect to the development, design, financing, construction, and operation of a high-speed rail system in the state; creating s. 341.8203, F.S.; providing definitions; amending s. 341.821, F.S., relating to the creation of the Florida High-Speed Rail Authority; removing obsolete provisions; amending s. 341.822, F.S.; revising and providing additional powers and duties of the authority; amending s. 341.823, F.S.; revising the criteria for assessment and recommendations with respect to the establishment of the high-speed rail system; requiring the authority to establish specified requirements; requiring the authority to develop a specified plan, study, and estimates; amending s. 341.824, F.S.; specifying types of technical, scientific, or other assistance to be provided by the Department of Community Affairs and the Department of Environmental Protection; creating s. 341.827, F.S.; providing for determination of service areas and the order of system segment construction; creating s. 341.828, F.S.; authorizing the authority to utilize existing permitting processes; requiring cooperation between the authority and metropolitan planning organizations; creating s. 341.829, F.S.; requiring the authority, in conjunction with the Executive Office of the Governor, the Department of Community Affairs, and the Department of Environmental Protection, to develop and implement a process to mitigate and resolve conflicts between the system and growth management requirements and environmental standards; providing time limits for the filing of and response to specified complaints; creating s. 341.830, F.S.; authorizing the authority to employ specified procurement methods; providing for the adoption of rules; authorizing the authority to procure commodities and services for the designing, building, financing, maintenance, operation, and implementation of a high-speed rail system; creating s. 341.831, F.S.; authorizing the authority to prequalify interested persons or entities prior to seeking proposals for the design, construction, operation, maintenance, and financing of the high-speed rail system; providing for the establishment of qualifying criteria; creating s. 341.832, F.S.; authorizing the authority to develop and execute a request for qualifications process; creating s. 341.833, F.S.; authorizing the authority to develop and execute a request for proposals process to seek a person or entity to design, build, operate, maintain, and finance a high-speed rail system; creating s. 341.834, F.S.; providing for award of a conditional contract; providing contract requirements; prohibiting transfer of system property without written approval; creating s. 341.835, F.S.; authorizing the authority to purchase, lease, exchange, or acquire land, property, or buildings necessary to secure or utilize rights-of-way for high-speed rail system facilities; providing that the authority is not subject to specified liability;

authorizing the authority and the Department of Environmental Protection to enter into certain interagency agreements; providing for the disposal of interest in property; authorizing agents and employees of the authority to enter upon certain property; authorizing the authority to accept donations of real property; creating s. 341.836, F.S.; authorizing the authority to undertake the development of associated developments; providing requirements of associated developments; creating s. 341.837, F.S.; providing for payment of expenses incurred in carrying out the act; creating s. 341.838, F.S.; authorizing the authority to fix, revise, charge, collect, and adjust rates, rents, fees, charges, and revenues, and to enter into contracts; providing for annual review by the authority of rates, rents, fees, and charges; providing for uses of revenues; creating s. 341.839, F.S.; providing that the act is supplemental and additional to powers conferred by other laws; exempting powers of the authority from specified supervision, approval, or consent; creating s. 341.840, F.S.; providing tax exemptions for property acquired or used by the authority or specified income; creating s. 341.841, F.S.; requiring the authority to prepare and submit a report; providing for an annual audit; creating s. 341.842, F.S.; providing construction of the act; amending s. 288.109, F.S.; removing a cross reference; amending s. 334.30, F.S.; removing a cross reference; amending s. 337.251, F.S.; removing a cross reference; amending s. 341.501, F.S.; providing that specified actions do not apply to the Florida High-Speed Rail Authority Act; repealing s. 341.3201, F.S., relating to the short title for ss. 341.3201-341.386, F.S., the "Florida High-Speed Rail Transportation Act"; repealing s. 341.321, F.S., relating to legislative findings, policy, purpose, and intent with respect to the development of a high-speed rail transportation system connecting the major urban areas of the state; repealing s. 341.322, F.S., relating to definitions of terms; repealing s. 341.325, F.S., relating to special powers and duties of the Department of Transportation; repealing s. 341.327, F.S., which provides that the Florida High-Speed Rail Transportation Act is the sole and exclusive determination of need for any high-speed rail transportation system established under the act, thereby preempting specified determinations of need; repealing s. 341.329, F.S., relating to the issuance of bonds to finance a high-speed rail transportation system; repealing s. 341.331, F.S., relating to designation of the areas of the state to be served by the high-speed rail transportation system and designation of termini; repealing s. 341.332, F.S., relating to the award of franchises by the Department of Transportation to establish a high-speed rail transportation system; repealing s. 341.3331, F.S., relating to request for proposals; repealing s. 341.3332, F.S., relating to notice of issuance of request for proposals; repealing s. 341.3333, F.S., relating to requirements with respect to an application for franchise, and confidentiality of the application and portions of the application relating to trade secrets; repealing s. 341.3334, F.S., relating to the departmental review process of application for franchise; repealing s. 341.3335, F.S., relating to interagency coordination of franchise application review; repealing s. 341.3336, F.S., relating to public meetings on franchise applications; repealing s. 341.3337, F.S., relating to determination and award of franchise; repealing s. 341.3338, F.S., relating to effect of franchise; repealing s. 341.3339, F.S., relating to postfranchise agreements; repealing s. 341.334, F.S., relating to the powers and duties of the Department of Transportation with respect to the act; repealing s. 341.335, F.S., relating to the powers and duties of the Florida Land and Water Adjudicatory Commission sitting as the board; repealing s. 341.336, F.S., relating to the powers and duties of the Department of Environmental Protection, the Department of Community Affairs, and other affected agencies; repealing s. 341.3365, F.S., relating to certification procedures; repealing s. 341.342, F.S., relating to agreements concerning contents of certification application and supporting documentation; repealing s. 341.343, F.S., relating to review of certification applications; repealing s. 341.344, F.S., relating to the establishment, composition, organization, and duties of the Citizens' Planning and Environmental Advisory Committee; repealing s. 341.345, F.S., relating to alternate corridors or transit station locations; repealing s. 341.346, F.S., relating to the powers and duties of an administrative law judge appointed to conduct hearings under the act; repealing s. 341.3465, F.S., relating to alteration of time limitations specified by the act; repealing s. 341.347, F.S., relating to required combined public meetings and land use and zoning hearings to be

conducted by local governments; repealing s. 341.348, F.S., relating to reports and studies required of various agencies by the act; repealing s. 341.351, F.S., relating to publication and contents of notice of certification application and proceedings; repealing s. 341.352, F.S., relating to certification hearings; repealing s. 341.353, F.S., relating to final disposition of certification applications; repealing s. 341.363, F.S., relating to the effect of certification; repealing s. 341.364, F.S., relating to a franchisee's right to appeal to the Florida Land and Water Adjudicatory Commission under specified circumstances; repealing s. 341.365, F.S., relating to associated development; repealing s. 341.366, F.S., relating to recording of notice of certified corridor route; repealing s. 341.368, F.S., relating to modification of certification or franchise; repealing s. 341.369, F.S., relating to fees imposed by the department and the disposition of such fees; repealing s. 341.371, F.S., relating to revocation or suspension of franchise or certification; repealing s. 341.372, F.S., relating to imposition by the department of specified administrative fines in lieu of revocation or suspension of franchise; repealing s. 341.375, F.S., relating to the required participation by women, minorities, and economically disadvantaged individuals in all phases of the design, construction, maintenance, and operation of a high-speed rail transportation system developed under the act, and required plans for compliance by franchisees; repealing s. 341.381, F.S., relating to applicability of the act; repealing s. 341.382, F.S., relating to laws and regulations superseded by the act; repealing s. 341.383, F.S., relating to the authority of local governments to assess specified fees; repealing s. 341.386, F.S., relating to the admissibility of the award of a franchise and of a certification under the act in eminent domain proceedings; providing effective dates.

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

Session Vote Sequence: 939

Yeas—103

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

Nays—8

Brunner	Gannon	Heyman	Kottkamp
Bucher	Goodlette	Kallinger	Slosberg

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

CS/CS/HB 1275—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.4015, F.S.,

relating to the Florida Bright Futures Scholarship Testing Program; revising provisions relating to the use of specified examinations for purposes of awarding college credit; clarifying provisions relating to the award of credit; deleting obsolete provisions; revising provisions relating to payment for examinations; requiring the Department of Education to provide a financial incentive to students for passing examinations; authorizing Florida Gold Seal Vocational Scholars to take up to five approved examinations; requiring the department to contract for centralized administrative services; providing a limitation to the cost associated with contracting for centralized administrative services; providing for funding; amending s. 240.40202, F.S.; requiring a Florida Bright Futures Scholarship Evaluation Report and Key; requiring student report cards to contain certain information; amending s. 240.40203, F.S.; revising provisions relating to the maximum number of credit hours for which a student may receive a Florida Bright Futures Scholarship; requiring Florida Academic Scholars and Florida Merit Scholars award recipients to meet certain requirements in order to renew scholarships; amending s. 240.40207, F.S.; conforming provisions; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/CS/HB 1275. The vote was:

Session Vote Sequence: 940

Yeas—69

The Chair	Byrd	Harrington	Murman
Alexander	Cantens	Hart	Needelman
Andrews	Carassas	Hogan	Negron
Arza	Clarke	Jennings	Paul
Attkisson	Davis	Jordan	Prieguez
Atwater	Diaz de la Portilla	Kallinger	Ross
Baker	Diaz-Balart	Kendrick	Rubio
Ball	Dockery	Kilmer	Russell
Barreiro	Evers	Kottkamp	Simmons
Baxley	Farkas	Kravitz	Sobel
Bean	Fasano	Kyle	Spratt
Bennett	Garcia	Lacasa	Stansel
Bense	Gardiner	Littlefield	Trovillion
Benson	Gibson	Mack	Waters
Bilirakis	Goodlette	Mahon	Wiles
Bowen	Green	Maygarden	
Brown	Haridopolos	Mealor	
Brummer	Harrell	Melvin	

Nays—43

Argenziano	Fiorentino	Joyner	Richardson
Ausley	Flanagan	Kosmas	Ritter
Bendross-Mindingall	Frankel	Lee	Romeo
Betancourt	Gannon	Lerner	Ryan
Brutus	Gelber	Lynn	Slosberg
Bucher	Gottlieb	Machek	Smith
Bullard	Greenstein	McGriff	Sorensen
Crow	Harper	Meadows	Weissman
Cusack	Henriquez	Peterman	Wilson
Detert	Heyman	Pickens	Wishner
Fields	Holloway	Rich	

Votes after roll call:

Yeas—Allen, Berfield, Johnson
Nays—Seiler, Siplin

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

HB 1537—A bill to be entitled An act relating to taxation of communications services; amending s. 202.12, F.S.; providing for a schedule of taxation of the sales of certain satellite services and cable

services; amending s. 202.125, F.S.; including cable service within an exemption from the communications services tax imposed by s. 202.12; amending s. 202.18, F.S.; revising the distribution of the tax on the sale of cable services, to conform; revising the distribution of the tax on the sale of direct-to-home satellite services, to conform; conforming references; amending s. 202.19, F.S.; conforming references; amending s. 212.20, F.S.; conforming references; providing effective dates.

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

Session Vote Sequence: 941

Yeas—110

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

Nays—3

Bucher	Gottlieb	Harper
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Votes after roll call:
Yeas—Allen, Arza, Seiler, Siplin
Yeas to Nays—Weissman
Nays to Yeas—Harper

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

SB 98—A bill to be entitled An act relating to regional cultural facilities; creating s. 265.702, F.S.; authorizing the Division of Cultural Affairs of the Department of State to accept and administer funds to provide grants for acquiring, renovating, or constructing regional cultural facilities; providing for eligibility; requiring the Florida Arts Council to review grant applications; requiring the council to submit an annual list to the Secretary of State; requiring the updating of information submitted by an applicant which is carried over from a prior year; providing definitions; providing standards for matching state funds; limiting the maximum amounts of grants; granting rulemaking authority to the division; providing an effective date.

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

Session Vote Sequence: 942

Yeas—114

The Chair	Andrews	Arza	Atwater
Alexander	Argenziano	Attkisson	Ausley

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

Nays—None

Votes after roll call:

Yeas—Allen, Frankel, Justice, Seiler, Siplin, Slosberg

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

HB 1221—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; increasing that portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to finance a cancer research facility at the University of South Florida; amending s. 210.201, F.S.; providing for the use of the transferred moneys; authorizing, rather than requiring, replacement of such moneys by tobacco settlement proceeds; providing an effective date.

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

Session Vote Sequence: 943

Yeas—116

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

Needelman	Richardson	Simmons	Trovillion
Negron	Ritter	Slosberg	Wallace
Paul	Romeo	Smith	Waters
Peterman	Ross	Sobel	Weissman
Pickens	Rubio	Sorensen	Wiles
Prieguez	Russell	Spratt	Wilson
Rich	Ryan	Stansel	Wishner

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

HB 2009—A bill to be entitled An act relating to Alzheimer's disease research; establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors of the corporation and the appointment and terms of its membership; authorizing the State Board of Education to secure and provide liability protection; providing for an annual audit and report; providing for assumption of certain responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute; providing for dispersal and use of income; providing for reporting of activities; requiring the appointment of a council of scientific advisers; providing responsibilities and terms of the council; providing that the corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; providing appropriations; providing an effective date.

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

Session Vote Sequence: 944

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

HB 2003—A bill to be entitled An act relating to the confidentiality of information relating to the not-for-profit corporation which governs and operates the Florida Alzheimer’s Center and Research Institute or its subsidiaries; providing exemptions from the public records and meetings provisions of the Florida Constitution and Florida law for certain records and meetings of the not-for-profit corporation governing and operating the Florida Alzheimer’s Center and Research Institute and of certain records and meetings of subsidiaries of such not-for-profit corporation; providing a statement of public necessity for such exemptions; providing a contingent effective date.

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

Session Vote Sequence: 945

Yeas—111

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

Nays—2

Cusack	Joyner
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Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

Nays—Gannon

Nays to Yeas—Cusack

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

CS/HB 909—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending s. 100.371, F.S.; reducing the period for which signatures on petitions for constitutional amendments proposed by initiative remain valid; requiring disclosure on the petition form of the use of paid persons to gather signatures; requiring submission of the text of such amendments to the Revenue Estimating Conference for determination of any fiscal impact; providing for affixing of fiscal impact statements to the text of such amendments prior to their circulation for signatures; providing a deadline for sponsors to submit signed and dated forms to the supervisors of elections; providing a deadline for supervisors of elections to certify signatures to the Secretary of State; providing rulemaking authority; providing an effective date.

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

Session Vote Sequence: 946

Yeas—108

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

Nays—5

Ball	Dockery	Lynn	Wiles
Bendross-Mindingall			

Votes after roll call:

Yeas—Allen, Feeney, Seiler, Siplin, Trovillion

Yeas to Nays—Gottlieb, Harper

Nays to Yeas—Lynn

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

CS/HB 1781—A bill to be entitled An act relating to off-highway vehicles; creating ch. 261, F.S.; creating the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act; providing legislative findings and intent; providing definitions; creating the Off-Highway Vehicle Recreation Advisory Committee effective July 1, 2003; providing membership, duties, and responsibilities of the committee; providing functions, duties, and responsibilities of the Department of Agriculture and Consumer Services; requiring the department to review certain public lands and make a report to the Governor and the Legislature; providing rulemaking authority; providing for the publication and distribution of a guidebook; providing for the repair, maintenance, and rehabilitation of areas, trails, and lands; providing for contracts and agreements; providing criteria for recreation areas and trails; providing a penalty; providing for the use of designated off-highway vehicle funds within the Incidental Trust Fund of the Division of Forestry of the department; amending s. 316.2074, F.S.; revising the definition of the term “all-terrain vehicle”; prohibiting the use of all-terrain vehicles on public roadways in the state; providing exceptions; creating the Florida Off-Highway Vehicle Titling Act; providing legislative intent; providing definitions; providing for administration by the Department of Highway Safety and Motor Vehicles; providing for rules, forms, and notices; requiring certificates of title; providing for application for and issuance of certificates of title; providing for duplicate certificates of title; requiring the furnishing of a manufacturer’s statement of origin; providing for fees; providing for disposition of fees; providing authority to refuse to issue and to cancel a certificate of title; providing crimes relating to certificates of title; providing penalties; providing noncriminal infractions; providing penalties; amending s. 375.313, F.S.;

deleting fee collection responsibility of the Fish and Wildlife Conservation Commission for registration of off-road vehicles; repealing s. 375.315, F.S., relating to the registration of off-road vehicles by the commission; providing an effective date.

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

Session Vote Sequence: 947

Yeas—104

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

Nays—8

Baxley	Haridopolos	Kottkamp	Mack
Gardiner	Kallinger	Kyle	Ross

Votes after roll call:

Yeas—Allen, Bense, Justice, Seiler, Siplin

Yeas to Nays—Argenziano

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

HB 2011—A bill to be entitled An act relating to the lottery; amending s. 24.121, F.S.; providing rules for the allocation of lottery revenues and expenditure of funds for public education; providing an effective date.

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

Session Vote Sequence: 948

Yeas—115

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

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

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

On motion by Rep. Wallace, consideration of **CS for SB 426** was temporarily postponed under Rule 11.10.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

SB 910—A bill to be entitled An act relating to trust funds; creating s. 216.273, F.S.; creating the Administered Funds Trust Fund within the Executive Office of the Governor; providing for sources and purposes; providing for exemption from constitutional termination; providing an effective date.

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

Session Vote Sequence: 949

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

SB 912—A bill to be entitled An act relating to trust funds; creating the Emergency Response Trust Fund within the Department of Military Affairs; providing sources of funds; providing for the use of funds; providing an exemption from certain service charges; providing for an annual carryforward of funds; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Session Vote Sequence: 950

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

HB 1997—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Education; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Session Vote Sequence: 951

Yeas—112

Alexander	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bense
Argenziano	Ausley	Baxley	Benson
Arza	Baker	Bean	Berfield

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

Nays—None

Votes after roll call:

Yeas—Allen, Bennett, Fasano, Justice, Seiler, Siplin

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

HB 1999—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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

Session Vote Sequence: 952

Yeas—114

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

Sorensen
Spratt
Stansel

Trovillion
Wallace
Waters

Weissman
Wiles

Wilson
Wishner

Haridopolos
Harrell
Harrington
Hart
Hogan
Johnson
Jordan
Kallinger
Kendrick
Kilmer

Kottkamp
Kravitz
Kyle
Lacasa
Littlefield
Mack
Mahon
Mayfield
McGriff
Meadows

Mealor
Melvin
Murman
Needelman
Negron
Paul
Pickens
Prieguez
Ross
Rubio

Russell
Simmons
Sorensen
Spratt
Stansel
Trovillion
Wallace
Waters
Wiles

Nays—None

Votes after roll call:

Yeas—Allen, Justice, Seiler, Siplin

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

CS/HB 915—A bill to be entitled An act relating to public schools; amending s. 233.062, F.S.; directing the superintendent of schools to provide for the display of various historical documents in a prominent location in public schools; authorizing the display of s. 1, Art. IX of the Florida Constitution in public schools; authorizing the display of s. 2, Art. I of the Florida Constitution in public schools; providing an effective date.

—was read the third time by title.

Representative(s) Hogan offered the following:

(Amendment Bar Code: 503177)

Amendment 5 (with title amendment)—

Remove everything after the enacting clause

and insert:

Section 1. Section 233.062, Florida Statutes, is amended to read:

233.062 Permitting study of the Bible and religion; permitting brief meditation period; *display of motto*.—

(1) The school board may install in the public schools in the district a secular program of education including, but not limited to, an objective study of the Bible and of religion.

(2) The school board may provide that a brief period, not to exceed 2 minutes, for the purpose of silent prayer or meditation be set aside at the start of each school day or each school week in the public schools in the district.

(3) *The superintendent of schools in each school district shall provide for the display in a prominent location within each school under his or her supervision of the motto of the United States of America, "IN GOD WE TRUST," on an appropriately framed background with minimum dimensions of 11 inches by 14 inches.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

remove: the entire title

and insert: A bill to be entitled An act relating to public schools; amending s. 233.062, F.S.; directing the superintendent of schools to provide for the display of the motto "IN GOD WE TRUST" in a prominent location in public schools; providing an effective date.

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

Session Vote Sequence: 953

Yeas—79

Alexander	Bean	Byrd	Farkas
Andrews	Bennett	Cantens	Fasano
Argenziano	Bense	Carassas	Feeney
Arza	Benson	Clarke	Fiorentino
Attkisson	Berfield	Crow	Flanagan
Atwater	Betancourt	Davis	Garcia
Baker	Bilirakis	Diaz de la Portilla	Gardiner
Ball	Bowen	Diaz-Balart	Gibson
Barreiro	Brown	Dockery	Goodlette
Baxley	Brummer	Evers	Green

Nays—29

Ausley
Bendross-Mindingall
Bucher
Bullard
Cusack
Detert
Fields
Gannon

Gelber
Gottlieb
Harper
Henriquez
Heyman
Holloway
Jennings
Joyner

Lerner
Machek
Peterman
Rich
Richardson
Ritter
Romeo
Ryan

Slosberg
Smith
Sobel
Weissman
Wishner

Votes after roll call:

Yeas—Allen, Frankel, Seiler

Nays—Greenstein, Siplin

The question recurred on the passage of CS/HB 915. The vote was:

Session Vote Sequence: 954

Yeas—102

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

Nays—12

Bucher	Harper	Ryan	Weissman
Gannon	Joyner	Smith	Wilson
Gottlieb	Richardson	Sobel	Wishner

Votes after roll call:

Yeas—Allen, Seiler, Siplin

Yeas to Nays—Slosberg

Nays to Yeas—Ryan

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

CS/HB 885—A bill to be entitled An act relating to recitation of the Declaration of Independence; creating s. 233.0659, F.S.; requiring

Celebrate Freedom Week to be recognized in the public schools each September; requiring a portion of the Declaration of Independence to be recited daily by students during that week; providing for excusal of a student from performing the required recitation; providing an effective date.

—was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 885. The vote was:

On passage, the vote was:

Session Vote Sequence: 955

Yeas—100

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

Nays—12

Bucher	Harper	Lerner	Smith
Gannon	Heyman	Richardson	Weissman
Gottlieb	Joyner	Slosberg	Wilson

Votes after roll call:

Yeas—Lynn, Seiler

Nays—Rich

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

CS/HB 1643—A bill to be entitled An act relating to transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reclassify and reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and

farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the State Technology Office and the Department of Insurance to determine whether it is feasible to transfer ownership of the Workers' Compensation Integrated System to the Department of Insurance; providing for the continuation of contracts or agreements of the Department of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of the act; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 20.50, F.S.; revising provisions relating to the Agency for Workforce Innovation to conform; revising responsibilities of certain offices within the agency; specifying that the Unemployment Appeals Commission is not subject to the agency; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, and 440.015, F.S., to conform; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.021, 440.05, 440.09, 440.10, 440.102, 440.103, 440.104, 440.105, 440.106, 440.107, 440.108, 440.12, and 440.125, F.S.; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.134 and 440.14, F.S.; conforming provisions to changes made by the act; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross reference; amending ss. 440.185, 440.191, 440.192, and 440.1925, F.S.; conforming provisions to changes made by the act; amending ss. 440.20, 440.207, and 440.211, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25 and 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to changes made by the act; amending ss. 440.345 and 440.35, F.S., relating to the reporting of attorney's fees and employer records of injury or death; conforming provisions to changes made by the act; amending s. 440.381, F.S., relating to audits of payroll and classifications; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending ss. 440.40, 440.41, and 440.42, F.S., relating to employers posting notice of compensation, substitution of carriers for employers with respect to notice and the effect of an order, and expiration of insurance policies, to conform; amending s. 440.44, F.S., relating to the administration of the Workers' Compensation Law; conforming provisions to reflect the transfer of the Division of Workers' Compensation; amending s. 440.45, F.S., relating to the Office of the Judges of Compensation Claims; clarifying the responsibilities of the director of the Division of Administrative Hearings as agency head of the Office of the Judges of Compensation Claims; amending s. 440.49, F.S., relating to the Special Disability Trust Fund; conforming provisions to reflect the transfer of the Division of Workers' Compensation; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming provisions to the transfer of rehabilitation and reemployment services to the Department of Education; amending ss. 440.50, 440.51, and 440.52, F.S., relating to the Workers' Compensation Administration Trust Fund, expenses of administration, and certain responsibilities of insurance carriers; conforming references to reflect the transfer of the Division of Workers' Compensation; amending s.

440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Insurance; amending s. 440.572, F.S., to conform; amending s. 440.59, F.S., relating to division reporting requirements; eliminating unnecessary reporting requirements; amending ss. 440.591 and 440.593, F.S., relating to authorization to self-insure, reporting requirements, and rulemaking authority; conforming provisions to changes made by the act; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 624.3161, F.S., relating to insurance market conduct examinations; conforming provisions to changes made by the act; amending s. 626.88, F.S., relating to self-insurance definitions; conforming provisions to changes made by the act; amending s. 626.989, F.S., relating to Division of Insurance Fraud reporting requirements; conforming provisions to changes made by the act and establishing reporting deadlines; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending s. 627.914, F.S., relating to reporting requirements by self-insurers; conforming provisions to changes made by the act; repealing s. 20.171, F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing effective dates.

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

Session Vote Sequence: 956

Yeas—115

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

Ross	Siplin	Spratt	Weissman
Rubio	Slosberg	Stansel	Wiles
Russell	Smith	Trovillion	Wilson
Ryan	Sobel	Wallace	Wishner
Simmons	Sorensen	Waters	

Nays—None

Votes after roll call:

Yeas—Jennings, Justice, Seiler

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

CS/HB 1407—A bill to be entitled An act relating to security of public buildings; amending s. 20.201, F.S.; creating the Capitol Police within the Department of Law Enforcement; transferring the powers, duties, and functions of the Division of Capitol Police relating to security within the Capitol Complex from the Department of Management Services to the Department of Law Enforcement; providing transfer of funds; creating s. 281.01, F.S.; defining the Capitol Complex; amending s. 281.02, F.S.; providing for powers and duties of the Department of Management Services with regard to firesafety and security responsibilities; amending s. 281.03, F.S.; providing for collection and retention of certain reports by the Department of Management Services; repealing s. 281.04, F.S., relating to arrest procedures of the Florida Capitol Police; repealing s. 281.05, F.S., relating to ex officio agents of the Florida Capitol Police; amending s. 281.06, F.S.; allowing contracts with the Department of Law Enforcement; authorizing the Department of Management Services to contract with counties, municipalities, or private security agencies to maintain the security of certain public premises; amending s. 281.07, F.S.; providing for adoption of parking regulations of the Department of Management Services; amending s. 281.08, F.S.; providing for the procurement of equipment by the Department of Management Services; creating s. 943.60, F.S., to define the Capitol Complex; creating s. 943.601, F.S.; providing for the preservation of legislative powers; limiting the authority of the Department of Law Enforcement to impede such powers; providing a duty of the Capitol Police to ensure such legislative powers as requested by a presiding officer of the Legislature; creating s. 943.61, F.S.; providing for the powers, duties, and functions of the Capitol Police; providing that the Capitol Police shall serve the needs of both the legislative and executive branches of state government; prohibiting the taking of resources of, or the decreasing of appropriations to, the Capitol Police without the approval of the Governor and the Legislative Budget Commission; requiring the development and approval of security plans; requiring consultation with the Governor, members of the Cabinet, and the presiding officers of the Legislature in the development of such plans; requiring biennial approval of such plans; authorizing the implementation of unapproved plans in times of emergency; establishing other powers and duties of the Capitol Police; establishing standards for officers of the Capitol Police; limiting authority of the Capitol Police with respect to certain legislative personnel and facilities; creating s. 943.611, F.S.; providing for the nomination and approval of the director of the Capitol Police; providing that the director serves at the pleasure of the executive director of the Department of Law Enforcement; requiring periodic reappointment and approval of the director; creating s. 943.62, F.S.; providing for investigations by the Capitol Police; creating s. 943.63, F.S.; providing that persons arrested by the Capitol Police shall be delivered to the sheriff; creating s. 943.64, F.S.; providing that certain law enforcement officers may serve as ex officio agents of the Capitol Police; creating s. 943.66, F.S.; authorizing the Capitol Police to enforce certain rules of the Department of Management Services; creating s. 943.67, F.S.; providing for the procurement of equipment by the Department of Law Enforcement; renumbering and amending s. 281.20, F.S., relating to the security of the Governor and other specified persons; amending ss. 287.17 and 288.816, F.S.; correcting cross-references, to conform; providing for a security inventory, contingent upon an appropriation; providing effective dates.

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

Session Vote Sequence: 957

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Johnson, Justice, Seiler

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

CS/HB 1545—A bill to be entitled An act relating to burden of proof in negligence actions involving transitory foreign objects or substances; creating s. 768.0710, F.S.; providing requirements with respect to the burden of proof in claims against persons or entities in possession or control of business premises; providing for the application of the act; providing an effective date.

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

Session Vote Sequence: 958

Yeas—115

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

Lacasa	Mealor	Ritter	Sorensen
Lerner	Melvin	Romeo	Spratt
Littlefield	Murman	Ross	Stansel
Lynn	Needelman	Rubio	Trovillion
Machek	Negron	Russell	Wallace
Mack	Paul	Ryan	Waters
Mahon	Peterman	Simmons	Weissman
Mayfield	Pickens	Siplin	Wiles
Maygarden	Prieguez	Slosberg	Wilson
McGriff	Rich	Smith	Wishner
Meadows	Richardson	Sobel	

Nays—None

Votes after roll call:

Yeas—Greenstein, Justice, Seiler

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

CS/HB 1511—A bill to be entitled An act relating to the communications services tax; amending s. 202.125, F.S.; providing definitions of religious or educational institutions to conform an exemption to the sales tax exemption provided for such institutions; creating s. 202.151, F.S.; clarifying the imposition of a use tax on certain purchases of communications services; authorizing the Department of Revenue to adopt rules; amending s. 202.16, F.S.; providing an exception to the requirement that dealers separately state the communications services tax on bills and invoices; creating s. 202.205, F.S.; providing a transition rule for counties and municipalities that reduced the local communications services tax on a specified date; amending s. 202.22, F.S.; clarifying provisions governing the electronic databases used to determine local tax situs for the communications services tax; amending s. 337.401, F.S.; changing the date on which local governments must notify dealers that provide communications services of changes in permit fees; revising provisions relating to charges for use of rights-of-way; providing definitions; authorizing certain counties or municipalities to levy an annual charge upon certain providers for using municipal rights-of-way; providing limitations; providing criteria; specifying application; amending s. 365.172, F.S.; clarifying that the E911 fee applies to certain customers whose place of primary use is within the state; specifying that certain definitions applicable to the Communications Services Tax Simplification Law apply to the E911 fee; amending ss. 212.0501, 212.08, 212.20, 509.032, and 561.1105, F.S.; conforming cross references to changes made by the act; specifying that certain provisions of the act are remedial in nature and intended to clarify the law in effect on the effective date of the act; requiring the Department of Revenue to submit a report of the accuracy of the 2001 revenue estimates of the state and local communications services taxes to the Governor, the President of the Senate, and the Speaker of the House of Representatives; repealing s. 212.05(1)(g), F.S., relating to a sales tax on certain substitute telecommunications equipment; providing effective dates.

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

Session Vote Sequence: 959

Yeas—114

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

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

Nays—None

Votes after roll call:

Yeas—Justice, Seiler

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

CS/HB 893—A bill to be entitled An act relating to regulation of movers; providing definitions; providing construction, intent, and application; providing for registration with the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; providing for fees; providing for display of certain information; providing for local registration; providing requirements, procedures, criteria, and limitations; authorizing the department to charge certain fees; providing for denial of or refusal to renew registration; requiring cargo legal liability valuation and insurance coverage; requiring estimates of moving costs; providing requirements and criteria; providing for delivery and storage of household goods; specifying violations; providing that certain violations constitute deceptive and unfair trade practices; providing penalties; providing for relief; providing for deposit of funds; providing for local regulation; providing for enforcement by the department under cooperative agreements with local governments; providing an appropriation; providing an effective date.

—was read the third time by title.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 364737)

Amendment 2—On page 4, line 31, through page 5, line 2, remove: all of said lines

and insert: *the preceding 5 years; and proof of insurance coverage as required by this act.*

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 903299)

Amendment 3—On page 9, lines 23-25, remove: all of said lines

and insert: *payment is tendered; however, the mover must notify the shipper of the location where the goods are stored and the amount due within 5 days after receipt of a written request for that information from the shipper, which request must include the address where the shipper may receive the notice. A mover may not require a prospective shipper*

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

The question recurred on the passage of CS/HB 893. The vote was:

Session Vote Sequence: 960

Yeas—111

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

Nays—4

Haridopolos	Kottkamp	Kyle	Mack
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Votes after roll call:

Yeas—Justice, Seiler

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

CS/HB 1163 was taken up. On motion by Rep. Fiorentino, the rules were waived and—

CS for CS for SB 1656—A bill to be entitled An act relating to sexual assault counselors; amending s. 90.5035, F.S.; providing a definition; providing for confidential communication between a sexual crime victim and a trained volunteer at a rape crisis center; expanding the privilege of refusal to disclose certain information to include communications between a victim and a trained volunteer; amending s. 794.024, F.S.; prohibiting disclosure of certain identifying information relating to sexual crime victims by public officers or employees; providing a penalty; providing an effective date.

—was substituted for CS/HB 1163 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Fiorentino, the rules were waived and CS for CS for SB 1656 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 961

Yeas—116

The Chair	Ausley	Bense	Bucher
Alexander	Baker	Benson	Bullard
Allen	Ball	Berfield	Byrd
Andrews	Barreiro	Betancourt	Cantens
Argenziano	Baxley	Bilirakis	Carassas
Arza	Bean	Bowen	Clarke
Attkisson	Bendross-Mindingall	Brown	Crow
Atwater	Bennett	Brunner	Cusack

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

Nays—None

Votes after roll call:

Yeas—Justice, Seiler

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

CS/HB 491—A bill to be entitled An act relating to civil legal assistance; creating the Florida Access to Civil Legal Assistance Act; providing legislative intent and purpose; providing definitions; specifying powers of the Department of Community Affairs for certain purposes; limiting use of certain funds for certain purposes; requiring the department to contract for delivery of civil legal assistance to certain persons through not-for-profit legal aid organizations; providing contract requirements; specifying application; requiring the department to ensure accountability; requiring an annual audit; providing for eligibility for state support; providing for conditional repeal; providing an appropriation; providing for the distribution of the appropriation; providing an effective date.

—was read the third time by title.

Representative(s) Byrd and Goodlette offered the following:

(Amendment Bar Code: 505895)

Amendment 3—On page 5, line 27, after \$2,000,000

insert: *of non-recurring General Revenue Funds*

Rep. Goodlette moved the adoption of the amendment.

Representative(s) Byrd and Goodlette offered the following:

(Amendment Bar Code: 983501)

Substitute Amendment 3 (with title amendment)—On page 5, line 27, through page 6, line 12, remove: all of said lines

and insert:

Section 12. *All appropriations made for the purposes of this act shall only be used for legal education or assistance*

And the title is amended as follows:

On page 1, lines 16-18, remove: all of said lines

and insert: providing for conditional repeal; providing limitations on use of state funds; providing an effective

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

The question recurred on the passage of CS/HB 491. The vote was:

Session Vote Sequence: 962

Yeas—114

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

Nays—1

Baker

Votes after roll call:

Yeas—Justice

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

HB 703—A bill to be entitled An act relating to long-term care; amending s. 20.41, F.S.; providing for administration of the State Long-Term Care Ombudsman Council by the Department of Elderly Affairs; amending s. 400.0063, F.S.; locating the Office of the State Long-Term Care Ombudsman in the department; providing for appointment of the ombudsman by the Secretary of Elderly Affairs; amending s. 400.0065, F.S.; requiring the secretary's approval of staff for the local ombudsman councils; deleting requirement that the ombudsman prepare an annual legislative budget request; revising rulemaking authority; amending s. 400.0067, F.S.; revising duties of the State Long-Term Care Ombudsman Council; providing duties of the department and secretary; amending s. 400.0071, F.S.; revising procedures relating to complaints; amending s. 400.0087, F.S.; revising provisions relating to agency oversight; amending s. 400.0089, F.S.; revising reporting responsibilities; repealing s. 400.0066(2) and (3), F.S., relating to administrative support for the ombudsman program and interference with ombudsman staff or volunteers; creating s. 409.221, F.S.; creating the "Florida Consumer-Directed Care Act"; providing legislative findings; providing legislative intent; establishing the consumer-directed care program; providing for consumer selection of certain long-term care services and providers; providing for interagency agreements between the Agency for Health Care Administration and the Department of Elderly Affairs, the Department of Health, and the Department of Children and Family Services; providing for program eligibility and enrollment; providing definitions; providing for consumer budget allowances and purchasing guidelines; specifying authorized services; providing roles and responsibilities of consumers, the agency and departments, and fiduciary intermediaries; providing background

screening requirements for persons who render care under the program; providing rulemaking authority of the agency and departments; requiring the agency to apply for federal waivers as necessary; requiring ongoing program reviews and annual reports; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to submit a plan to the Governor and Legislature for reducing nursing home bed days funded under the Medicaid program; amending s. 400.179, F.S.; providing an exception from a bond requirement for certain mortgage arrangements; amending s. 408.034, F.S.; providing additional requirements for the Agency for Health Care Administration in determining the need for additional nursing facility beds; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to establish a nursing facility preadmission screening program; authorizing the agency to operate the program by contract; requiring an annual report to the Legislature and the Office of Long-Term Care Policy; amending s. 430.03, F.S.; revising the purposes of the Department of Elderly Affairs with respect to developing policy, making recommendations, coordinating activities, and overseeing research; amending s. 430.04, F.S.; revising the duties of the Department of Elderly Affairs with respect to developing programs and policies related to aging; creating s. 430.041, F.S.; establishing the Office of Long-Term Care Policy within the Department of Elderly Affairs; requiring the office to develop a State Long-Term Care Plan; requiring the office to make recommendations for coordinating the services provided by state agencies; providing for appointment of the director of the Office of Long-Term Care Policy; providing for the appointment of an advisory board to the Office of Long-Term Care Policy; specifying membership in the advisory board; providing for reimbursement of per diem and travel expenses for members of the advisory board; requiring that the office submit an annual report to the Governor and Legislature; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to provide staff and support services for the Office of Long-Term Care Policy; creating s. 430.7031, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to implement a nursing home transition program; providing requirements for the program; amending ss. 409.908, 430.708, and 641.386, F.S., relating to reimbursement of Medicaid providers, certificates of need, and agent licensing and appointment; conforming cross references to changes made by the act; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; providing an effective date.

—was read the third time by title.

Representative(s) Green offered the following:

(Amendment Bar Code: 152467)

Amendment 9 (with title amendment)—

Remove everything after the enacting clause

and insert:

Section 1. Section 409.221, Florida Statutes, is created to read:

409.221 *Consumer-directed care program.*—

(1) *SHORT TITLE.*—This section may be cited as the “Florida Consumer-Directed Care Act.”

(2) *LEGISLATIVE FINDINGS.*—The Legislature finds that alternatives to institutional care, such as in-home and community-based care, should be encouraged. The Legislature finds that giving recipients of in-home and community-based services the opportunity to select the services they need and the providers they want, including family and friends, enhances their sense of dignity and autonomy. The Legislature also finds that providing consumers choice and control, as tested in current research and demonstration projects, has been beneficial and should be developed further and implemented statewide.

(3) *LEGISLATIVE INTENT.*—It is the intent of the Legislature to nurture the autonomy of those citizens of the state, of all ages, who have disabilities by providing the long-term care services they need in the least restrictive, appropriate setting. It is the intent of the Legislature to give

such individuals more choices in and greater control over the purchased long-term care services they receive.

(4) *CONSUMER-DIRECTED CARE.*—

(a) *Program established.*—The Agency for Health Care Administration shall establish the consumer-directed care program which shall be based on the principles of consumer choice and control. The agency shall implement the program upon federal approval. The agency shall establish interagency cooperative agreements with and shall work with the Departments of Elderly Affairs, Health, and Children and Family Services to implement and administer the program. The program shall allow enrolled persons to choose the providers of services and to direct the delivery of services, to best meet their long-term care needs. The program must operate within the funds appropriated by the Legislature.

(b) *Eligibility and enrollment.*—Persons who are enrolled in one of the Medicaid home and community-based waiver programs and are able to direct their own care, or to designate an eligible representative, may choose to participate in the consumer-directed care program.

(c) *Definitions.*—For purposes of this section, the term:

1. “Budget allowance” means the amount of money made available each month to a consumer to purchase needed long-term care services, based on the results of a functional needs assessment.

2. “Consultant” means an individual who provides technical assistance to consumers in meeting their responsibilities under this section.

3. “Consumer” means a person who has chosen to participate in the program, has met the enrollment requirements, and has received an approved budget allowance.

4. “Fiscal intermediary” means an entity approved by the agency that helps the consumer manage the consumer’s budget allowance, retains the funds, processes employment information, if any, and tax information, reviews records to ensure correctness, writes paychecks to providers, and delivers paychecks to the consumer for distribution to providers and caregivers.

5. “Provider” means:

a. A person licensed or otherwise permitted to render services eligible for reimbursement under this program for whom the consumer is not the employer of record; or

b. A consumer-employed caregiver for whom the consumer is the employer of record.

6. “Representative” means an uncompensated individual designated by the consumer to assist in managing the consumer’s budget allowance and needed services.

(d) *Budget allowances.*—Consumers enrolled in the program shall be given a monthly budget allowance based on the results of their assessed functional needs and the financial resources of the program. Consumers shall receive the budget allowance directly from an agency-approved fiscal intermediary. Each department shall develop purchasing guidelines, approved by the agency, to assist consumers in using the budget allowance to purchase needed, cost-effective services.

(e) *Services.*—Consumers shall use the budget allowance only to pay for home and community-based services that meet the consumer’s long-term care needs and are a cost-efficient use of funds. Such services may include, but are not limited to, the following:

1. Personal care.

2. Homemaking and chores, including housework, meals, shopping, and transportation.

3. Home modifications and assistive devices which may increase the consumer’s independence or make it possible to avoid institutional placement.

4. Assistance in taking self-administered medication.

5. Day care and respite care services, including those provided by nursing home facilities pursuant to s. 400.141(6) or by adult day care facilities licensed pursuant to s. 400.554.

6. Personal care and support services provided in an assisted living facility.

(f) Consumer roles and responsibilities.—Consumers shall be allowed to choose the providers of services, as well as when and how the services are provided. Providers may include a consumer's neighbor, friend, spouse, or relative.

1. In cases where a consumer is the employer of record, the consumer's roles and responsibilities include, but are not limited to, the following:

a. Developing a job description.

b. Selecting caregivers and submitting information for the background screening as required in s. 435.05.

c. Communicating needs, preferences, and expectations about services being purchased.

d. Providing the fiscal intermediary with all information necessary for provider payments and tax requirements.

e. Ending the employment of an unsatisfactory caregiver.

2. In cases where a consumer is not the employer of record, the consumer's roles and responsibilities include, but are not limited to, the following:

a. Communicating needs, preferences, and expectations about services being purchased.

b. Ending the services of an unsatisfactory provider.

c. Providing the fiscal agent with all information necessary for provider payments and tax requirements.

(g) Agency and departments roles and responsibilities.—The agency's and the departments' roles and responsibilities include, but are not limited to, the following:

1. Assessing each consumer's functional needs, helping with the service plan, and providing ongoing assistance with the service plan.

2. Offering the services of consultants who shall provide training, technical assistance, and support to the consumer.

3. Completing the background screening for providers.

4. Approving fiscal intermediaries.

5. Establishing the minimum qualifications for all caregivers and providers and being the final arbiter of the fitness of any individual to be a caregiver or provider.

(h) Fiscal intermediary roles and responsibilities.—The fiscal intermediary's roles and responsibilities include, but are not limited to, the following:

1. Providing recordkeeping services.

2. Retaining the consumer-directed care funds, processing employment and tax information, if any, reviewing records to ensure correctness, writing paychecks to providers, and delivering paychecks to the consumer for distribution.

(i) Background screening requirements.—All persons who render care under this section shall comply with the requirements of s. 435.05. Persons shall be excluded from employment pursuant to s. 435.06.

1. Persons excluded from employment may request an exemption from disqualification, as provided in s. 435.07. Persons not subject to certification or professional licensure may request an exemption from the

agency. In considering a request for an exemption, the agency shall comply with the provisions of s. 435.07.

2. The agency shall, as allowable, reimburse consumer-employed caregivers for the cost of conducting background screening as required by this section.

For purposes of this section, a person who has undergone screening, who is qualified for employment under this section and applicable rule, and who has not been unemployed for more than 180 days following such screening is not required to be rescreened. Such person must attest under penalty of perjury to not having been convicted of a disqualifying offense since completing such screening.

(j) Rules; federal waivers.—In order to implement this section:

1. The agency and the Departments of Elderly Affairs, Health, and Children and Family Services are authorized to adopt and enforce rules.

2. The agency shall take all necessary action to ensure state compliance with federal regulations. The agency shall apply for any necessary federal waivers or waiver amendments needed to implement the program.

(k) Reviews and reports.—The agency and the Departments of Elderly Affairs, Health, and Children and Family Services shall each, on an ongoing basis, review and assess the implementation of the consumer-directed care program. By January 15 of each year, the agency shall submit a written report to the Legislature that includes each department's review of the program and contains recommendations for improvements to the program.

Section 2. (1) Prior to December 1, 2002, the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan to reduce the number of nursing home bed days purchased by the state Medicaid program and to replace such nursing home care with care provided in less costly alternative settings.

(2) The plan must include specific goals for reducing Medicaid-funded bed days and recommend specific statutory and operational changes necessary to achieve such reduction.

(3) The plan must include an evaluation of the cost-effectiveness and the relative strengths and weaknesses of programs that serve as alternatives to nursing homes.

Section 3. Section 408.034, Florida Statutes, is amended to read:

408.034 Duties and responsibilities of agency; rules.—

(1) The agency is designated as the single state agency to issue, revoke, or deny certificates of need and to issue, revoke, or deny exemptions from certificate-of-need review in accordance with the district plans and present and future federal and state statutes. The agency is designated as the state health planning agency for purposes of federal law.

(2) In the exercise of its authority to issue licenses to health care facilities and health service providers, as provided under chapters 393, 395, and parts II and VI of chapter 400, the agency may not issue a license to any health care facility, health service provider, hospice, or part of a health care facility which fails to receive a certificate of need or an exemption for the licensed facility or service.

(3) The agency shall establish, by rule, uniform need methodologies for health services and health facilities. In developing uniform need methodologies, the agency shall, at a minimum, consider the demographic characteristics of the population, the health status of the population, service use patterns, standards and trends, geographic accessibility, and market economics.

(4) Prior to determining that there is a need for additional community nursing facility beds in any area of the state, the agency shall determine that the need cannot be met through the provision, enhancement, or expansion of home and community-based services. In

determining such need, the agency shall examine nursing home placement patterns and demographic patterns of persons entering nursing homes and the availability of and effectiveness of existing home-based and community-based service delivery systems at meeting the long-term care needs of the population. The agency shall recommend to the Office of Long-Term Care Policy changes that could be made to existing home-based and community-based delivery systems to lessen the need for additional nursing facility beds.

(5)(4) The agency shall establish by rule a nursing-home-bed-need methodology that reduces the community nursing home bed need for the areas of the state where the agency establishes pilot community diversion programs through the Title XIX aging waiver program.

(6)(5) The agency may adopt rules necessary to implement ss. 408.031-408.045.

Section 4. Paragraph (f) of subsection (3) of section 409.912, Florida Statutes, is amended, and present subsections (13) through (39) of said section are renumbered as subsections (14) through (40), respectively, and a new subsection (13) is added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency may establish prior authorization requirements for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization.

(3) The agency may contract with:

(f) An entity that provides in-home physician services to test the cost-effectiveness of enhanced home-based medical care to Medicaid recipients with degenerative neurological diseases and other diseases or disabling conditions associated with high costs to Medicaid. The program shall be designed to serve very disabled persons and to reduce Medicaid reimbursed costs for inpatient, outpatient, and emergency department services. The agency shall contract with vendors on a risk-sharing basis. ~~in Pasco County or Pinellas County that provides in-home physician services to Medicaid recipients with degenerative neurological diseases in order to test the cost-effectiveness of enhanced home-based medical care. The entity providing the services shall be reimbursed on a fee-for-service basis at a rate not less than comparable Medicare reimbursement rates. The agency may apply for waivers of federal regulations necessary to implement such program. This paragraph shall be repealed on July 1, 2002.~~

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

(b) The agency shall operate the CARES program through an interagency agreement with the Department of Elderly Affairs.

(c) Prior to making payment for nursing facility services for a Medicaid recipient, the agency must verify that the nursing facility

preadmission screening program has determined that the individual requires nursing facility care and that the individual cannot be safely served in community-based programs. The nursing facility preadmission screening program shall refer a Medicaid recipient to a community-based program if the individual could be safely served at a lower cost and the recipient chooses to participate in such program.

(d) By January 1 of each year, the agency shall submit a report to the Legislature and the Office of Long-Term Care Policy describing the operations of the CARES program. The report must describe:

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

Section 5. Section 430.041, Florida Statutes, is created to read:

430.041 Office of Long-Term Care Policy.—

(1) There is established in the Department of Elderly Affairs the Office of Long-Term Care Policy to evaluate the state's long-term care service delivery system and make recommendations to increase the availability and the use of noninstitutional settings to provide care to the elderly and ensure coordination among the agencies responsible for the long-term care continuum.

(2) The purpose of the Office of Long-Term Care Policy is to:

(a) Ensure close communication and coordination among state agencies involved in developing and administering a more efficient and coordinated long-term care service delivery system in this state.

(b) Identify duplication and unnecessary service provision in the long-term care system and make recommendations to decrease inappropriate service provision.

(c) Review current programs providing long-term care services to determine whether the programs are cost effective, of high quality, and operating efficiently and make recommendations to increase consistency and effectiveness in the state's long-term care programs.

(d) Develop strategies for promoting and implementing cost-effective home and community-based services as an alternative to institutional care which coordinate and integrate the continuum of care needs of the elderly.

(e) Assist the Office of Long-Term Care Policy Advisory Council as necessary to help implement this section.

(3) The Director of the Office of Long-Term Care Policy shall be appointed by, and serve at the pleasure of, the Governor. The director shall report to, and be under the general supervision of, the Secretary of Elderly Affairs and shall not be subject to supervision by any other employee of the department.

(4) The Office of Long-Term Care Policy shall have an advisory council, whose chair shall be the Director of the Office of Long-Term Care Policy. The purposes of the advisory council are to provide assistance and direction to the office and to ensure that the appropriate state agencies are properly implementing recommendations from the office.

(a) The advisory council shall consist of:

1. A member of the Senate, appointed by the President of the Senate.
2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. *The Director of the Office of Long-Term Care Policy.*
4. *The Secretary of Health Care Administration.*
5. *The Secretary of Elderly Affairs.*
6. *The Secretary of Children and Family Services.*
7. *The Secretary of Health.*
8. *The Executive Director of the Department of Veterans' Affairs.*
9. *A representative of the Florida Association of Area Agencies on Aging, appointed by the Governor.*
10. *A representative of the Florida Association of Aging Service Providers, appointed by the Governor.*
11. *Three persons possessing broad knowledge and experience in the delivery of long-term care services, appointed by the Governor.*
12. *Two representatives of persons using long-term care services, appointed by the Governor from groups representing elderly persons.*
 - (b) *Members shall serve without compensation but are entitled to receive reimbursement for travel and per diem as provided in s. 112.061.*
 - (c) *The advisory council shall meet at the call of its chair or at the request of a majority of its members. During its first year of existence, the advisory council shall meet at least monthly.*
 - (d) *Members of the advisory council appointed by the Governor shall serve at the pleasure of the Governor and shall be appointed to 4-year staggered terms in accordance with s. 20.052.*
 - (5)(a) *The Department of Elderly Affairs shall provide administrative support and services to the Office of Long-Term Care Policy.*
 - (b) *The office shall call upon appropriate agencies of state government, including the centers on aging in the State University System, for assistance needed in discharging its duties.*
 - (c) *Each state agency represented on the Office of Long-Term Care Policy Advisory Council shall make at least one employee available to work with the Office of Long-Term Care Policy. All state agencies and universities shall assist the office in carrying out its responsibilities prescribed by this section.*
 - (d) *Each state agency shall pay from its own funds any expenses related to its support of the Office of Long-Term Care Policy and its participation on the advisory council. The Department of Elderly Affairs shall be responsible for expenses related to participation on the advisory council by members appointed by the Governor.*
 - (6)(a) *By December 1, 2002, the office shall submit to the advisory council a preliminary report of its findings and recommendations on improving the long-term care continuum in this state. The report must contain recommendations and implementation proposals for policy changes, as well as legislative and funding recommendations that will make the system more effective and efficient. The report shall contain a specific plan for accomplishing the recommendations and proposals. Thereafter, the office shall revise and update the report annually and resubmit it to the advisory council for review and comments by November 1 of each year.*
 - (b) *The advisory council shall review and recommend any suggested changes to the preliminary report, and each subsequent annual update of the report, within 30 days after the receipt of the preliminary report. Suggested revisions, additions, or deletions shall be made to the Director of the Office of Long-Term Care Policy.*
 - (c) *The office shall submit its final report, and each subsequent annual update of the report, to the Governor and the Legislature within 30 days after the receipt of any revisions, additions, or deletions suggested by the advisory council, or after the time such comments are due to the office.*

Section 6. Section 430.7031, Florida Statutes, is created to read:

430.7031 Nursing home transition program.—The department and the Agency for Health Care Administration:

(1) Shall implement a system of care designed to assist individuals residing in nursing homes to regain independence and to move to less costly settings.

(2) Shall collaboratively work to identify long-stay nursing home residents who are able to move to community placements, and to provide case management and supportive services to such individuals while they are in nursing homes to assist such individuals in moving to less expensive and less restrictive settings.

(3) Shall modify existing service delivery systems or develop new service delivery systems to economically and efficiently meet such individuals' care needs.

(4) Shall offer such individuals priority placement and services in all home-based and community-based care programs and shall ensure that funds are available to provide services to individuals to whom services are offered.

(5) May seek federal waivers necessary to administer this section.

Section 7. Subsection (4) of section 409.908, Florida Statutes, is amended to read:

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

(4) Subject to any limitations or directions provided for in the General Appropriations Act, alternative health plans, health maintenance organizations, and prepaid health plans shall be reimbursed a fixed, prepaid amount negotiated, or competitively bid pursuant to s. 287.057, by the agency and prospectively paid to the provider monthly for each Medicaid recipient enrolled. The amount may not exceed the average amount the agency determines it would have paid, based on claims experience, for recipients in the same or similar category of eligibility. The agency shall calculate capitation rates on a regional basis and, beginning September 1, 1995, shall include age-band differentials in such calculations. Effective July 1, 2001, the cost of exempting statutory teaching hospitals, specialty hospitals, and community hospital education program hospitals from reimbursement ceilings and the cost of special Medicaid payments shall not be included in premiums paid to health maintenance organizations or prepaid health care plans. Each rate semester, the agency shall calculate and publish a Medicaid hospital rate schedule that does not reflect either special Medicaid payments or the elimination of rate reimbursement ceilings, to be used by hospitals and Medicaid health maintenance organizations, in order to determine the Medicaid rate referred to in ss. 409.912(17) ~~409.912(16)~~, 409.9128(5), and 641.513(6).

Section 8. Section 430.708, Florida Statutes, is amended to read:

430.708 Certificate of need.—To ensure that Medicaid community diversion pilot projects result in a reduction in the projected average monthly nursing home caseload, the agency shall, in accordance with the provisions of s. 408.034(5) ~~s. 408.034(4)~~:

(1) Reduce the projected nursing home bed need in each certificate-of-need batching cycle in the community diversion pilot project areas.

(2) Reduce the conditions imposed on existing nursing homes or those to be constructed, in accordance with the number of projected community diversion slots.

(3) Adopt rules to reduce the number of beds in Medicaid-participating nursing homes eligible for Medicaid, through a Medicaid-selective contracting process or some other appropriate method.

(4) Determine the feasibility of increasing the nursing home occupancy threshold used in determining nursing home bed needs under the certificate-of-need process.

Section 9. Subsection (4) of section 641.386, Florida Statutes, is amended to read:

641.386 Agent licensing and appointment required; exceptions.—

(4) All agents and health maintenance organizations shall comply with and be subject to the applicable provisions of ss. 641.309 and 409.912(19) ~~409.912(18)~~, and all companies and entities appointing agents shall comply with s. 626.451, when marketing for any health maintenance organization licensed pursuant to this part, including those organizations under contract with the Agency for Health Care Administration to provide health care services to Medicaid recipients or any private entity providing health care services to Medicaid recipients pursuant to a prepaid health plan contract with the Agency for Health Care Administration.

Section 10. Subsection (4) of section 20.41, Florida Statutes, is amended to read:

20.41 Department of Elderly Affairs.—There is created a Department of Elderly Affairs.

(4) The department shall *administer administratively* ~~house~~ the State Long-Term Care Ombudsman Council, created by s. 400.0067, and the local long-term care ombudsman councils, created by s. 400.0069 and shall, as required by s. 712 of the federal Older Americans Act of 1965, ensure that both the state and local long-term care ombudsman councils operate in compliance with the Older Americans Act. ~~The councils in performance of their duties shall not be subject to control, supervision, or direction by the department.~~

Section 11. Subsection (1) and paragraph (b) of subsection (2) of section 400.0063, Florida Statutes, are amended to read:

400.0063 Establishment of Office of State Long-Term Care Ombudsman; designation of ombudsman and legal advocate.—

(1) There is created an Office of State Long-Term Care Ombudsman, ~~which shall be located for administrative purposes in the Department of Elderly Affairs.~~

(2)

(b) The State Long-Term Care Ombudsman shall be appointed by and shall serve at the pleasure of the *Secretary of Elderly Affairs* ~~State Long-Term Care Ombudsman Council~~. No person who has a conflict of interest, or has an immediate family member who has a conflict of interest, may be involved in the designation of the ombudsman.

Section 12. Paragraphs (c) and (f) of subsection (2) and subsection (3) of section 400.0065, Florida Statutes, are amended to read:

400.0065 State Long-Term Care Ombudsman; duties and responsibilities; conflict of interest.—

(2) The State Long-Term Care Ombudsman shall have the duty and authority to:

(c) Within the limits of federal and state funding authorized and appropriated, employ such personnel, including staff for local ombudsman councils, as are necessary to perform adequately the functions of the office and provide or contract for legal services to assist the state and local ombudsman councils in the performance of their

duties. Staff positions for each local ombudsman council may be established as career service positions, and shall be filled by the ombudsman after *approval by the secretary* ~~consultation with the respective local ombudsman council~~.

~~(f) Annually prepare a budget request that shall be submitted to the Governor by the department for transmittal to the Legislature.~~

(3) The State Long-Term Care Ombudsman shall not:

(a) Have a direct involvement in the licensing or certification of, or an ownership or investment interest in, a long-term care facility or a provider of a long-term care service.

(b) Be employed by, or participate in the management of, a long-term care facility.

(c) Receive, or have a right to receive, directly or indirectly, remuneration, in cash or in kind, under a compensation agreement with the owner or operator of a long-term care facility.

The Department of Elderly Affairs, ~~in consultation with the ombudsman~~, shall adopt rules to establish procedures to identify and eliminate conflicts of interest as described in this subsection.

Section 13. Paragraphs (c), (d), (f), and (g) of subsection (2) and paragraph (b) of subsection (3) of section 400.0067, Florida Statutes, are amended to read:

400.0067 Establishment of State Long-Term Care Ombudsman Council; duties; membership.—

(2) The State Long-Term Care Ombudsman Council shall:

(c) Assist the ombudsman to discover, investigate, and determine the existence of abuse or neglect in any long-term care facility. ~~and to develop procedures, in consultation with~~ The Department of Elderly Affairs *shall develop procedures*; relating to such investigations. Investigations may consist, in part, of one or more onsite administrative inspections.

(d) Assist the ombudsman in eliciting, receiving, responding to, and resolving complaints made by or on behalf of long-term care facility residents and in developing procedures, ~~in consultation with the Department of Elderly Affairs~~, relating to the receipt and resolution of such complaints. *The secretary shall approve all such procedures.*

~~(f) Be authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties, including assistance from the adult protective services program of the Department of Children and Family Services.~~

~~(g)~~ Prepare an annual report describing the activities carried out by the ombudsman and the State Long-Term Care Ombudsman Council in the year for which the report is prepared. The State Long-Term Care Ombudsman Council shall submit the report to the *Secretary of Elderly Affairs*. *The secretary shall in turn submit the report to the Commissioner of the United States Administration on Aging, the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, the chairpersons of appropriate House and Senate committees, the Secretary of Secretaries of Elderly Affairs and Children and Family Services, and the Secretary of Health Care Administration.* The report shall be submitted *by the Secretary of Elderly Affairs* at least 30 days before the convening of the regular session of the Legislature and shall, at a minimum:

1. Contain and analyze data collected concerning complaints about and conditions in long-term care facilities.

2. Evaluate the problems experienced by residents of long-term care facilities.

3. Contain recommendations for improving the quality of life of the residents and for protecting the health, safety, welfare, and rights of the residents.

4. Analyze the success of the ombudsman program during the preceding year and identify the barriers that prevent the optimal operation of the program. The report of the program's successes shall also address the relationship between the state long-term care ombudsman program, the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Children and Family Services, and an assessment of how successfully the state long-term care ombudsman program has carried out its responsibilities under the Older Americans Act.

5. Provide policy and regulatory and legislative recommendations to solve identified problems; resolve residents' complaints; improve the quality of care and life of the residents; protect the health, safety, welfare, and rights of the residents; and remove the barriers to the optimal operation of the state long-term care ombudsman program.

6. Contain recommendations from the local ombudsman councils regarding program functions and activities.

7. Include a report on the activities of the legal advocate and other legal advocates acting on behalf of the local and state councils.

(3)

(b)1. The ombudsman, in consultation with the secretary ~~and the state ombudsman council~~, shall submit to the Governor a list of at least eight names of persons who are not serving on a local council.

2. The Governor shall appoint three members chosen from the list, at least one of whom must be over 60 years of age.

3. If the Governor's appointments are not made within 60 days after the ombudsman submits the list, the ombudsman, in consultation with the ~~secretary State Long-Term Care Ombudsman Council~~, shall appoint three members, one of whom must be over 60 years of age.

Section 14. Subsection (4) of section 400.0069, Florida Statutes, is amended to read:

400.0069 Local long-term care ombudsman councils; duties; membership.—

(4) Each local ombudsman council shall be composed of no less than 15 members and no more than ~~40~~ 30 members from the local planning and service area, to include the following: one medical or osteopathic physician whose practice includes or has included a substantial number of geriatric patients and who may have limited practice in a long-term care facility; one registered nurse who has geriatric experience, if possible; one licensed pharmacist; one registered dietitian; at least six nursing home residents or representative consumer advocates for nursing home residents; at least three residents of assisted living facilities or adult family-care homes or three representative consumer advocates for long-term care facility residents; one attorney; and one professional social worker. In no case shall the medical director of a long-term care facility or an employee of the Agency for Health Care Administration, the Department of Children and Family Services, or the Department of Elderly Affairs serve as a member or as an ex officio member of a council. Each member of the council shall certify that neither the council member nor any member of the council member's immediate family has any conflict of interest pursuant to subsection (10). Local ombudsman councils are encouraged to recruit council members who are 60 years of age or older.

Section 15. Subsection (1) of section 400.0071, Florida Statutes, is amended to read:

400.0071 Complaint procedures.—

(1) The state ombudsman council shall *recommend to the ombudsman and the secretary* ~~establish~~ state and local procedures for receiving complaints against a nursing home or long-term care facility or its employee. *The procedures shall be implemented after the approval of the ombudsman and the secretary.*

Section 16. Subsections (1) and (2) of section 400.0087, Florida Statutes, are amended to read:

400.0087 Agency oversight.—

(1) The Department of Elderly Affairs shall monitor the local ombudsman councils responsible for carrying out the duties delegated by s. 400.0069 and federal law. The department, in consultation with the ombudsman ~~and the State Long-Term Care Ombudsman Council~~, shall adopt rules to establish the policies and procedures for the monitoring of local ombudsman councils.

(2) The department is responsible for ensuring that the Office of State Long-Term Care Ombudsman ~~prepares its annual report~~; provides information to public and private agencies, legislators, and others; provides appropriate training to representatives of the office or of the state or local long-term care ombudsman councils; and coordinates ombudsman services with the Advocacy Center for Persons with Disabilities and with providers of legal services to residents of long-term care facilities in compliance with state and federal laws.

Section 17. Section 400.0089, Florida Statutes, is amended to read:

400.0089 Agency reports.—~~The State Long-Term Care Ombudsman Council, shall, in cooperation with the~~ Department of Elderly Affairs *shall*; maintain a statewide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities and to residents, for the purpose of identifying and resolving significant problems. *The department and the State Long-Term Care Ombudsman Council shall submit such data as part of its annual report required pursuant to s. 400.0067(2)(g) to the Agency for Health Care Administration, the Department of Children and Family Services, the Florida Statewide Advocacy Council, the Advocacy Center for Persons with Disabilities, the Commissioner for the United States Administration on Aging, the National Ombudsman Resource Center, and any other state or federal entities that the ombudsman determines appropriate. The State Long-Term Care Ombudsman Council shall publish quarterly and make readily available information pertaining to the number and types of complaints received by the long-term care ombudsman program.*

Section 18. Section 400.0091, Florida Statutes, is amended to read:

400.0091 Training.—The ombudsman shall provide appropriate training to all employees of the Office of State Long-Term Care Ombudsman and to the state and local long-term care ombudsman councils, including all unpaid volunteers. *All volunteers and appropriate employees of the Office of the State Long-Term Care Ombudsman must be given a minimum of 20 hours of training upon employment or enrollment as a volunteer and 10 hours of continuing education annually thereafter. Training must cover, at a minimum, guardianships and powers of attorney, medication administration, care and medication of residents with dementia and Alzheimer's disease, accounting for residents' funds, discharge rights and responsibilities, and cultural sensitivity. No employee, officer, or representative of the office or of the state or local long-term care ombudsman councils, other than the ombudsman, may carry out any authorized ombudsman duty or responsibility unless the person has received the training required by this section and has been approved by the ombudsman as qualified to carry out ombudsman activities on behalf of the office or the state or local long-term care ombudsman councils.*

Section 19. Paragraph (d) of subsection (5) of section 400.179, Florida Statutes, is amended to read:

400.179 Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments.—

(5) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond

with a term of 30 months, renewable annually, in an amount not less than the total of 3 months Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. The leasehold operator may meet the bond requirement through other arrangements acceptable to the department.

3. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

4. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually at the time of application for license renewal.

5. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, cancel, revoke, or suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. *A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.*

Section 20. Subsection (1) of section 477.025, Florida Statutes, is amended, and subsection (11) is added to said section, to read:

477.025 Cosmetology salons; specialty salons; requisites; licensure; inspection; mobile cosmetology salons.—

(1) No cosmetology salon or specialty salon shall be permitted to operate without a license issued by the department *except as provided in subsection (11).*

(11) Facilities licensed under part II or part III of chapter 400 shall be exempt from the provisions of this section and a cosmetologist licensed pursuant to s. 477.019 may provide salon services exclusively for facility residents.

Section 21. Section 627.9408, Florida Statutes, is amended to read:

627.9408 Rules.—

(1) The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part.

(2) The department may adopt by rule the provisions of the Long-Term Care Insurance Model Regulation adopted by the National Association of Insurance Commissioners in the second quarter of the year 2000 which are not in conflict with the Florida Insurance Code.

Section 22. *Subsections (2) and (3) of section 400.0066, Florida Statutes, are repealed.*

Section 23. This act shall take effect July 1, 2002.

And the title is amended as follows:

remove: the entire title

and insert: A bill to be entitled An act relating to long-term care; creating s. 409.221, F.S.; creating the "Florida Consumer-Directed Care Act"; providing legislative findings; providing legislative intent; establishing the consumer-directed care program; providing for consumer selection of certain long-term care services and providers; providing for interagency agreements among the Agency for Health Care Administration and the Department of Elderly Affairs, the Department of Health, and the Department of Children and Family Services; providing for program eligibility and enrollment; providing definitions; providing for consumer budget allowances and purchasing guidelines; specifying authorized services; providing roles and

responsibilities of consumers, the agency and departments, and fiduciary intermediaries; providing background screening requirements for persons who render care under the program; providing rulemaking authority of the agency and departments; requiring the agency to apply for federal waivers as necessary; requiring ongoing program reviews and annual reports; requiring the Agency for Health Care Administration and the Department of Elderly Affairs to submit a plan to the Governor and Legislature for reducing nursing home bed days funded under the Medicaid program; amending s. 408.034, F.S.; providing additional requirements for the Agency for Health Care Administration in determining the need for additional nursing facility beds; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to contract with vendors on a risk-sharing basis for in-home physician services; requiring the Agency for Health Care Administration to establish a nursing facility preadmission screening program through an interagency agreement with the Department of Elderly Affairs; requiring an annual report to the Legislature and the Office of Long-Term Care Policy; creating s. 430.041, F.S.; establishing the Office of Long-Term Care Policy within the Department of Elderly Affairs; requiring the office to make recommendations for coordinating the services provided by state agencies; providing for the appointment of a director and an advisory council to the Office of Long-Term Care Policy; specifying membership and duties of the director and advisory council; providing for reimbursement of per diem and travel expenses for members of the advisory council; requiring that the office submit an annual report to the Governor and Legislature; requiring assistance to the office by state agencies and universities; creating s. 430.7031, F.S.; requiring the Department of Elderly Affairs and the Agency for Health Care Administration to implement a nursing home transition program; providing requirements for the program; amending ss. 409.908, 430.708, and 641.386, F.S., relating to reimbursement of Medicaid providers, certificates of need, and agent licensing and appointment; conforming cross references to changes made by the act; amending s. 20.41, F.S.; providing for administration of the State Long-Term Care Ombudsman Council by the Department of Elderly Affairs; amending s. 400.0063, F.S.; locating the Office of the State Long-Term Care Ombudsman in the department; providing for appointment of the ombudsman by the Secretary of Elderly Affairs; amending s. 400.0065, F.S.; requiring the secretary's approval of staff for the local ombudsman councils; deleting requirement that the ombudsman prepare an annual legislative budget request; revising rulemaking authority; amending s. 400.0067, F.S.; revising duties of the State Long-Term Care Ombudsman Council; providing duties of the department and secretary; amending s. 400.0069, F.S.; increasing the maximum membership of the local long-term care ombudsman councils; amending s. 400.0071, F.S.; revising procedures relating to complaints; amending s. 400.0087, F.S.; revising provisions relating to agency oversight; amending s. 400.0089, F.S.; revising reporting responsibilities; requiring the State Long-Term Care Ombudsman Council to publish complaint information quarterly; amending s. 400.0091, F.S.; specifying training requirements for employees of the Office of the State Long-Term Care Ombudsman and its volunteers; amending s. 400.179, F.S.; providing an exemption from certain requirements that the transferor of a nursing facility maintain a bond; amending s. 477.025, F.S.; exempting certain facilities from a provision of law requiring licensing as a cosmetology salon; amending s. 627.9408, F.S.; authorizing the department to adopt by rule certain provisions of the Long-Term Care Insurance Model Regulation, as adopted by the National Association of Insurance Commissioners; repealing s. 400.0066(2) and (3), F.S., relating to the Office of State Long-Term Care Ombudsman; deleting a prohibition on interference with the official duty of any ombudsman staff or volunteers; deleting reference to administrative support by the Department of Elderly Affairs; providing an effective date.

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

The question recurred on the passage of HB 703. The vote was:

Session Vote Sequence: 963

Yeas—116

The Chair	Crow	Heyman	Negron
Alexander	Cusack	Hogan	Paul
Allen	Davis	Holloway	Peterman
Andrews	Detert	Jennings	Pickens
Argenziano	Diaz de la Portilla	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	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
Brummer	Greenstein	Maygarden	Trovillion
Bucher	Haridopolos	McGriff	Wallace
Bullard	Harper	Meadows	Waters
Byrd	Harrell	Mealor	Weissman
Cantens	Harrington	Melvin	Wiles
Carassas	Hart	Murman	Wilson
Clarke	Henriquez	Needelman	Wishner

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1405—A bill to be entitled An act relating to health care practitioner student loans and service scholarship obligations; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any health care practitioner who has defaulted on a student loan issued or guaranteed by the state or the Federal Government; amending s. 456.072, F.S., and reenacting subsection (2), relating to disciplinary actions; clarifying the ground for disciplinary action for failing to perform a statutory or legal obligation to include failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan and for failing to comply with service scholarship obligations; providing penalties; directing the Department of Health to obtain certain information from the United States Department of Health and Human Services on a monthly basis and to include certain information in its annual report to the Legislature; reenacting ss. 456.026 and 456.073, F.S., relating to the annual report and disciplinary proceedings, respectively, to conform; providing applicability; providing an effective date.

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

Session Vote Sequence: 964

Yeas—115

Alexander	Atwater	Bean	Betancourt
Allen	Ausley	Bendross-Mindingall	Bilirakis
Andrews	Baker	Bennett	Bowen
Argenziano	Ball	Bense	Brown
Arza	Barreiro	Benson	Brummer
Attkisson	Baxley	Berfield	Bucher

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1935—A bill to be entitled An act relating to controlled substances; creating s. 893.101, F.S.; providing legislative findings and intent; providing for affirmative defense in certain criminal cases; providing an effective date.

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

Session Vote Sequence: 965

Yeas—115

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

Trovillion Waters Wiles Wishner
Wallace Weissman Wilson

Nays—None

Votes after roll call:

Yeas—Justice

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

SB 592—A bill to be entitled An act providing for adoption assistance; creating s. 409.406, F.S.; providing authority for the Department of Children and Family Services to enter into interstate agreements with other participating states for medical and other necessary services for special-needs children; establishing procedures for interstate delivery of adoption assistance and related services and benefits; providing for rules; creating s. 409.407, F.S.; prohibiting expansion of the state's financial commitment; providing an effective date.

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

Session Vote Sequence: 966

Yeas—111

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

Nays—None

Votes after roll call:

Yeas—Goodlette, Henriquez, Justice, Wiles

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

CS/CS/HB 295—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 use of a licensed nurse registry to recruit and screen participants and act as a fiscal intermediary; 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.

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

Session Vote Sequence: 967

Yeas—116

The Chair	Clarke	Heyman	Negron
Alexander	Crow	Hogan	Paul
Allen	Cusack	Holloway	Peterman
Andrews	Davis	Jennings	Pickens
Argenziano	Detert	Johnson	Prieguez
Arza	Diaz-Balart	Jordan	Rich
Attkisson	Dockery	Joyner	Richardson
Atwater	Evers	Kallinger	Ritter
Ausley	Farkas	Kendrick	Romeo
Baker	Fasano	Kilmer	Ross
Ball	Fields	Kosmas	Rubio
Barreiro	Fiorentino	Kottkamp	Russell
Baxley	Flanagan	Kravitz	Ryan
Bean	Frankel	Kyle	Seiler
Bendross-Mindingall	Gannon	Lacasa	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
Bucher	Harper	Meadows	Waters
Bullard	Harrell	Mealor	Weissman
Byrd	Harrington	Melvin	Wilson
Cantens	Hart	Murman	Wishner
Carassas	Henriquez	Needelman	

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 137 was taken up. On motion by Rep. Hogan, the rules were waived and—

CS for SB 268—A bill to be entitled An act relating to persons in a position of trust and confidence; amending s. 825.101, F.S.; defining the term "position of trust and confidence"; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly or disabled person; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly or disabled person; authorizing the court to advance a trial on the docket which involves a victim who is an elderly or disabled person; creating s. 744.1083, F.S.; providing guidelines for the registration of professional guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.309, F.S.; revising qualifications for trust companies that may be appointed guardians; amending s. 744.3135, F.S.; revising credit and background screening requirements for guardians; providing such requirements for employees of a professional guardian who have a fiduciary responsibility to the ward; providing applicability; amending s. 744.446, F.S.; providing for court actions to protect the ward in the event of a breach of fiduciary duty by the guardian; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term

“direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; clarifying provisions relating to medical proxies for incapacitated persons; providing priority of a guardian advocate who has been authorized to consent to medical treatment for a person with a developmental disability; providing an effective date.

—was substituted for CS/HB 137 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

REPRESENTATIVE MELVIN IN THE CHAIR

On motion by Rep. Hogan, the rules were waived and CS for SB 268 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 968

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Bucher, Justice
Yeas to Nays—Mack

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

CS/HB 507—A bill to be entitled An act relating to responsiveness to emergencies and disasters; providing legislative findings; amending s. 381.0011, F.S.; revising duties of the Department of Health; authorizing the State Health Officer to take specified emergency actions to protect the public health; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and

AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; providing an exception; creating s. 381.0421, F.S.; requiring postsecondary education institutions to provide information on hepatitis B; requiring individuals residing in on-campus housing to document vaccinations against hepatitis B or sign a waiver; amending ss. 395.1027 and 401.245, F.S.; correcting cross references; amending s. 401.23, F.S.; revising definitions of “advanced life support” and “basic life support” and defining “emergency medical condition”; amending s. 401.252, F.S.; authorizing physician assistants to conduct interfacility transfers in a permitted ambulance under certain circumstances; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners’ course requirements; amending s. 456.38, F.S.; revising provisions relating to the health care practitioner registry for disasters and emergencies; prohibiting certain termination of or discrimination against a practitioner providing disaster medical assistance; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending ss. 401.2715, 633.35, and 943.135, F.S.; authorizing certain substitution of terrorism response training for other training required for recertification of emergency medical technicians and paramedics, certification of firefighters, and continued employment or appointment of law enforcement officers, correctional officers, and correctional probation officers; authorizing rulemaking; providing an effective date.

—was read the third time by title.

Representative(s) Gannon offered the following:

(Amendment Bar Code: 113171)

Amendment 4 (with title amendment)—On page 12, between lines 25 and 26,

insert:

Section 5. Section 381.0435, Florida Statutes, is created to read:

381.0435 Treatment for survivors of rape.—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—*The Legislature finds that the victimization of women through rape is compounded by the possibility that the rape survivor may suffer an unwanted pregnancy by the rapist. The Legislature further finds that access to pregnancy prevention prophylaxis and timely counseling are simple, basic measures that can prevent this additional victimization. The federal Food and Drug Administration has approved the use of pregnancy prevention prophylaxis as safe and effective in the prevention of pregnancy. Further, medical research strongly indicates that the sooner pregnancy prevention prophylaxis is administered, the better the chance of preventing unintended pregnancy. Therefore, the Legislature deems it essential that rape survivors be informed of pregnancy prophylaxis and have access to pregnancy prophylaxis as a treatment option.*

(2) **DEFINITIONS.**—*As used in this section, the following words have the meanings indicated:*

(a) *“Care to a rape survivor” means medical examinations, procedures, and services provided to a rape survivor.*

(b) *“Incest” means a sexual offense described in s. 826.04.*

(c) "Pregnancy prevention prophylaxis" means any drug or device approved by the federal Food and Drug Administration that prevents pregnancy after sexual intercourse.

(d) "Rape" means sexual battery as described in ss. 794.011 and 827.071.

(e) "Rape survivor" means a person who alleges or is alleged to have been raped or is the victim of alleged incest and because of the alleged offense seeks treatment as a patient.

(3) **DUTIES OF LICENSED FACILITIES AND PRACTITIONERS.**—Beginning October 1, 2002, a health care facility licensed under this chapter and any health care practitioner licensed pursuant to chapter 458, chapter 459, or chapter 464, that provides care to a rape survivor, shall:

(a) Provide each rape survivor with medically and factually accurate, clear, concise information about pregnancy prevention prophylaxis.

(b) Inform each rape survivor of such person's medical option to receive pregnancy prevention prophylaxis.

(c) If pregnancy prevention prophylaxis is requested:

1. Immediately prescribe or provide the rape survivor with pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate; or

2. Inform the rape survivor of a health care facility or health care practitioner that will prescribe or provide immediate access to pregnancy prevention prophylaxis, if it is determined by the physician to be medically appropriate for the rape survivor. Such provision of information shall be documented in the patient's medical record.

(4) Notwithstanding any other provision of this section, a health care facility licensed under this chapter may refuse to provide care to a rape survivor because the provisions of this section are inconsistent with the religious beliefs of the facility or the health care practitioner. This section shall not be construed to deny care to a rape survivor. For purposes of this section, a religious health care facility is an entity for which each of the following is true:

(a) The inculcation of religious values is the purpose of the entity.

(b) The entity primarily employs persons who share the religious tenets of the entity.

(c) The entity serves primarily persons who share the religious tenets of the entity.

(d) The entity is a nonprofit organization as described in Section 6033 (a) (2) i or iii, of the Internal Revenue Code of 1986, as amended.

(5) Every health care facility licensed under this chapter and any health care practitioner employed by such facility, and licensed pursuant to chapter 458, chapter 459, or chapter 464 that refuses to provide care to a rape survivor under this section shall provide written notice to the victim that the health care facility or health care practitioner refuses to provide treatment for religious reasons.

However, if the rape survivor is transferred to or receives care from a sexual assault program or specialized team that provides rape counseling and treatment services, or if the rape survivor is pregnant, the licensed facility or practitioner described in this subsection shall be relieved of the duties specified in paragraphs (a)-(c).

And the title is amended as follows:

On page 1, line 22, after the semicolon,

insert: creating s. 381.0435, F.S.; providing legislative intent; providing definitions; providing requirements for treatment for survivors of rape; providing for counseling and for information about pregnancy prevention prophylaxis; providing for immediate access to medically appropriate pregnancy prevention prophylaxis, if requested; providing for refusal to provide care; providing applicability;

Rep. Gannon moved the adoption of the amendment.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 4**, which failed to receive the necessary two-thirds vote for adoption. The vote was:

Session Vote Sequence: 969

Yeas—48

Argenziano	Gannon	Kosmas	Romeo
Ausley	Gelber	Lacasa	Ryan
Bendross-Mindingall	Gottlieb	Lerner	Seiler
Betancourt	Green	Machek	Siplin
Bucher	Greenstein	Mayfield	Slosberg
Bullard	Harper	McGriff	Smith
Cusack	Henriquez	Meadows	Sobel
Detert	Heyman	Peterman	Stansel
Fields	Holloway	Pickens	Weissman
Fiorentino	Jennings	Rich	Wiles
Flanagan	Joyner	Richardson	Wilson
Frankel	Kendrick	Ritter	Wishner

Nays—64

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

Votes after roll call:

Yeas—Justice, Lynn

Nays—Attkisson, Berfield

Yeas to Nays—Pickens

Nays to Yeas—Bennett, Murman

Representative(s) Fiorentino offered the following:

(Amendment Bar Code: 090561)

Amendment 5 (with title amendment)—On page 27, between lines 6 & 7,

insert:

Section 20. Section 765.539, Florida Statutes, is created to read:

765.539 Organizations engaged in the practice of cadaveric organ and tissue procurement or processing; pooling of cells or tissues prohibited.—Organizations engaged in the practice of cadaveric or surgical organ and tissue procurement or processing in this state are prohibited from allowing human tissues from two or more donors to be pooled during retrieval, processing, preservation, or storage unless said tissue is sterile and free of all infectious agents, as determined by the Agency for Health Care Administration, based on input from the Organ and Tissue Procurement and Transplantation Advisory Board. This includes unconventional infectious agents, such as prions, which cause transmissible spongiform encephalopathy. For purposes of this section, "pooled" means placed in physical contact or processed in any way which allows any fluids or tissues to be commingled in any way between two or more donors.

And the title is amended as follows:

On page 3, line 11, after the semicolon

insert: creating s. 765.539, F.S.; prohibiting pooling of cells or tissues;

Rep. Fiorentino moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption.

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

Representative(s) Farkas and Fasano offered the following:

(Amendment Bar Code: 651321)

Amendment 6 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. *(1) Effective July 1, 2002, all powers, duties, functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Agency for Health Care Administration that relate to consumer complaint services, investigations, and prosecutorial services currently provided by the Agency for Health Care Administration under a contract with the Department of Health are transferred to the Department of Health by a type two transfer, as defined in s. 20.06(2), Florida Statutes. This transfer of funds shall include all advance payments made from the Medical Quality Assurance Trust Fund to the Agency for Health Care Administration.*

(2)(a) Effective July 1, 2002, 279 full-time equivalent positions are eliminated from the Agency for Health Care Administration's total number of authorized positions. Effective July 1, 2002, 279 full-time equivalent positions are authorized for the Department of Health, to be added to the department's total number of authorized positions. However, should the General Appropriations Act for fiscal year 2002-2003 reduce the number of positions from the practitioner regulation component at the Agency for Health Care Administration, that provision shall be construed to eliminate the full-time equivalent positions from the practitioner regulation component which is hereby transferred to the Department of Health, thereby resulting in no more than 279 positions being eliminated from the agency and no more than 279 positions being authorized to the department.

(b) All records, personnel, and funds of the consumer complaint and investigative services units of the agency are transferred and assigned to the Division of Medical Quality Assurance of the Department of Health.

(c) All records, personnel, and funds of the health care practitioner prosecutorial unit of the agency are transferred and assigned to the Office of the General Counsel of the Department of Health.

(3) The Department of Health is deemed the successor in interest in all legal proceedings and contracts currently involving the Agency for Health Care Administration and relating to health care practitioner regulation. Except as provided herein, no legal proceeding shall be dismissed, nor any contract terminated, on the basis of this type two transfer. The interagency agreement between the Department of Health and the Agency for Health Care Administration shall terminate on June 30, 2002.

Section 2. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. The Board of Acupuncture, created under chapter 457.

2. The Board of Medicine, created under chapter 458.
3. The Board of Osteopathic Medicine, created under chapter 459.
4. The Board of Chiropractic Medicine, created under chapter 460.
5. The Board of Podiatric Medicine, created under chapter 461.
6. Naturopathy, as provided under chapter 462.
7. The Board of Optometry, created under chapter 463.
8. The Board of Nursing, created under part I of chapter 464.
9. Nursing assistants, as provided under part II of chapter 464.
10. The Board of Pharmacy, created under chapter 465.
11. The Board of Dentistry, created under chapter 466.
12. Midwifery, as provided under chapter 467.
13. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
14. The Board of Nursing Home Administrators, created under part II of chapter 468.
15. The Board of Occupational Therapy, created under part III of chapter 468.
16. ~~The Board of Respiratory Care therapy, as created provided~~ under part V of chapter 468.
17. Dietetics and nutrition practice, as provided under part X of chapter 468.
18. The Board of Athletic Training, created under part XIII of chapter 468.
19. The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.
20. Electrolysis, as provided under chapter 478.
21. The Board of Massage Therapy, created under chapter 480.
22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.
23. Medical physicists, as provided under part IV of chapter 483.
24. The Board of Opticianry, created under part I of chapter 484.
25. The Board of Hearing Aid Specialists, created under part II of chapter 484.
26. The Board of Physical Therapy Practice, created under chapter 486.
27. The Board of Psychology, created under chapter 490.
28. School psychologists, as provided under chapter 490.
29. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

~~The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.~~

Section 3. *The Office of Legislative Services shall contract for a business case study of the feasibility of outsourcing the administrative, investigative, legal, and prosecutorial functions and other tasks and services that are necessary to carry out the regulatory responsibilities of the Board of Dentistry; employing its own executive director and other staff; and obtaining authority over collections and expenditures of funds paid by professions regulated by the Board of Dentistry into the Medical Quality Assurance Trust Fund. This feasibility study must include a business plan and an assessment of the direct and indirect costs*

associated with outsourcing these functions. The sum of \$50,000 is appropriated from the Board of Dentistry account within the Medical Quality Assurance Trust Fund to the Office of Legislative Services for the purpose of contracting for the study. The Office of Legislative Services shall submit the completed study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

Section 4. (1) On or before January 1, 2003, the Department of Health shall contract with one or more private entities to implement the electronic continuing education tracking system required under s. 456.025(7), Florida Statutes. The electronic continuing education tracking system or systems must be compatible with the Department of Health's licensure and renewal system no later than March 1, 2003. On or before July 1, 2003, the Department of Health shall integrate such system or systems into the Department of Health's licensure and renewal system.

(2) The continuing education tracking system shall provide access for a licensee to review the licensee's continuing education credits or courses which have been reported by providers of continuing education and shall provide a mechanism for a licensee to self-report courses or credits which have not yet been reported by a provider of continuing education.

(3) The private entities under contract with the Department of Health may fund the development and operation of the continuing education tracking system through private grants or funds or through funds paid by a provider of continuing education courses. The Department of Health is authorized to use continuing education provider fees and licensure renewal fees to fund the operation of the continuing education tracking system, subject to legislative appropriation.

(4) The Department of Health may enter into more than one contract if the department determines that it would be more efficient, practical, or cost-effective to use one vendor for professions which use board-approved providers and one vendor for professions which allow licensees to take courses approved by other entities.

Section 5. Subsection (19) of section 456.057, Florida Statutes, is amended to read:

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

(19) The board, or department when there is no board, may temporarily or permanently appoint a person or entity as a custodian of medical records in the event of the death of a practitioner, the mental or physical incapacitation of the practitioner, or the abandonment of medical records by a practitioner. The custodian appointed shall comply with all provisions of this section, including the release of patient records. Any person or entity having possession or physical control of the medical records may release them to the custodian upon presentation of an order signed by the board giving the custodian access to the records. A person or entity is not liable in tort or contract for providing the records to a validly appointed custodian.

Section 6. Subsection (7) is added to section 456.072, Florida Statutes, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(7) In addition to any other discipline imposed through final order or citation entered on or after July 1, 2002, pursuant to this section or for a violation of any practice act, the board, or the department when there is no board, shall require, in appropriate cases, any licensee who is a records owner, as defined in s. 456.057, to notify his or her patients of the requirements imposed by s. 456.057(11).

Section 7. Paragraph (a) of subsection (3) of section 456.076, Florida Statutes, is amended to read:

456.076 Treatment programs for impaired practitioners.—

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a licensee under the jurisdiction of the Division of Medical Quality Assurance within the department is

impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the licensee's ability to practice with skill and safety, and no complaint against the licensee other than impairment exists, the reporting of such information shall not constitute grounds for discipline pursuant to s. 456.072 or the corresponding grounds for discipline within the applicable practice act if the probable cause panel of the appropriate board, or the department when there is no board, finds:

1. The licensee has acknowledged the impairment problem.
2. The licensee has voluntarily enrolled in an appropriate, approved treatment program.
3. The licensee has voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until such time as the panel, or the department when there is no board, is satisfied the licensee has successfully completed an approved treatment program.
4. The licensee has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

5. The licensee has voluntarily notified his or her patients of the requirements imposed by s. 456.057(11) on a records owner who is terminating practice, retiring, or relocating and is no longer available to patients.

Section 8. Paragraph (b) of subsection (1) and paragraph (a) of subsection (4), of section 456.0375, Florida Statutes, is amended to read:

456.0375 Registration of certain clinics; requirements; discipline; exemptions.—

- (1)
 - (b) For purposes of this section, the term "clinic" does not include and the registration requirements herein do not apply to:
 1. Entities licensed or registered by the state pursuant to chapter 390, chapter 394, chapter 395, chapter 397, chapter 400, chapter 463, chapter 465, chapter 466, chapter 478, ~~chapter 480~~, or chapter 484.
 2. Entities exempt from federal taxation under 26 U.S.C. s. 501(c)(3), as well as all public college and university clinics.
 3. Sole proprietorships, group practices, partnerships, or corporations that provide health care services by licensed health care practitioners pursuant to chapters 457, 458, 459, 460, 461, 462, 463, 466, 467, 480, 484, 486, 490, 491, or part I, part III, part X, part XIII, or part XIV of chapter 468, or s. 464.012, which are wholly owned by licensed health care practitioners or the licensed health care practitioner and the spouse, parent, or child of a licensed health care practitioner, so long as one of the owners who is a licensed health care practitioner is supervising the services performed therein and is legally responsible for the entity's compliance with all federal and state laws. However, no health care practitioner may supervise the delivery of health care services beyond the scope of the practitioner's license. Nothing in this section shall be construed to prohibit a health care practitioner from providing administrative or managerial supervision for personnel purposes.
 4. Massage establishments licensed pursuant to s. 480.043 so long as the massage establishment is only providing massage as defined in s. 480.033(3) and no other medical or health care service.

(4)(a) All charges or reimbursement claims made by or on behalf of a clinic that is required to be registered under this section, but that is not so registered, are unlawful charges and therefore are noncompensable and unenforceable. However, an insurer shall not deny a claim submitted by a provider on the basis that the provider is not registered pursuant to s. 456.0375 unless at the time of denial the insurer

has reasonable proof from a source other than the provider that the provider is an entity, sole proprietorship, group practice, partnership or corporation which is required to register pursuant to this section.

Section 9. Paragraphs (aa) and (bb) of subsection (1) of section 456.072, Florida Statutes, are amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(aa) Performing ~~or attempting to perform~~ health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing ~~or attempting to perform~~ health care services includes the preparation of the patient.

(bb) Leaving a foreign body in a patient, such as a sponge, clamp, forceps, surgical needle, or other paraphernalia commonly used in surgical, examination, or other diagnostic procedures, *unless leaving the foreign body is medically indicated and documented in the patient record*. For the purposes of this paragraph, it shall be legally presumed that retention of a foreign body is not in the best interest of the patient and is not within the standard of care of the profession, *unless medically indicated and documented in the patient record regardless of the intent of the professional*.

Section 10. Subsection (7) is added to section 631.57, Florida Statutes, to read:

631.57 Powers and duties of the association.—

(7) *Notwithstanding any other provision of law, the net direct written premiums of medical malpractice insurance are not subject to assessment under this section to cover claims and administrative costs for the type of insurance defined in s. 624.604.*

Section 11. Subsections (22) through (33) of section 395.002, Florida Statutes, are renumbered as subsections (23) through (34), respectively, and a new subsection (22) is added to said section to read:

395.002 Definitions.—As used in this chapter:

(22) *“Medically unnecessary procedure” means a surgical or other invasive procedure that a reasonable physician, in light of the patient's history and available diagnostic information, would not deem to be indicated in order to treat, cure, or palliate the patient's condition or disease.*

Section 12. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and 394.4789.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) *“Specialty psychiatric hospital” means a hospital licensed by the agency pursuant to s. 395.002(30)(29) as a specialty psychiatric hospital.*

Section 13. Subsection (5) is added to section 395.0161, Florida Statutes, to read:

395.0161 Licensure inspection.—

(5)(a) *The agency shall adopt rules governing the conduct of inspections or investigations it initiates in response to:*

1. *Reports filed pursuant to s. 395.0197.*
2. *Complaints alleging violations of state or federal emergency access laws.*
3. *Complaints made by the public alleging violations of law by licensed facilities or personnel.*

(b) *Such rules shall set forth the procedures to be used in such investigations or inspections in order to protect the due process rights of*

licensed facilities and personnel and to minimize, to the greatest reasonable extent possible, the disruption of facility operations and the cost to facilities resulting from such investigations.

Section 14. Subsections (2), (14), and (16) of section 395.0197, Florida Statutes, are amended to read:

395.0197 Internal risk management program.—

(2) The internal risk management program is the responsibility of the governing board of the health care facility. Each licensed facility shall *utilize the services of hire* a risk manager, licensed under s. 395.10974, who is responsible for implementation and oversight of such facility's internal risk management program as required by this section. ~~A risk manager must not be made responsible for more than four internal risk management programs in separate licensed facilities, unless the facilities are under one corporate ownership or the risk management programs are in rural hospitals.~~

(14) The agency shall have access, *as set forth in rules adopted pursuant to s. 395.0161(5)*, to all licensed facility records necessary to carry out the provisions of this section. The records obtained by the agency under subsection (6), subsection (8), or subsection (10) are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 456.071 be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(16) The agency shall review, as part of its licensure inspection process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under this section. *Only a risk manager licensed under s. 395.10974 and employed by or under contract with the agency may conduct inspections to determine whether a program meets the requirements of this section. Such determination shall be based on that level of care, skill, and judgment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar licensed risk managers. By July 1, 2004, the agency shall employ or contract with a minimum of three licensed risk managers in each district to conduct inspections pursuant to this section.*

Section 15. Paragraph (b) of subsection (2) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(2) The following classes of institutional pharmacies are established:

(b) *“Class II institutional pharmacies” are those institutional pharmacies which employ the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, shall provide dispensing and consulting services on the premises to patients of that institution and to patients receiving care in a hospice licensed under part VI of chapter 400 which is located or providing services on the premises of that institution, for use on the premises of that institution. However, an institutional pharmacy located in an area or county included in an emergency order or proclamation of a state of emergency declared by the Governor may provide dispensing and consulting services to individuals who are not patients of the institution. However, a single dose of a medicinal drug may be obtained and administered to a patient on a valid physician's drug order under the supervision of a physician or charge nurse, consistent with good institutional practice procedures. The obtaining and administering of such single dose of a medicinal drug shall be pursuant to drug-handling procedures established by a*

consultant pharmacist. Medicinal drugs may be dispensed in a Class II institutional pharmacy, but only in accordance with the provisions of this section.

Section 16. Paragraph (a) of subsection (2) of section 499.007, Florida Statutes, is amended to read:

499.007 Misbranded drug or device.—A drug or device is misbranded:

(2) Unless, if in package form, it bears a label containing:

(a) The name and place of business of the manufacturer or distributor; ~~in addition, for a medicinal drug, as defined in s. 499.003, the label must contain the name and place of business of the manufacturer~~ of the finished dosage form of the drug. For the purpose of this paragraph, the finished dosage form of a medicinal drug is that form of the drug which is, or is intended to be, dispensed or administered to the patient and requires no further manufacturing or processing other than packaging, reconstitution, and labeling; and

Section 17. *Responsiveness to emergencies and disasters; legislative findings.*—*The Legislature finds that it is critical that Florida be prepared to respond appropriately to a health crisis and injuries in the event of an emergency or disaster. The Legislature finds that there is a need to better educate health care practitioners on diseases and conditions that might be caused by nuclear, biological, and chemical terrorism so that health care practitioners can more effectively care for patients and better educate patients as to prevention and treatment. Additionally, the Legislature finds that not all health care practitioners have been recently trained in life support and first aid and that all health care practitioners should be encouraged to obtain such training. The Legislature finds that health care practitioners who are willing to respond in emergencies or disasters should not be penalized for providing their assistance.*

Section 18. Subsection (6) of section 381.0011, Florida Statutes, is amended to read:

381.0011 Duties and powers of the Department of Health.—It is the duty of the Department of Health to:

(6) Declare, enforce, modify, and abolish quarantine of persons, animals, and premises as the circumstances indicate for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health, except as provided in ss. 384.28 and 392.545-392.60.

(a) The department shall adopt rules to specify the conditions and procedures for imposing and releasing a quarantine. The rules must include provisions related to:

1. The closure of premises.
2. The movement of persons or animals exposed to or infected with a communicable disease.
3. The tests or prophylactic treatment, including vaccination, for communicable disease required prior to employment or admission to the premises or to comply with a quarantine.
4. Testing or destruction of animals with or suspected of having a disease transmissible to humans.
5. Access by the department to quarantined premises.
6. The disinfection of quarantined animals, persons, or premises.
7. *Methods of quarantine.*

(b) Any health regulation that restricts travel or trade within the state may not be adopted or enforced in this state except by authority of the department.

Section 19. Section 381.00315, Florida Statutes, is amended to read:

381.00315 Public health advisories; *public health emergencies.*—The State Health Officer is responsible for declaring public health emergencies and issuing public health advisories.

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

(a) *“Public health advisory” means any warning or report giving information to the public about a potential public health threat. Prior to issuing any public health advisory, the State Health Officer must consult with any state or local agency regarding areas of responsibility which may be affected by such advisory. Upon determining that issuing a public health advisory is necessary to protect the public health and safety, and prior to issuing the advisory, the State Health Officer must notify each county health department within the area which is affected by the advisory of the State Health Officer’s intent to issue the advisory. The State Health Officer is authorized to take any action appropriate to enforce any public health advisory.*

(b) *“Public health emergency” means any occurrence, or threat thereof, whether natural or man made, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters. Prior to declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security Initiatives as created in s. 943.03. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration. The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:*

1. *Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas that have been identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer’s priority shipping directive before shipping the specified drugs.*

2. *Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians, physician assistants, and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.*

3. *Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; licensed practical nurses, registered nurses, and advanced registered nurse practitioners licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or prior to the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable. If a physician assistant requests reactivation and volunteers during the declared public health emergency, the county health department may serve as the supervising physician for the physician assistant.*

4. *Ordering an individual to be examined, tested, vaccinated, treated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health.*

Individuals who are unable or unwilling to be examined, tested, vaccinated or treated for reasons of health, religion or conscience may be subjected to quarantine.

a. *Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.*

b. *If the individual poses a danger to the public health, the State Health Officer may subject the individual to quarantine. If there is no practical method to quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.*

Any order of the State Health Officer given to effectuate this paragraph shall be immediately enforceable by a law enforcement officer under s. 381.0012.

(2) *Individuals who assist the State Health Officer at his or her request on a volunteer basis during a public health emergency are entitled to the benefits specified in s. 110.504 (2), (3), (4), and (5).*

Section 20. Section 381.0034, Florida Statutes, is amended to read:

381.0034 Requirement for instruction on conditions caused by nuclear, biological, and chemical terrorism and on human immunodeficiency virus and acquired immune deficiency syndrome.—

(1) ~~As of July 1, 1991,~~ The Department of Health shall require each person licensed or certified under chapter 401, chapter 467, part IV of chapter 468, or chapter 483, as a condition of biennial relicensure, to complete an educational course approved by the department on conditions caused by nuclear, biological, and chemical terrorism. The course shall consist of education on diagnosis and treatment, the modes of transmission, infection control procedures, and clinical management. Such course shall also include information on reporting suspected cases of conditions caused by nuclear, biological, or chemical terrorism to the appropriate health and law enforcement authorities, ~~and prevention of human immunodeficiency virus and acquired immune deficiency syndrome. Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, and treatment of patients.~~ Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form provided by the department, when submitting fees or application for each biennial renewal.

(2) Failure to complete the requirements of this section shall be grounds for disciplinary action contained in the chapters specified in subsection (1). In addition to discipline by the department, the licensee or certificateholder shall be required to complete *the required said course or courses.*

(3) The department shall require, as a condition of granting a license under the chapters specified in subsection (1), that an applicant making initial application for licensure complete ~~respective an~~ educational courses ~~course~~ acceptable to the department on conditions caused by nuclear, biological, and chemical terrorism and on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken *such courses a course* at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(4) The department shall have the authority to adopt rules to carry out the provisions of this section.

(5) Any professional holding two or more licenses or certificates subject to the provisions of this section shall be permitted to show proof of having taken one department-approved course on conditions caused by nuclear, biological, and chemical terrorism ~~human immunodeficiency virus and acquired immune deficiency syndrome~~, for purposes of relicensure or recertification for the additional licenses.

Section 21. Section 381.0035, Florida Statutes, is amended to read:

381.0035 Educational courses ~~course~~ on human immunodeficiency virus and acquired immune deficiency syndrome and on conditions caused by nuclear, biological, and chemical terrorism; employees and clients of certain health care facilities.—

(1)(a) The Department of Health shall require all ~~employees and~~ clients of facilities licensed under chapters 393, 394, and 397 ~~and employees of facilities licensed under chapter 395 and parts II, III, IV, and VI of chapter 400~~ to complete, biennially, a continuing educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with an emphasis on appropriate behavior and attitude change. Such instruction shall include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients and any protocols and procedures applicable to human immunodeficiency counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.

(b) *The department shall require all employees of facilities licensed under chapters 393, 394, 395, and 397 and parts II, III, IV, and VI of chapter 400 to complete, biennially, a continuing educational course on conditions caused by nuclear, biological, and chemical terrorism. The course shall consist of education on diagnosis and treatment, modes of transmission, infection control procedures, and clinical management. Such course shall also include information on reporting suspected cases of conditions caused by nuclear, biological, or chemical terrorism to the appropriate health and law enforcement authorities.*

(2) New employees of facilities licensed under chapters 393, 394, 395, and 397 and parts II, III, IV, and VI of chapter 400 shall be required to complete a course on human immunodeficiency virus and acquired immune deficiency syndrome, with instruction to include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients. *New employees of such facilities shall also be required to complete a course on conditions caused by nuclear, biological, and chemical terrorism, with instruction to include information on reporting suspected cases to the appropriate health and law enforcement authorities.*

(3) Facilities licensed under chapters 393, 394, 395, and 397, and parts II, III, IV, and VI of chapter 400 shall maintain a record of employees and dates of attendance at ~~human immunodeficiency virus and acquired immune deficiency syndrome~~ educational courses on human immunodeficiency virus and acquired immune deficiency syndrome and on conditions caused by nuclear, biological, and chemical terrorism.

(4) The department shall have the authority to review the records of each facility to determine compliance with the requirements of this section. The department may adopt rules to carry out the provisions of this section.

(5) *In lieu of completing a course as required in paragraph (1)(b), the employee may complete a course on end-of-life care and palliative health care or a course on HIV/AIDS so long as the employee completed an approved course on conditions caused by nuclear, biological, and chemical terrorism in the immediately preceding biennium.*

Section 22. Section 381.0421, Florida Statutes, is created to read:

381.0421 Vaccination against meningococcal meningitis and hepatitis B.—

(1) *A postsecondary educational institution shall provide detailed information concerning the risks associated with meningococcal meningitis and hepatitis B and the availability, effectiveness, and known contraindications of any required or recommended vaccine against meningococcal meningitis and hepatitis B to every student, or to the student's parent or guardian if the student is a minor, who has been accepted for admission.*

(2) *An individual enrolled in a postsecondary educational institution who will be residing in on-campus housing shall provide documentation of vaccinations against meningococcal meningitis and hepatitis B unless the individual, if the individual is 18 years of age or older, or the individual's parent or guardian, if the individual is a minor, declines the vaccinations by signing a separate waiver for each of these vaccines*

provided by the institution acknowledging receipt and review of the information provided.

(3) This section does not require any postsecondary educational institution to provide or pay for vaccinations against meningococcal meningitis or hepatitis B.

Section 23. Subsection (4) of section 395.1027, Florida Statutes, is amended to read:

395.1027 Regional poison control centers.—

(4) By October 1, 1999, each regional poison control center shall develop a prehospital emergency dispatch protocol with each licensee defined by s. 401.23(14)(13) in the geographic area covered by the regional poison control center. The prehospital emergency dispatch protocol shall be developed by each licensee's medical director in conjunction with the designated regional poison control center responsible for the geographic area in which the licensee operates. The protocol shall define toxic substances and describe the procedure by which the designated regional poison control center may be consulted by the licensee. If a call is transferred to the designated regional poison control center in accordance with the protocol established under this section and s. 401.268, the designated regional poison control center shall assume responsibility and liability for the call.

Section 24. Section 401.23, Florida Statutes, is amended to read:

401.23 Definitions.—As used in this part, the term:

(1) "Advanced life support" means the use of skills and techniques described in the most recent United States Department of Transportation National Standard Paramedic Curriculum by a paramedic under the supervision of a licensee's medical director as required by rules of the department. The term "advanced life support" also includes other techniques that have been approved and are performed under conditions specified by rules of the department. The term "advanced life support" also includes provision of care by a paramedic under the supervision of a licensee's medical director to a person experiencing an emergency medical condition as defined in subsection (11) ~~treatment of life-threatening medical emergencies through the use of techniques such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, and cardiac defibrillation by a qualified person, pursuant to rules of the department.~~

(2) "Advanced life support service" means any emergency medical transport or nontransport service which uses advanced life support techniques.

(3) "Air ambulance" means any fixed-wing or rotary-wing aircraft used for, or intended to be used for, air transportation of sick or injured persons requiring or likely to require medical attention during transport.

(4) "Air ambulance service" means any publicly or privately owned service, licensed in accordance with the provisions of this part, which operates air ambulances to transport persons requiring or likely to require medical attention during transport.

(5) "Ambulance" or "emergency medical services vehicle" means any privately or publicly owned land or water vehicle that is designed, constructed, reconstructed, maintained, equipped, or operated for, and is used for, or intended to be used for, land or water transportation of sick or injured persons requiring or likely to require medical attention during transport.

(6) "Ambulance driver" means any person who meets the requirements of s. 401.281.

(7) "Basic life support" means the use of skills and techniques described in the most recent United States Department of Transportation National Standard EMT-Basic Curriculum by an emergency medical technician or paramedic under the supervision of a licensee's medical director as required by rules of the department. The term "basic life support" also includes other techniques that have been approved and are performed under conditions specified by rules of the department. The

term "basic life support" also includes provision of care by a paramedic or emergency medical technician under the supervision of a licensee's medical director to a person experiencing an emergency medical condition as defined in subsection (11) ~~treatment of medical emergencies by a qualified person through the use of techniques such as patient assessment, cardiopulmonary resuscitation (CPR), splinting, obstetrical assistance, bandaging, administration of oxygen, application of medical antishock trousers, administration of a subcutaneous injection using a premeasured autoinjector of epinephrine to a person suffering an anaphylactic reaction, and other techniques described in the Emergency Medical Technician Basic Training Course Curriculum of the United States Department of Transportation. The term "basic life support" also includes other techniques which have been approved and are performed under conditions specified by rules of the department.~~

(8) "Basic life support service" means any emergency medical service which uses only basic life support techniques.

(9) "Certification" means any authorization issued pursuant to this part to a person to act as an emergency medical technician or a paramedic.

(10) "Department" means the Department of Health.

(11) "Emergency medical condition" means:

(a) A medical condition manifesting itself by acute symptoms of sufficient severity, which may include severe pain, psychiatric disturbances, symptoms of substance abuse, or other acute symptoms, such that the absence of immediate medical attention could reasonably be expected to result in any of the following:

1. Serious jeopardy to the health of a patient, including a pregnant woman or fetus.

2. Serious impairment to bodily functions.

3. Serious dysfunction of any bodily organ or part.

(b) With respect to a pregnant woman, that there is evidence of the onset and persistence of uterine contractions or rupture of the membranes.

(c) With respect to a person exhibiting acute psychiatric disturbance or substance abuse, that the absence of immediate medical attention could reasonably be expected to result in:

1. Serious jeopardy to the health of a patient; or

2. Serious jeopardy to the health of others.

(12)(11) "Emergency medical technician" means a person who is certified by the department to perform basic life support pursuant to this part.

(13)(12) "Interfacility transfer" means the transportation by ambulance of a patient between two facilities licensed under chapter 393, chapter 395, or chapter 400, pursuant to this part.

(14)(13) "Licensee" means any basic life support service, advanced life support service, or air ambulance service licensed pursuant to this part.

(15)(14) "Medical direction" means direct supervision by a physician through two-way voice communication or, when such voice communication is unavailable, through established standing orders, pursuant to rules of the department.

(16)(15) "Medical director" means a physician who is employed or contracted by a licensee and who provides medical supervision, including appropriate quality assurance but not including administrative and managerial functions, for daily operations and training pursuant to this part.

(17)(16) "Mutual aid agreement" means a written agreement between two or more entities whereby the signing parties agree to lend aid to one another under conditions specified in the agreement and as sanctioned by the governing body of each affected county.

(18)(17) "Paramedic" means a person who is certified by the department to perform basic and advanced life support pursuant to this part.

(19)(18) "Permit" means any authorization issued pursuant to this part for a vehicle to be operated as a basic life support or advanced life support transport vehicle or an advanced life support nontransport vehicle providing basic or advanced life support.

(20)(19) "Physician" means a practitioner who is licensed under the provisions of chapter 458 or chapter 459. For the purpose of providing "medical direction" as defined in subsection (15) (14) for the treatment of patients immediately prior to or during transportation to a United States Department of Veterans Affairs medical facility, "physician" also means a practitioner employed by the United States Department of Veterans Affairs.

(21)(20) "Registered nurse" means a practitioner who is licensed to practice professional nursing pursuant to part I of chapter 464.

(22)(21) "Secretary" means the Secretary of Health.

(23)(22) "Service location" means any permanent location in or from which a licensee solicits, accepts, or conducts business under this part.

Section 25. Paragraph (b) of subsection (2) of section 401.245, Florida Statutes, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2)

(b) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are "medical directors" as defined in s. 401.23(16)(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of Management Services, the Department of Insurance, the Department of Highway Safety and Motor Vehicles, the Department of Transportation, and the Department of Community Affairs.

Section 26. Subsection (1) of section 401.252, Florida Statutes, is amended to read:

401.252 Interfacility transfer.—

(1) A licensed basic or advanced life support ambulance service may conduct interfacility transfers in a permitted ambulance, using a registered nurse or physician assistant in place of an emergency medical technician or paramedic, if:

(a) The registered nurse or physician assistant holds a current certificate of successful course completion in advanced cardiac life support;

(b) The physician in charge has granted permission for such a transfer, has designated the level of service required for such transfer, and has deemed the patient to be in such a condition appropriate to this type of ambulance staffing; and

(c) The registered nurse operates within the scope of part I of chapter 464 or the physician assistant operates within the physician assistant's scope of practice under chapter 458 or chapter 459.

Section 27. Subsection (6) of section 401.27, Florida Statutes, is amended to read:

401.27 Personnel; standards and certification.—

(6)(a) The department shall establish by rule a procedure for biennial renewal certification of emergency medical technicians. Such rules must require a United States Department of Transportation refresher training program of at least 30 hours as approved by the department every 2 years. *Completion of the course required by s. 381.0034(1) shall count toward the 30 hours.* The refresher program may be offered in multiple presentations spread over the 2-year period. The rules must also provide that the refresher course requirement may be satisfied by passing a challenge examination.

(b) The department shall establish by rule a procedure for biennial renewal certification of paramedics. Such rules must require candidates for renewal to have taken at least 30 hours of continuing education units during the 2-year period. *Completion of the course required by s. 381.0034(1) shall count toward the 30 hours.* The rules must provide that the continuing education requirement may be satisfied by passing a challenge examination.

Section 28. Section 456.033, Florida Statutes, is amended to read:

456.033 Requirement for instruction for certain licensees on conditions caused by nuclear, biological, and chemical terrorism and on HIV and AIDS.—

(1) The appropriate board shall require each person licensed or certified under chapter 457; chapter 458; chapter 459; chapter 460; chapter 461; chapter 463; part I of chapter 464; chapter 465; chapter 466; part II, part III, part V, or part X of chapter 468; or chapter 486 to complete a continuing educational course, approved by the board, on conditions caused by nuclear, biological, and chemical terrorism ~~human immunodeficiency virus and acquired immune deficiency syndrome~~ as part of biennial relicensure or recertification. The course shall consist of education on *diagnosis and treatment, the modes of transmission, infection control procedures, and clinical management. Such course shall also include information on reporting suspected cases of conditions caused by nuclear, biological, or chemical terrorism to the appropriate health and law enforcement authorities, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome.* ~~Such course shall include information on current Florida law on acquired immune deficiency syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25.~~

(2) Each such licensee or certificateholder shall submit confirmation of having completed said course, on a form as provided by the board, when submitting fees for each biennial renewal.

(3) The board shall have the authority to approve additional equivalent courses that may be used to satisfy the requirements in subsection (1). Each licensing board that requires a licensee to complete an educational course pursuant to this section may count the hours required for completion of the course included in the total continuing educational requirements as required by law.

(4) Any person holding two or more licenses subject to the provisions of this section shall be permitted to show proof of having taken one board-approved course on conditions caused by nuclear, biological, and chemical terrorism ~~human immunodeficiency virus and acquired immune deficiency syndrome~~, for purposes of relicensure or recertification for additional licenses.

(5) Failure to comply with the above requirements of this section shall constitute grounds for disciplinary action under each respective licensing chapter and s. 456.072(1)(e). In addition to discipline by the board, the licensee shall be required to complete the *required course or courses.*

(6) The board shall require as a condition of granting a license under the chapters and parts specified in subsection (1) that an applicant making initial application for licensure complete *respective an educational courses* ~~course~~ acceptable to the board on conditions caused

by nuclear, biological, and chemical terrorism and on human immunodeficiency virus and acquired immune deficiency syndrome. An applicant who has not taken ~~such courses a course~~ at the time of licensure shall, upon an affidavit showing good cause, be allowed 6 months to complete this requirement.

(7) The board shall have the authority to adopt rules to carry out the provisions of this section.

(8) The board shall report to the Legislature by March 1 of each year as to the implementation and compliance with the requirements of this section.

(9)(a) In lieu of completing a course as required in subsection (1), the licensee may complete a course ~~on~~ in end-of-life care and palliative health care ~~or a course on HIV/AIDS~~, so long as the licensee completed an approved ~~AIDS/HIV~~ course ~~on conditions caused by nuclear, biological, and chemical terrorism~~ in the immediately preceding biennium.

(b) In lieu of completing a course as required by subsection (1), a person licensed under chapter 466 ~~who has completed an approved AIDS/HIV course in the immediately preceding 2 years~~ may complete a course approved by the Board of Dentistry.

Section 29. Subsection (3) is added to section 381.003, Florida Statutes, to read:

381.003 Communicable disease and AIDS prevention and control.—

(3) *The department shall by rule adopt the blood-borne-pathogen standard set forth in subpart Z of 29 C.F.R. part 1910, as amended by Pub. L. No. 106-430, which shall apply to all public-sector employers. The department shall compile and maintain a list of existing needleless systems and sharps with engineered sharps-injury protection which shall be available to assist employers, including the department and the Department of Corrections, in complying with the applicable requirements of the blood-borne-pathogen standard. The list may be developed from existing sources of information, including, without limitation, the United States Food and Drug Administration, the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration, and the United States Department of Veterans Affairs.*

Section 30. Section 456.0345, Florida Statutes, is created to read:

456.0345 *Life support training.—Health care practitioners who obtain training in advanced cardiac life support, cardiopulmonary resuscitation, or emergency first aid shall receive an equivalent number of continuing education course credits which may be applied toward licensure renewal requirements.*

Section 31. Paragraph (e) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(e) Failing to comply with the educational course requirements for *conditions caused by nuclear, biological, and chemical terrorism or for human immunodeficiency virus and acquired immune deficiency syndrome.*

Section 32. Section 456.38, Florida Statutes, is amended to read:

456.38 *Practitioner registry for disasters and emergencies.—The Department of Health shall may include on its application and renewal forms for the licensure or certification of health care practitioners licensed pursuant to chapter 458, chapter 459, chapter 464, or part V of chapter 468, as defined in s. 456.001, who could assist the department in the event of a disaster a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. The names of practitioners who answer affirmatively shall be maintained by the department as a health care practitioner registry for disasters and emergencies. A health care practitioner who*

volunteers his or her services in a special needs shelter or as part of a disaster medical assistance team during a time of emergency or disaster shall not be terminated or discriminated against by his or her employer for such volunteer work, provided that the health care practitioner returns to his or her regular employment within 2 weeks or within a longer period that has been previously approved by the employer in writing.

Section 33. Subsection (4) of section 458.319, Florida Statutes, is amended to read:

458.319 *Renewal of license.—*

(4) Notwithstanding the provisions of s. 456.033, a physician may complete continuing education on end-of-life care and palliative care in lieu of continuing education in *conditions caused by nuclear, biological, and chemical terrorism* ~~AIDS/HIV~~, if that physician has completed the ~~AIDS/HIV~~ continuing education in *conditions caused by nuclear, biological, and chemical terrorism* in the immediately preceding biennium.

Section 34. Subsection (5) of section 459.008, Florida Statutes, is amended to read:

459.008 *Renewal of licenses and certificates.—*

(5) Notwithstanding the provisions of s. 456.033, an osteopathic physician may complete continuing education on end-of-life and palliative care in lieu of continuing education in *conditions caused by nuclear, biological, and chemical terrorism* ~~AIDS/HIV~~, if that physician has completed the ~~AIDS/HIV~~ continuing education in *conditions caused by nuclear, biological, and chemical terrorism* in the immediately preceding biennium.

Section 35. Subsection (4) is added to section 401.2715, Florida Statutes, to read:

401.2715 *Recertification training of emergency medical technicians and paramedics.—*

(4) *Any certified emergency medical technician or paramedic may, as a condition of recertification, complete up to 8 hours of training to respond to terrorism, as defined in s. 775.30, and such hours completed may be substituted on an hour-for-hour basis for any other areas of training required for recertification. The department may adopt rules necessary to administer this subsection.*

Section 36. Subsection (1) of section 633.35, Florida Statutes, is amended to read:

633.35 *Firefighter training and certification.—*

(1) The division shall establish a firefighter training program of not less than 360 hours, administered by such agencies and institutions as it approves for the purpose of providing basic employment training for firefighters. *Any firefighter may, as a condition of certification, complete up to 8 hours of training to respond to terrorism, as defined in s. 775.30, and such hours completed may be substituted on an hour-for-hour basis for any other areas of training required for certification. The division may adopt rules necessary to administer this subsection.* Nothing herein shall require a public employer to pay the cost of such training.

Section 37. Subsection (1) of section 943.135, Florida Statutes, is amended to read:

943.135 *Requirements for continued employment.—*

(1) The commission shall, by rule, adopt a program that requires all officers, as a condition of continued employment or appointment as officers, to receive periodic commission-approved continuing training or education. Such continuing training or education shall be required at the rate of 40 hours every 4 years, *up to 8 hours of which may consist of training to respond to terrorism as defined in s. 775.30.* No officer shall be denied a reasonable opportunity by the employing agency to comply with this section. The employing agency must document that the continuing training or education is job-related and consistent with the needs of the employing agency. The employing agency must maintain

and submit, or electronically transmit, the documentation to the commission, in a format approved by the commission. The rule shall also provide:

(a) Assistance to an employing agency in identifying each affected officer, the date of his or her employment or appointment, and his or her most recent date for successful completion of continuing training or education;

(b) A procedure for reactivation of the certification of an officer who is not in compliance with this section; and

(c) A remediation program supervised by the training center director within the geographic area for any officer who is attempting to comply with the provisions of this subsection and in whom learning disabilities are identified. The officer shall be assigned nonofficer duties, without loss of employee benefits, and the program shall not exceed 90 days.

Section 38. Subsections (1), (2), and (6) of section 765.512, Florida Statutes, are amended to read:

765.512 Persons who may make an anatomical gift.—

(1) Any person who may make a will may give all or part of his or her body for any purpose specified in s. 765.510, the gift to take effect upon death. An anatomical gift made by an adult donor and not revoked by the donor as provided in s. 765.516 is irrevocable ~~and does not require the consent or concurrence of any person~~ after the donor's death. A family member, guardian, representative ad litem, or health care surrogate of a decedent who has made an anatomical gift may not modify the decedent's wishes or deny or prevent the anatomical gift from being made.

(2) If the decedent has executed an agreement concerning an anatomical gift, by including signing an organ and tissue donor card, by expressing his or her wish to donate in a living will or advance directive, or by signifying his or her intent to donate on his or her driver's license or in some other written form has indicated his or her wish to make an anatomical gift, and in the absence of actual notice of contrary indications by the decedent, the document is evidence of legally sufficient informed consent to donate an anatomical gift and is legally binding. Any surrogate designated by the decedent pursuant to part II of this chapter may give all or any part of the decedent's body for any purpose specified in s. 765.510.

(6) A gift of all or part of a body authorizes:

(a) Any examination necessary to assure medical acceptability of the gift for the purposes intended.

(b) The decedent's medical provider, family, or a third party to furnish medical records requested concerning the decedent's medical and social history.

Section 39. Subsection (1) of section 765.516, Florida Statutes, is amended to read:

765.516 Amendment of the terms of or the revocation of the gift.—

(1) A donor may amend the terms of or revoke an anatomical gift by:

(a) The execution and delivery to the donee of a signed statement.

(b) An oral statement that is:

1. ~~Made to the donor's spouse; or~~

2. made in the presence of two persons and communicated to the donor's family or attorney or to the donee.

(c) A statement during a terminal illness or injury addressed to an attending physician, who must communicate the revocation of the gift to the procurement organization that is certified by the state.

(d) A signed document found on or about the donor's person ~~or in the donor's effects.~~

Section 40. Subsection (5) of section 456.073, Florida Statutes, is amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(5)(a) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact raised within 60 days after service of the administrative complaint. The administrative law judge shall issue a recommended order pursuant to chapter 120. ~~If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.~~

(b) *Notwithstanding s. 120.569(2), the department shall notify the division within 45 days after receipt of a petition or request for a hearing that the department has determined requires a formal hearing before an administrative law judge.*

Section 41. *The Office of Program Policy Analysis and Government Accountability and the Auditor General shall conduct a joint audit of all hearings and billings therefor conducted by the Division of Administrative Hearings for all state agencies and nonstate agencies and shall present a report to the President of the Senate and the Speaker of the House of Representatives on or before January 1, 2003, which contains findings and recommendations regarding the manner in which the division charges for its services. The report shall recommend alternative billing formulas.*

Section 42. Subsection (7) is added to section 456.076, Florida Statutes, to read:

456.076 Treatment programs for impaired practitioners.—

(7) *Each licensee participating in an impaired practitioner program pursuant to this section shall pay a portion of the costs of the consultant and impaired practitioner program, as determined by rule of the department, incurred as a result of that licensee, unless the consultant finds the licensee to be financially unable to pay in accordance with rules set forth by the department. Payment of these costs shall be a condition of the contract between the impaired practitioner program and the impaired practitioner. Failure to pay the required costs shall be a violation of the contract, unless prior arrangements have been made with the impaired practitioner program. If the licensee has entered the impaired practitioner program as a result of a disciplinary investigation, such payment shall be included in the final order imposing discipline. The remaining costs shall be paid out of the Medical Quality Assurance Trust Fund or other federal, state, or private program funds. Each licensee shall pay the full cost of the approved treatment program or other treatment plan required by the impaired practitioner program, unless private funds are available to assist with such payment.*

Section 43. *Section 456.047, Florida Statutes, is repealed.*

Section 44. *All revenues associated with s. 456.047, Florida Statutes, and collected by the Department of Health on or before July 1, 2002, shall remain in the Medical Quality Assurance Trust Fund, and no refunds shall be given.*

Section 45. Paragraph (d) of subsection (4) of section 456.039, Florida Statutes, is amended to read:

456.039 Designated health care professionals; information required for licensure.—

(4)

(d) Any applicant for initial licensure or renewal of licensure as a health care practitioner who submits to the Department of Health a set of fingerprints or information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department if the applicant has undergone a criminal history check as a condition of initial licensure or licensure renewal as a health care practitioner with the Department of Health or any of its regulatory

boards, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of health care practitioners by such agency and departments from the Department of Health Health's health care practitioner credentialing system.

Section 46. Paragraph (d) of subsection (4) of section 456.0391, Florida Statutes, is amended to read:

456.0391 Advanced registered nurse practitioners; information required for certification.—

(4)

(d) Any applicant for initial certification or renewal of certification as an advanced registered nurse practitioner who submits to the Department of Health a set of fingerprints and information required for the criminal history check required under this section shall not be required to provide a subsequent set of fingerprints or other duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure with such agency or department, if the applicant has undergone a criminal history check as a condition of initial certification or renewal of certification as an advanced registered nurse practitioner with the Department of Health, notwithstanding any other provision of law to the contrary. In lieu of such duplicate submission, the Agency for Health Care Administration, the Department of Juvenile Justice, and the Department of Children and Family Services shall obtain criminal history information for employment or licensure of persons certified under s. 464.012 by such agency or department from the Department of Health Health's health care practitioner credentialing system.

Section 47. Paragraph (v) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(v) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

Section 48. Subsection (2) of section 456.077, Florida Statutes, is amended to read:

456.077 Authority to issue citations.—

(2) The board, or the department if there is no board, shall adopt rules designating violations for which a citation may be issued. Such rules shall designate as citation violations those violations for which there is no substantial threat to the public health, safety, and welfare. Violations for which a citation may be issued shall include violations of continuing education requirements; failure to timely pay required fees and fines; failure to comply with the requirements of ss. 381.026 and 381.0261 regarding the dissemination of information regarding patient rights; failure to comply with advertising requirements; failure to timely update practitioner profile and credentialing files; failure to display signs, licenses, and permits; failure to have required reference books available; and all other violations that do not pose a direct and serious threat to the health and safety of the patient.

Section 49. Subsection (3) of section 458.309, Florida Statutes, is amended to read:

458.309 Authority to make rules.—

(3) All physicians who perform level 2 procedures lasting more than 5 minutes and all level 3 surgical procedures in an office setting must register the office with the department unless that office is licensed as

a facility pursuant to chapter 395. ~~Each office that is required under this subsection to be registered must be inspected by the department annually unless the office is accredited by a nationally recognized accrediting agency approved by the Board of Medicine by rule or an accrediting organization subsequently approved by the Board of Medicine by rule. Each office registered but not accredited as required by this subsection must achieve full and unconditional accreditation no later than July 1, 2003, and must maintain unconditional accreditation as long as procedures described in this subsection that require the office to be registered and accredited are performed. Accreditation reports shall be submitted to the department. The actual costs for registration and inspection or accreditation shall be paid by the person seeking to register and operate the office setting in which office surgery is performed. The board may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.~~

Section 50. Subsection (2) of section 459.005, Florida Statutes, is amended to read:

459.005 Rulemaking authority.—

(2) All osteopathic physicians who perform level 2 procedures lasting more than 5 minutes and all level 3 surgical procedures in an office setting must register the office with the department unless that office is licensed as a facility pursuant to chapter 395. ~~Each office that is required under this subsection to be registered must be inspected by the department annually unless the office is accredited by a nationally recognized accrediting agency approved by the Board of Medicine or the Board of Osteopathic Medicine by rule or an accrediting organization subsequently approved by the Board of Medicine or the Board of Osteopathic Medicine by rule. Each office registered but not accredited as required by this subsection must achieve full and unconditional accreditation no later than July 1, 2003, and must maintain unconditional accreditation as long as procedures described in this subsection that require the office to be registered and accredited are performed. Accreditation reports shall be submitted to the department. The actual costs for registration and inspection or accreditation shall be paid by the person seeking to register and operate the office setting in which office surgery is performed. The Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.~~

Section 51. Subsections (11) and (12) are added to section 456.004, Florida Statutes, to read:

456.004 Department; powers and duties.—The department, for the professions under its jurisdiction, shall:

(11) Require objective performance measures for all bureaus, units, boards, contracted entities, and board executive directors that reflect the expected quality and quantity of services.

(12) Consider all board requests to use private vendors for particular regulatory functions. In considering a board request, the department shall conduct an analysis to determine if the function could be appropriately and successfully performed by a private entity at a lower cost or with improved efficiency. If after reviewing the department's analysis the board desires to contract with a vendor for a particular regulatory function and the board has a positive cash balance, the department shall enter into a contract for the service. The contract shall include objective performance measures that reflect the expected quality and quantity of the service and shall include a provision that terminates the contract if the service falls below expected levels. For purposes of this subsection, a "regulatory function" shall be defined to include licensure, licensure renewal, examination, complaint analysis, investigation, or prosecution.

Section 52. Subsection (1) of section 456.009, Florida Statutes, is amended to read:

456.009 Legal and investigative services.—

(1) The department shall provide board counsel for boards within the department by contracting with the Department of Legal Affairs, by retaining private counsel pursuant to s. 287.059, or by providing

department staff counsel. The primary responsibility of board counsel shall be to represent the interests of the citizens of the state. A board shall provide for the periodic review and evaluation of the services provided by its board counsel. Fees and costs of such counsel shall be paid from a trust fund used by the department to implement this chapter, subject to the provisions of s. 456.025. All contracts for independent counsel shall provide for periodic review and evaluation by the board and the department of services provided. *All legal and investigative services shall be reviewed by the department annually to determine if such services are meeting the performance measures specified in law and in the contract. All contracts for legal and investigative services must include objective performance measures that reflect the expected quality and quantity of the contracted services.*

Section 53. Subsection (6) is added to section 456.011, Florida Statutes, to read:

456.011 Boards; organization; meetings; compensation and travel expenses.—

(6) *Meetings of board committees, including probable cause panels, shall be conducted electronically unless held concurrently with, or on the day immediately before or after, a regularly scheduled in-person board meeting. However, if a particular committee meeting is expected to last more than 5 hours and cannot be held before or after the in-person board meeting, the chair of the committee may request special permission from the director of the Division of Medical Quality Assurance to hold an in-person committee meeting. The meeting shall be held in Tallahassee unless the chair of the committee determines that another location is necessary due to the subject matter to be discussed at the meeting and the director authorizes the additional costs, if any.*

Section 54. Subsection (11) is added to section 456.026, Florida Statutes, to read:

456.026 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(11) *The performance measures for all bureaus, units, boards, and contracted entities required by the department to reflect the expected quality and quantity of services, and a description of any effort to improve the performance of such services.*

Section 55. Section 458.3093, Florida Statutes, is created to read:

458.3093 *Licensure credentials verification.—All applicants for initial physician licensure pursuant to this chapter must submit their credentials to the Federation of State Medical Boards. Effective January 1, 2003, the board and the department shall only consider applications for initial physician licensure pursuant to this chapter that have been verified by the Federation of State Medical Boards Credentials Verification Service or an equivalent program approved by the board.*

Section 56. Section 459.0053, Florida Statutes, is created to read:

459.0053 *Licensure credentials verification.—All applicants for initial osteopathic physician licensure pursuant to this chapter must submit their credentials to the Federation of State Medical Boards. Effective January 1, 2003, the board and the department shall only consider applications for initial osteopathic physician licensure pursuant to this chapter that have been verified by the Federation of State Medical Boards Credentials Verification Service, the American Osteopathic Association, or an equivalent program approved by the board.*

Section 57. Paragraph (t) of subsection (1) of section 458.331, Florida Statutes, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(t) Gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$50,000 ~~\$25,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the physician. As used in this paragraph, "gross malpractice" or "the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances," shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that a physician be incompetent to practice medicine in order to be disciplined pursuant to this paragraph.

Section 58. Paragraph (x) of subsection (1) of section 459.015, Florida Statutes, is amended to read:

459.015 Grounds for disciplinary action; action by the board and department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(x) Gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the provisions of s. 766.102 when enforcing this paragraph. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$50,000 ~~\$25,000~~ each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the osteopathic physician. As used in this paragraph, "gross malpractice" or "the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act. Nothing in this paragraph shall be construed to require that an osteopathic physician be incompetent to practice osteopathic medicine in order to be disciplined pursuant to this paragraph. A recommended order by an administrative law judge or a final order of the board finding a violation under this paragraph shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances," or any combination thereof, and any publication by the board shall so specify.

Section 59. Subsection (1) of section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under chapter 458, to a practitioner of osteopathic medicine licensed under chapter 459, to a podiatric physician licensed under chapter 461, to a dentist licensed under chapter 466, to a hospital licensed under chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error,

omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.

Reports shall be filed with the Department of Insurance. ~~and, If the insured party is licensed under chapter 458, chapter 459, or chapter 461, or chapter 466, with the Department of Health, and the final judgment or settlement was in an amount exceeding \$50,000, the report shall also be filed with the Department of Health. If the insured is licensed under chapter 466 and the final judgment or settlement was in an amount exceeding \$25,000, the report shall also be filed with the Department of Health. Reports must be filed no later than 30 days following the occurrence of any event listed in this subsection paragraph (a) or paragraph (b).~~ The Department of Health shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply. The Department of Health, as part of the annual report required by s. 456.026, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the Department of Health or the appropriate regulatory board.

Section 60. Subsections (14) and (15) are added to section 456.073, Florida Statutes, to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(14) *When the probable cause panel determines that probable cause exists that a violation of law occurred but decides to issue a letter of guidance in lieu of finding probable cause as a result of mitigating circumstances, the probable cause panel may require the subject to pay up to \$300 of the costs of the investigation and prosecution of the case within a time certain but not less than 30 days after the execution of the closing order. If the subject fails to pay the costs within the time set by the probable cause panel, the case may be reopened and the department may file an administrative complaint against the subject based on the underlying case. No additional charges may be added as a result of the subject failing to pay the costs. The issuance of a letter of guidance and the assessment of costs under this subsection shall not be considered discipline, nor shall it be considered a final order of discipline.*

(15) *All cases in which no probable cause is found shall be closed within 14 days following the probable cause panel meeting at which such determination was made. The department shall mail a copy of the closing order to the subject within 14 days after such probable cause panel meeting.*

Section 61. *The Office of Program Policy Analysis and Governmental Accountability shall review the investigative field office structure and organization of the Agency for Health Care Administration to determine the feasibility of eliminating all or some field offices, the feasibility of combining field offices, and the feasibility of requiring field inspectors and investigators to telecommute from home in lieu of paying for office space. The review shall include all agency programs that have field offices, including health practitioner regulation even if health practitioner regulation is transferred to the Department of Health. The review shall be completed and a report issued to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2003.*

Section 62. Subsection (1) of section 456.025, Florida Statutes, is amended to read:

456.025 Fees; receipts; disposition.—

(1) It is the intent of the Legislature that all costs of regulating health care professions and practitioners shall be borne solely by licensees and licensure applicants. It is also the intent of the Legislature that fees should be reasonable and not serve as a barrier to licensure.

Moreover, it is the intent of the Legislature that the department operate as efficiently as possible and regularly report to the Legislature additional methods to streamline operational costs. Therefore, the boards in consultation with the department, or the department if there is no board, shall, by rule, set renewal fees which:

- (a) Shall be based on revenue projections prepared using generally accepted accounting procedures;
- (b) Shall be adequate to cover all expenses relating to that board identified in the department's long-range policy plan, as required by s. 456.005;
- (c) Shall be reasonable, fair, and not serve as a barrier to licensure;
- (d) Shall be based on potential earnings from working under the scope of the license;
- (e) Shall be similar to fees imposed on similar licensure types; and
- ~~(f) Shall not be more than 10 percent greater than the fee imposed for the previous biennium;~~
- ~~(g) Shall not be more than 10 percent greater than the actual cost to regulate that profession for the previous biennium; and~~
- ~~(f)(h)~~ Shall be subject to challenge pursuant to chapter 120.

Section 63. Section 456.0165, Florida Statutes, is created to read:

456.0165 *Examination location.—A college, university, or vocational school in this state may serve as the host school for a health care practitioner licensure examination. However, the college, university, or vocational school may not charge the department for rent, space, reusable equipment, utilities, or janitorial services. The college, university, or vocational school may only charge the department the actual cost of nonreusable supplies provided by the school at the request of the department.*

Section 64. *Effective July 1, 2002, all licensure and licensure renewal fees for professions within the Division of Medical Quality Assurance shall be set at a level equal to at least 85 percent of the profession's statutory fee cap or at a level equal to at least 85 percent of the actual per licensee cost to regulate that profession, whichever is less. Effective July 1, 2005, all licensure and licensure renewal fees shall be set at the profession's statutory fee cap or at a level equal to 100 percent of the actual per licensee cost to regulate that profession, whichever is less.*

Section 65. Paragraph (g) of subsection (3) and paragraph (c) of subsection (6) of section 468.302, Florida Statutes, are amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(3)

(g) A person holding a certificate as a nuclear medicine technologist may only:

1. Conduct in vivo and in vitro measurements of radioactivity and administer radiopharmaceuticals to human beings for diagnostic and therapeutic purposes.

2. Administer X radiation from a combination nuclear medicine-computed tomography device if that radiation is administered as an integral part of a nuclear medicine procedure that uses an automated computed tomography protocol and the person has received device-specific training on the combination device.

However, the authority of a nuclear medicine technologist *under this paragraph* excludes radioimmunoassay and other clinical laboratory testing regulated pursuant to chapter 483.

(6) Requirement for certification does not apply to:

(c) A person who is a registered nurse licensed under part I of chapter 464, a respiratory therapist licensed under part V of chapter 468, or a cardiovascular technologist or cardiopulmonary technologist with active

certification as a registered cardiovascular invasive specialist from a nationally recognized credentialing organization, or future equivalent should such credentialing be subsequently modified, each of whom is trained and skilled in invasive cardiovascular ~~cardiopulmonary~~ technology, including the radiologic technology duties associated with such procedures, and who provides invasive cardiovascular ~~cardiopulmonary~~ technology services at the direction, and under the direct supervision, of a licensed practitioner. A person requesting this exemption must have successfully completed a didactic and clinical training program in the following areas before performing radiologic technology duties under the direct supervision of a licensed practitioner:

1. Principles of X-ray production and equipment operation.
2. Biological effects of radiation.
3. Radiation exposure and monitoring.
4. Radiation safety and protection.
5. Evaluation of radiographic equipment and accessories.
6. Radiographic exposure and technique factors.
7. Film processing.
8. Image quality assurance.
9. Patient positioning.
10. Administration and complications of contrast media.
11. Specific fluoroscopic and digital X-ray imaging procedures related to invasive cardiovascular technology.

Section 66. Section 468.352, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.352, F.S., for present text.)

468.352 Definitions.—As used in this part the term:

- (1) “Board” means the Board of Respiratory Care.
- (2) “Certified respiratory therapist” means any person licensed pursuant to this part who is certified by the National Board for Respiratory Care or its successor, who is employed to deliver respiratory care services, under the order of a physician licensed pursuant to chapter 458 or chapter 459, in accordance with protocols established by a hospital or other health care provider or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.
- (3) “Critical care” means care given to a patient in any setting involving a life-threatening emergency.
- (4) “Department” means the Department of Health.
- (5) “Direct supervision” means practicing under the direction of a licensed, registered, or certified respiratory therapist who is physically on the premises and readily available, as defined by the board.
- (6) “Physician supervision” means supervision and control by a physician licensed under chapter 458 or chapter 459 who assumes the legal liability for the services rendered by the personnel employed in his or her office. Except in the case of an emergency, physician supervision requires the easy availability of the physician within the office or the physical presence of the physician for consultation and direction of the actions of the persons who deliver respiratory care services.
- (7) “Practice of respiratory care” or “respiratory therapy” means the allied health specialty associated with the cardiopulmonary system that is practiced under the orders of a physician licensed under chapter 458 or chapter 459 and in accordance with protocols, policies, and procedures established by a hospital or other health care provider or the board, including the assessment, diagnostic evaluation, treatment, management, control, rehabilitation, education, and care of patients.

(8) “Registered respiratory therapist” means any person licensed under this part who is registered by the National Board for Respiratory Care or its successor, and who is employed to deliver respiratory care services under the order of a physician licensed under chapter 458 or chapter 459, in accordance with protocols established by a hospital or other health care provider or the board, and who functions in situations of unsupervised patient contact requiring individual judgment.

(9) “Respiratory care practitioner” means any person licensed under this part who is employed to deliver respiratory care services, under direct supervision, pursuant to the order of a physician licensed under chapter 458 or chapter 459.

(10) “Respiratory care services” includes:

- (a) Evaluation and disease management.
- (b) Diagnostic and therapeutic use of respiratory equipment, devices, or medical gas.
- (c) Administration of drugs, as duly ordered or prescribed by a physician licensed under chapter 458 or chapter 459 and in accordance with protocols, policies, and procedures established by a hospital or other health care provider or the board.
- (d) Initiation, management, and maintenance of equipment to assist and support ventilation and respiration.
- (e) Diagnostic procedures, research, and therapeutic treatment and procedures, including measurement of ventilatory volumes, pressures, and flows; specimen collection and analysis of blood for gas transport and acid/base determinations; pulmonary-function testing; and other related physiological monitoring of cardiopulmonary systems.

(f) Cardiopulmonary rehabilitation.

(g) Cardiopulmonary resuscitation, advanced cardiac life support, neonatal resuscitation, and pediatric advanced life support, or equivalent functions.

(h) Insertion and maintenance of artificial airways and intravascular catheters.

(i) Performing sleep-disorder studies.

(j) Education of patients, families, the public, or other health care providers, including disease process and management programs and smoking prevention and cessation programs.

(k) Initiation and management of hyperbaric oxygen.

Section 67. Section 468.355, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.355, F.S., for present text.)

468.355 Licensure requirements.—To be eligible for licensure by the board, an applicant must be certified as a “Certified Respiratory Therapist” or be registered as a “Registered Respiratory Therapist” by the National Board for Respiratory Care, or its successor.

Section 68. Section 468.368, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 468.368, F.S., for present text.)

468.368 Exemptions.—This part may not be construed to prevent or restrict the practice, service, or activities of:

- (1) Any person licensed in this state by any other law from engaging in the profession or occupation for which he or she is licensed.
- (2) Any legally qualified person in the state or another state or territory who is employed by the United States Government or any agency thereof while such person is discharging his or her official duties.
- (3) A friend or family member who is providing respiratory care services to an ill person and who does not represent himself or herself to be a respiratory care practitioner or respiratory therapist.

(4) *An individual providing respiratory care services in an emergency who does not represent himself or herself as a respiratory care practitioner or respiratory therapist.*

(5) *Any individual employed to deliver, assemble, set up, or test equipment for use in a home, upon the order of a physician licensed pursuant to chapter 458 or chapter 459. This subsection does not, however, authorize the practice of respiratory care without a license.*

(6) *Any individual credentialed by the Board of Registered Polysomnographic Technologists, as a registered polysomnographic technologist, as related to the diagnosis and evaluation of treatment for sleep disorders.*

(7) *Any individual certified or registered as a pulmonary function technologist who is credentialed by the National Board for Respiratory Care from performing cardiopulmonary diagnostic studies.*

(8) *Any student who is enrolled in an accredited respiratory care program approved by the board, while performing respiratory care as an integral part of a required course.*

(9) *The delivery of incidental respiratory care to noninstitutionalized persons by surrogate family members who do not represent themselves as registered or certified respiratory care therapists.*

(10) *Any individual credentialed by the Underseas Hyperbaric Society in hyperbaric medicine or its equivalent as determined by the board, while performing related duties. This subsection does not, however, authorize the practice of respiratory care without a license.*

Section 69. Sections 468.356 and 468.357, Florida Statutes, are repealed.

Section 70. Subsection (4) of section 468.80, Florida Statutes, is amended to read:

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

(4) “Orthosis” means a medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; a device to treat injuries to the musculoskeletal system made of either plaster of paris bandage or roll fiberglass bandage and fabricated directly on the patient; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; prefabricated foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, “accommodative” means designed with the primary goal of conforming to the individual’s anatomy and “inlay” means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

Section 71. *Beginning July 1, 2003, application forms for initial licensure and licensure renewal for the professions regulated by the Department of Health, Division of Medical Quality Assurance, shall be submitted electronically through the World Wide Web unless the applicant states on the application form that he or she does not have access to the World Wide Web, in which case a paper application may be submitted. The department shall issue the license or renew a license only if the licensee provides satisfactory evidence that all conditions and requirements of licensure or renewal have been met, including, but not limited to, the payment of required fees, the completion of required continuing education coursework, and, if applicable, the maintenance of financial responsibility. This section shall not be construed to reduce or eliminate any requirement set forth in chapter 456, Florida Statutes, or the applicable practice act.*

Section 72. *In order to maximize the state’s return on investment, to increase the efficiency and timeliness of the conversion to electronic licensure, and to promote fiscal responsibility during the transition to electronic licensure, the Department of Health may convert its practitioner credentialing technology into an electronic licensure and licensure renewal system. This section shall take effect upon this act becoming a law.*

Section 73. (1) *Effective July 1, 2004, and each July 1 thereafter, the fee caps established in the following sections are increased by 2.5 percent: ss. 456.025, 457.105, 457.107, 458.313, 458.3135, 458.3145, 458.317, 458.319, 458.347, 459.0092, 459.022, 460.406, 460.407, 460.4165, 460.4166, 461.006, 461.007, 462.16, 462.19, 463.0057, 463.006, 463.007, 464.008, 464.009, 464.012, 464.019, 465.007, 465.0075, 465.008, 465.0125, 465.0126, 465.022, 465.0276, 466.006, 466.007, 466.008, 466.013, 466.032, 467.0125, 467.0135, 468.1145, 468.1695, 468.1705, 468.1715, 468.1735, 468.221, 468.364, 468.508, 468.709, 468.803, 468.806, 478.55, 480.043, 480.044, 483.807, 483.901, 484.002, 484.007, 484.008, 484.009, 484.0447, 486.041, 486.061, 486.081, 486.085, 486.103, 486.106, 486.107, 486.108, 490.005, 490.0051, 490.007, 491.0045, 491.0046, 491.005, 491.007, 491.008, 491.0085, and 491.0145, Florida Statutes.*

(2) *The increases in fees provided in this section are in addition to any other change in the fees which are enacted into law. The actual amount of a fee shall be rounded to the nearest dollar.*

Section 74. Sections 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, and 381.6026, Florida Statutes, are renumbered as sections 765.53, 765.541, 765.542, 765.544, 765.545, and 765.547, Florida Statutes, respectively.

Section 75. Section 381.60225, Florida Statutes, is renumbered as section 765.543, Florida Statutes, and subsection (2) of said section is amended to read:

765.543 ~~381.60225~~ Background screening.—

(2) An organ procurement organization, tissue bank, or eye bank certified by the Agency for Health Care Administration in accordance with ss. 381.6021 and 765.542 ~~381.6022~~ is not subject to the requirements of this section if the entity has no direct patient care responsibilities and does not bill patients or insurers directly for services under the Medicare or Medicaid programs, or for privately insured services.

Section 76. Section 381.6025, Florida Statutes, is renumbered as section 765.546, Florida Statutes, and amended to read:

765.546 ~~381.6025~~ Physician supervision of cadaveric organ and tissue procurement coordinators.—Organ procurement organizations, tissue banks, and eye banks may employ coordinators, who are registered nurses, physician’s assistants, or other medically trained personnel who meet the relevant standards for organ procurement organizations, tissue banks, or eye banks as adopted by the Agency for Health Care Administration under s. 765.541 ~~381.6021~~, to assist in the medical management of organ donors or in the surgical procurement of cadaveric organs, tissues, or eyes for transplantation or research. A coordinator who assists in the medical management of organ donors or in the surgical procurement of cadaveric organs, tissues, or eyes for transplantation or research must do so under the direction and supervision of a licensed physician medical director pursuant to rules and guidelines to be adopted by the Agency for Health Care Administration. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this section, the term “indirect supervision” means that the medical director is responsible for the medical actions of the coordinator, that the coordinator is operating under protocols expressly approved by the medical director, and that the medical director or his or her physician designee is always available, in person or by telephone, to provide medical direction, consultation, and advice in cases of organ, tissue, and eye donation and procurement. Although indirect supervision is authorized under this section, direct physician supervision is to be encouraged when appropriate.

Section 77. Subsection (2) of section 395.2050, Florida Statutes, is amended to read:

395.2050 Routine inquiry for organ and tissue donation; certification for procurement activities.—

(2) Every hospital licensed under this chapter that is engaged in the procurement of organs, tissues, or eyes shall comply with the certification requirements of ss. ~~765.541-765.547~~ ~~381.6021-381.6026~~.

Section 78. Paragraph (e) of subsection (2) of section 409.815, Florida Statutes, is amended to read:

409.815 Health benefits coverage; limitations.—

(2) BENCHMARK BENEFITS.—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.820, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(e) Organ transplantation services.—Covered services include pretransplant, transplant, and postdischarge services and treatment of complications after transplantation for transplants deemed necessary and appropriate within the guidelines set by the Organ Transplant Advisory Council under s. ~~765.53~~ ~~381.0602~~ or the Bone Marrow Transplant Advisory Panel under s. 627.4236.

Section 79. Subsection (2) of section 765.5216, Florida Statutes, is amended to read:

765.5216 Organ and tissue donor education panel.—

(2) There is created within the Agency for Health Care Administration a statewide organ and tissue donor education panel, consisting of 12 members, to represent the interests of the public with regard to increasing the number of organ and tissue donors within the state. The panel and the Organ and Tissue Procurement and Transplantation Advisory Board established in s. ~~765.544~~ ~~381.6023~~ shall jointly develop, subject to the approval of the Agency for Health Care Administration, education initiatives pursuant to s. 732.9215, which the agency shall implement. The membership must be balanced with respect to gender, ethnicity, and other demographic characteristics so that the appointees reflect the diversity of the population of this state. The panel members must include:

(a) A representative from the Agency for Health Care Administration, who shall serve as chairperson of the panel.

(b) A representative from a Florida licensed organ procurement organization.

(c) A representative from a Florida licensed tissue bank.

(d) A representative from a Florida licensed eye bank.

(e) A representative from a Florida licensed hospital.

(f) A representative from the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles, who possesses experience and knowledge in dealing with the public.

(g) A representative from the family of an organ, tissue, or eye donor.

(h) A representative who has been the recipient of a transplanted organ, tissue, or eye, or is a family member of a recipient.

(i) A representative who is a minority person as defined in s. 381.81.

(j) A representative from a professional association or public relations or advertising organization.

(k) A representative from a community service club or organization.

(l) A representative from the Department of Education.

Section 80. Subsection (5) of section 765.522, Florida Statutes, is amended to read:

765.522 Duty of certain hospital administrators; liability of hospital administrators, organ procurement organizations, eye banks, and tissue banks.—

(5) There shall be no civil or criminal liability against any organ procurement organization, eye bank, or tissue bank certified under s. ~~765.542~~ ~~381.6022~~, or against any hospital or hospital administrator or designee, when complying with the provisions of this part and the rules of the Agency for Health Care Administration or when, in the exercise of reasonable care, a request for organ donation is inappropriate and the gift is not made according to this part and the rules of the Agency for Health Care Administration.

Section 81. (1) *This section may be cited as the “Jennifer Knight Medicaid Lung Transplant Act.”*

(2) *Subject to the availability of funds and subject to any limitations or directions provided for in the General Appropriations Act or chapter 216, Florida Statutes, the Medicaid program of the Agency for Health Care Administration shall pay for medically necessary lung transplant services for Medicaid recipients.*

Section 82. Subsection (1) of section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(1) Each county shall participate in the following items of care and service:

(a) For both health maintenance members and fee-for-service beneficiaries, payments for inpatient hospitalization in excess of 10 days, but not in excess of 45 days, with the exception of *payments for:*

1. Pregnant women and children whose income is in excess of the federal poverty level and who do not participate in the Medicaid medically needy program.

2. *Adult lung transplant services.*

(b) Payments for nursing home or intermediate facilities care in excess of \$170 per month, with the exception of skilled nursing care for children under age 21.

Section 83. Effective upon this act becoming a law and applicable to any loan or scholarship that is in default on or after the effective date, subsection (4) is added to section 456.074, Florida Statutes, to read:

456.074 Certain health care practitioners; immediate suspension of license.—

(4) *Upon receipt of information that a Florida-licensed health care practitioner has defaulted on a student loan issued or guaranteed by the state or the Federal Government, the department shall notify the licensee by certified mail that he or she shall be subject to immediate suspension of license unless, within 45 days after the date of mailing, the licensee provides proof that new payment terms have been agreed upon by all parties to the loan. The department shall issue an emergency order suspending the license of any licensee who, after 45 days following the date of mailing from the department, has failed to provide such proof. Production of such proof shall not prohibit the department from proceeding with disciplinary action against the licensee pursuant to s. 456.073.*

Section 84. Effective upon this act becoming a law and applicable to any loan or scholarship that is in default on or after the effective date, paragraph (k) of subsection (1) of section 456.072, Florida Statutes, is amended, and subsection (2) of said section is reenacted, to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(k) Failing to perform any statutory or legal obligation placed upon a licensee. For purposes of this section, failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan or failing to comply with service scholarship obligations shall be considered a failure to perform a statutory or legal obligation, and the minimum disciplinary action imposed shall be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount. Fines collected shall be deposited into the Medical Quality Assurance Trust Fund. The provisions of this paragraph relating to students loans and service obligations shall not be construed to apply to a student who opts to repay a loan or scholarship in lieu of fulfillment of service obligations, provided the student complies with the repayment provisions of the loan or scholarship.

(2) When the board, or the department when there is no board, finds any person guilty of the grounds set forth in subsection (1) or of any grounds set forth in the applicable practice act, including conduct constituting a substantial violation of subsection (1) or a violation of the applicable practice act which occurred prior to obtaining a license, it may enter an order imposing one or more of the following penalties:

(a) Refusal to certify, or to certify with restrictions, an application for a license.

(b) Suspension or permanent revocation of a license.

(c) Restriction of practice or license, including, but not limited to, restricting the licensee from practicing in certain settings, restricting the licensee to work only under designated conditions or in certain settings, restricting the licensee from performing or providing designated clinical and administrative services, restricting the licensee from practicing more than a designated number of hours, or any other restriction found to be necessary for the protection of the public health, safety, and welfare.

(d) Imposition of an administrative fine not to exceed \$10,000 for each count or separate offense. If the violation is for fraud or making a false or fraudulent representation, the board, or the department if there is no board, must impose a fine of \$10,000 per count or offense.

(e) Issuance of a reprimand or letter of concern.

(f) Placement of the licensee on probation for a period of time and subject to such conditions as the board, or the department when there is no board, may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

(g) Corrective action.

(h) Imposition of an administrative fine in accordance with s. 381.0261 for violations regarding patient rights.

(i) Refund of fees billed and collected from the patient or a third party on behalf of the patient.

(j) Requirement that the practitioner undergo remedial education.

In determining what action is appropriate, the board, or department when there is no board, must first consider what sanctions are necessary to protect the public or to compensate the patient. Only after those sanctions have been imposed may the disciplining authority consider and include in the order requirements designed to rehabilitate the practitioner. All costs associated with compliance with orders issued under this subsection are the obligation of the practitioner.

Section 85. *The Department of Health shall obtain from the United States Department of Health and Human Services information necessary to investigate and prosecute health care practitioners for failing to repay a student loan or comply with scholarship service obligations pursuant to s. 456.072(1)(k), Florida Statutes. The department shall obtain from*

the United States Department of Health and Human Services a list of default health care practitioners each month, along with the information necessary to investigate a complaint in accordance with s. 456.073, Florida Statutes. The department may obtain evidence to support the investigation and prosecution from any financial institution or educational institution involved in providing the loan or education to the practitioner. The department shall report to the Legislature as part of the annual report required by s. 456.026, Florida Statutes, the number of practitioners in default, along with the results of the department's investigations and prosecutions, and the amount of fines collected from practitioners prosecuted for violating s. 456.072(1)(k), Florida Statutes.

Section 86. Section 456.026, Florida Statutes, is reenacted to read:

456.026 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and the Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.

(2) The number of complaints received and investigated.

(3) The number of findings of probable cause made.

(4) The number of findings of no probable cause made.

(5) The number of administrative complaints filed.

(6) The disposition of all administrative complaints.

(7) A description of disciplinary actions taken.

(8) A description of any effort by the department to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.

(9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 456.079.

(10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 87. Section 456.073, Florida Statutes, is reenacted to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(1) The department, for the boards under its jurisdiction, shall cause to be investigated any complaint that is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this chapter, of any of the practice acts relating to the professions regulated by the department, or of any rule adopted by the department or a regulatory board in the department has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation. The department may investigate, and the department or the appropriate board may take appropriate final action on, a complaint even though the original complainant withdraws it or otherwise indicates a desire not to cause the complaint to be investigated or prosecuted to completion. The department may investigate an anonymous complaint if the complaint is in writing and is legally sufficient, if the alleged violation of law or rules is substantial, and if the department has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. The department may investigate a complaint made by a confidential informant if the complaint is legally sufficient, if the alleged violation of law or rule is substantial, and if the department has reason to believe, after preliminary inquiry, that the allegations of the complainant are true. The department may initiate an investigation if

it has reasonable cause to believe that a licensee or a group of licensees has violated a Florida statute, a rule of the department, or a rule of a board. Except as provided in ss. 458.331(9), 459.015(9), 460.413(5), and 461.013(6), when an investigation of any subject is undertaken, the department shall promptly furnish to the subject or the subject's attorney a copy of the complaint or document that resulted in the initiation of the investigation. The subject may submit a written response to the information contained in such complaint or document within 20 days after service to the subject of the complaint or document. The subject's written response shall be considered by the probable cause panel. The right to respond does not prohibit the issuance of a summary emergency order if necessary to protect the public. However, if the secretary, or the secretary's designee, and the chair of the respective board or the chair of its probable cause panel agree in writing that such notification would be detrimental to the investigation, the department may withhold notification. The department may conduct an investigation without notification to any subject if the act under investigation is a criminal offense.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. For purposes of this section, it is the intent of the Legislature that the term "expeditiously" means that the department complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the department, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure. When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. The department shall not recommend a letter of guidance in lieu of finding probable cause if the subject has already been issued a letter of guidance for a related offense. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(3) As an alternative to the provisions of subsections (1) and (2), when a complaint is received, the department may provide a licensee with a notice of noncompliance for an initial offense of a minor violation. Each board, or the department if there is no board, shall establish by rule those minor violations under this provision which do not endanger the public health, safety, and welfare and which do not demonstrate a serious inability to practice the profession. Failure of a licensee to take action in correcting the violation within 15 days after notice may result in the institution of regular disciplinary proceedings.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel

may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, is willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department or the agency. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department if there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause has been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. Annually, the department, in consultation with the applicable probable cause panel, must establish a plan to expedite or otherwise close any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from a trust fund used by the department to implement this chapter. All proceedings of the probable cause panel are exempt from s. 120.525.

(5) A formal hearing before an administrative law judge from the Division of Administrative Hearings shall be held pursuant to chapter 120 if there are any disputed issues of material fact. The administrative law judge shall issue a recommended order pursuant to chapter 120. If any party raises an issue of disputed fact during an informal hearing, the hearing shall be terminated and a formal hearing pursuant to chapter 120 shall be held.

(6) The appropriate board, with those members of the panel, if any, who reviewed the investigation pursuant to subsection (4) being excused, or the department when there is no board, shall determine and issue the final order in each disciplinary case. Such order shall constitute final agency action. Any consent order or agreed-upon settlement shall be subject to the approval of the department.

(7) The department shall have standing to seek judicial review of any final order of the board, pursuant to s. 120.68.

(8) Any proceeding for the purpose of summary suspension of a license, or for the restriction of the license, of a licensee pursuant to s. 120.60(6) shall be conducted by the secretary of the Department of Health or his or her designee, as appropriate, who shall issue the final summary order.

(9)(a) The department shall periodically notify the person who filed the complaint, as well as the patient or the patient's legal representative, of the status of the investigation, indicating whether probable cause has been found and the status of any civil action or administrative proceeding or appeal.

(b) In any disciplinary case for which probable cause has been found, the department shall provide to the person who filed the complaint a copy of the administrative complaint and:

1. A written explanation of how an administrative complaint is resolved by the disciplinary process.

2. A written explanation of how and when the person may participate in the disciplinary process.

3. A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action may be taken.

(c) In any disciplinary case for which probable cause is not found, the department shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the department which may be relevant to the decision. To facilitate the provision of additional information, the person who filed the complaint may receive, upon request, a copy of the department's expert report that supported the recommendation for closure, if such a report was relied upon by the department. In no way does this require the department to procure an expert opinion or report if none was used. Additionally, the identity of the expert shall remain confidential. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.

(10) The complaint and all information obtained pursuant to the investigation by the department are confidential and exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the probable cause panel or by the department, or until the regulated professional or subject of the investigation waives his or her privilege of confidentiality, whichever occurs first. Upon completion of the investigation and a recommendation by the department to find probable cause, and pursuant to a written request by the subject or the subject's attorney, the department shall provide the subject an opportunity to inspect the investigative file or, at the subject's expense, forward to the subject a copy of the investigative file. Notwithstanding s. 456.057, the subject may inspect or receive a copy of any expert witness report or patient record connected with the investigation if the subject agrees in writing to maintain the confidentiality of any information received under this subsection until 10 days after probable cause is found and to maintain the confidentiality of patient records pursuant to s. 456.057. The subject may file a written response to the information contained in the investigative file. Such response must be filed within 20 days of mailing by the department, unless an extension of time has been granted by the department. This subsection does not prohibit the department from providing such information to any law enforcement agency or to any other regulatory agency.

(11) A privilege against civil liability is hereby granted to any complainant or any witness with regard to information furnished with respect to any investigation or proceeding pursuant to this section, unless the complainant or witness acted in bad faith or with malice in providing such information.

(12)(a) No person who reports in any capacity, whether or not required by law, information to the department with regard to the

incompetence, impairment, or unprofessional conduct of any health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466 shall be held liable in any civil action for reporting against such health care provider if such person acts without intentional fraud or malice.

(b) No facility licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the department about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without intentional fraud or malice.

(c) In any civil suit brought outside the protections of paragraphs (a) and (b) in which intentional fraud or malice is alleged, the person alleging intentional fraud or malice shall be liable for all court costs and for the other party's reasonable attorney's fees if intentional fraud or malice is not proved.

(13) Notwithstanding any provision of law to the contrary, an administrative complaint against a licensee shall be filed within 6 years after the time of the incident or occurrence giving rise to the complaint against the licensee. If such incident or occurrence involved criminal actions, diversion of controlled substances, sexual misconduct, or impairment by the licensee, this subsection does not apply to bar initiation of an investigation or filing of an administrative complaint beyond the 6-year timeframe. In those cases covered by this subsection in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the violation of law, the period of limitations is extended forward, but in no event to exceed 12 years after the time of the incident or occurrence.

Section 88. Subsection (8) of section 400.925, Florida Statutes, is amended to read:

400.925 Definitions.—As used in this part, the term:

(8) "Home medical equipment" includes any product as defined by the Federal Drug Administration's Drugs, Devices and Cosmetics Act, any products reimbursed under the Medicare Part B Durable Medical Equipment benefits, or any products reimbursed under the Florida Medicaid durable medical equipment program. Home medical equipment includes, but is not limited to, oxygen and related respiratory equipment; ~~manual, motorized, or—Home medical equipment includes~~ customized wheelchairs and related seating and positioning, but does not include prosthetics or orthotics or any splints, braces, or aids custom fabricated by a licensed health care practitioner. ~~Home medical equipment includes assistive technology devices, including: manual wheelchairs, motorized wheelchairs, motorized scooters, voice-synthesized computer modules, optical scanners, talking software, braille printers, environmental control devices for use by person with quadriplegia, motor vehicle adaptive transportation aids, devices that enable persons with severe speech disabilities to in effect speak, personal transfer systems and specialty beds, including demonstrator, for use by a person with a medical need.~~

Section 89. Subsection (4) is added to section 765.104, Florida Statutes, to read:

765.104 Amendment or revocation.—

(4) Any patient for whom a medical proxy has been recognized under s. 765.401 and for whom any previous legal disability that precluded the patient's ability to consent is removed may amend or revoke the recognition of the medical proxy and any uncompleted decision made by that proxy. The amendment or revocation takes effect when it is communicated to the proxy, the health care provider, or the health care facility in writing or, if communicated orally, in the presence of a third person.

Section 90. Subsections (1) and (3) of section 765.401, Florida Statutes, are amended to read:

765.401 The proxy.—

(1) If an incapacitated or developmentally disabled the patient has not executed an advance directive, or designated a surrogate to execute an advance directive, or the designated or alternate surrogate is no longer available to make health care decisions, health care decisions may be made for the patient by any of the following individuals, in the following order of priority, if no individual in a prior class is reasonably available, willing, or competent to act:

(a) The judicially appointed guardian of the patient or the guardian advocate of the person having a developmental disability as defined in s. 393.063, who has been authorized to consent to medical treatment, if such guardian has previously been appointed; however, this paragraph shall not be construed to require such appointment before a treatment decision can be made under this subsection;

(b) The patient's spouse;

(c) An adult child of the patient, or if the patient has more than one adult child, a majority of the adult children who are reasonably available for consultation;

(d) A parent of the patient;

(e) The adult sibling of the patient or, if the patient has more than one sibling, a majority of the adult siblings who are reasonably available for consultation.

(f) An adult relative of the patient who has exhibited special care and concern for the patient and who has maintained regular contact with the patient and who is familiar with the patient's activities, health, and religious or moral beliefs; or

(g) A close friend of the patient.

(3) Before exercising the incapacitated patient's rights to select or decline health care, the proxy must comply with the provisions of ss. 765.205 and 765.305, except that a proxy's decision to withhold or withdraw life-prolonging procedures must be supported by clear and convincing evidence that the decision would have been the one the patient would have chosen had the patient been competent or, if there is no indication of what the patient would have chosen, that the decision is in the patient's best interest. *Before exercising the rights of a person who has a developmental disability as defined under s. 393.063(12) to withhold or withdraw life-prolonging procedures, a proxy must comply with s. 393.12.*

Section 91. Section 457.1085, Florida Statutes, is amended to read:

457.1085 Infection control.—~~Prior to November 1, 1986, The board shall adopt rules relating to the prevention of infection, the safe disposal of any potentially infectious materials, and other requirements to protect the health, safety, and welfare of the public. Beginning October 1, 1997, All acupuncture needles that are to be used on a patient must be sterile and disposable, and each needle may be used only once.~~

Section 92. Paragraph (y) is added to subsection (1) of section 457.109, Florida Statutes, to read:

457.109 Disciplinary actions; grounds; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(y) *Using the specialty titles of "Diplomate in Acupuncture" or "National Board-Certified Diplomate in Acupuncture" or "Board-Certified Diplomate in Acupuncture" in conjunction with one's name, place of business, or acupuncture practice unless the licensee holds an active license under this chapter and is also an active holder of such board certification from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM).*

Section 93. Section 457.116, Florida Statutes, is amended to read:

457.116 Prohibited acts; penalty.—

(1) A person may not:

(a) Practice acupuncture unless the person is licensed under ss. 457.101-457.118;

(b) Use, in connection with his or her name or place of business, any title or description of services which incorporates the words "acupuncture," "acupuncturist," "certified acupuncturist," "licensed acupuncturist," "oriental medical practitioner"; the letters "L.Ac.," "R.Ac.," "A.P.," or "D.O.M."; or any other words, letters, abbreviations, or insignia indicating or implying that he or she practices acupuncture unless he or she is a holder of a valid license issued pursuant to ss. 457.101-457.118;

(c) Present as his or her own the license of another;

(d) Knowingly give false or forged evidence to the board or a member thereof;

(e) Use or attempt to use a license that has been suspended, revoked, or placed on inactive or delinquent status;

(f) Employ any person who is not licensed pursuant to ss. 457.101-457.118 to engage in the practice of acupuncture; or

(g) Conceal information relating to any violation of ss. 457.101-457.118.

(2) A person who violates this section commits a *felony misdemeanor* of the ~~third second~~ degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084.~~

Section 94. Subsections (31), (32), and (33) of section 395.002, Florida Statutes, are renumbered as subsections (32), (33), and (34), respectively, and a new subsection (31) is added to said section, to read:

395.002 Definitions.—As used in this chapter:

(31) *"Surgical first assistant" means the first assistant to the surgeon during a surgical operation.*

(32)(31) *"Utilization review" means a system for reviewing the medical necessity or appropriateness in the allocation of health care resources of hospital services given or proposed to be given to a patient or group of patients.*

(33)(32) *"Utilization review plan" means a description of the policies and procedures governing utilization review activities performed by a private review agent.*

(34)(33) *"Validation inspection" means an inspection of the premises of a licensed facility by the agency to assess whether a review by an accrediting organization has adequately evaluated the licensed facility according to minimum state standards.*

Section 95. Paragraph (b) of subsection (1) of section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.—

(1) Every licensed facility shall, as a part of its administrative functions, establish an internal risk management program that includes all of the following components:

(b) The development of appropriate measures to minimize the risk of adverse incidents to patients, including, but not limited to:

1. Risk management and risk prevention education and training of all nonphysician personnel as follows:

a. Such education and training of all nonphysician personnel as part of their initial orientation; and

b. At least 1 hour of such education and training annually for all personnel of the licensed facility working in clinical areas and providing patient care, except those persons licensed as health care practitioners who are required to complete continuing education coursework pursuant to chapter 456 or the respective practice act.

2. A prohibition, except when emergency circumstances require otherwise, against a staff member of the licensed facility attending a patient in the recovery room, unless the staff member is authorized to attend the patient in the recovery room and is in the company of at least one other person. However, a licensed facility is exempt from the two-person requirement if it has:

- a. Live visual observation;
- b. Electronic observation; or
- c. Any other reasonable measure taken to ensure patient protection and privacy.

3. A prohibition against an unlicensed person from assisting or participating in any surgical procedure unless the facility has authorized the person to do so following a competency assessment, and such assistance or participation is done under the direct and immediate supervision of a licensed physician and is not otherwise an activity that may only be performed by a licensed health care practitioner. *Moreover, the primary operating surgeon may select a surgical first assistant from among available individuals who are approved or credentialed by the facility.*

4. Development, implementation, and ongoing evaluation of procedures, protocols, and systems to accurately identify patients, planned procedures, and the correct site of the planned procedure so as to minimize the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition.

Section 96. Effective upon this act becoming a law, paragraphs (a) and (b) of subsection (2) of section 768.13, Florida Statutes, are amended to read:

768.13 Good Samaritan Act; immunity from civil liability.—

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a *public health emergency declared pursuant to s. 381.00315*, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(b)1. Any hospital licensed under chapter 395, any employee of such hospital working in a clinical area within the facility and providing patient care, and any person licensed to practice medicine who in good faith renders medical care or treatment necessitated by a sudden, unexpected situation or occurrence resulting in a serious medical condition demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, or necessitated by a *public health emergency declared pursuant to s. 381.00315* shall not be held liable for any civil damages as a result of such medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

2. The immunity provided by this paragraph does not apply to damages as a result of any act or omission of providing medical care or treatment:

- a. Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the immunity provided by this paragraph applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery; or

- b. Unrelated to the original medical emergency.

3. For purposes of this paragraph, "reckless disregard" as it applies to a given health care provider rendering emergency medical services shall be such conduct which a health care provider knew or should have known, at the time such services were rendered, would be likely to result in injury so as to affect the life or health of another, taking into account the following to the extent they may be present;

- a. The extent or serious nature of the circumstances prevailing.
- b. The lack of time or ability to obtain appropriate consultation.
- c. The lack of a prior patient-physician relationship.
- d. The inability to obtain an appropriate medical history of the patient.
- e. The time constraints imposed by coexisting emergencies.

4. Every emergency care facility granted immunity under this paragraph shall accept and treat all emergency care patients within the operational capacity of such facility without regard to ability to pay, including patients transferred from another emergency care facility or other health care provider pursuant to Pub. L. No. 99-272, s. 9121. The failure of an emergency care facility to comply with this subparagraph constitutes grounds for the department to initiate disciplinary action against the facility pursuant to chapter 395.

Section 97. Paragraph (k) of subsection (2) of section 381.0066, Florida Statutes, is amended to read:

381.0066 Onsite sewage treatment and disposal systems; fees.—

(2) The minimum fees in the following fee schedule apply until changed by rule by the department within the following limits:

(k) Research: An additional \$5 fee shall be added to each new system construction permit issued ~~during fiscal years 1996-2002~~ to be used for onsite sewage treatment and disposal system research, demonstration, and training projects. Five dollars from any repair permit fee collected under this section shall be used for funding the hands-on training centers described in s. 381.0065(3)(j).

The funds collected pursuant to this subsection must be deposited in a trust fund administered by the department, to be used for the purposes stated in this section and ss. 381.0065 and 381.00655.

Section 98. Part IV of chapter 489, Florida Statutes, consisting of sections 489.661, 489.662, 489.663, 489.664, 489.665, 489.666, 489.667, and 489.668, is created to read:

PART IV PORTABLE RESTROOM CONTRACTING

489.661 *Definitions.—As used in this part:*

(1) "Department" means the Department of Health.

(2) "Portable restroom contractor" means a portable restroom contractor whose services are unlimited in the portable restroom trade who has had at least 3 years' experience as a Florida-registered portable restroom contractor, who has knowledge of state health code law and rules, and who has the experience, knowledge, and skills to handle, deliver, and pick up sanitary portable restrooms, to install, safely handle, and maintain portable holding tanks, and to handle, transport, and dispose of domestic portable restroom and portable holding tank wastewater.

489.662 *Registration required.—A person shall not hold himself or herself out as a portable restroom contractor in this state unless he or she is registered by the department in accordance with the provisions of this part. However, nothing in this part prohibits any person licensed pursuant to s. 489.105(3)(m) or ss. 489.551-489.558, in this state from engaging in the profession for which he or she is licensed.*

489.663 *Administration of part; registration qualifications; examination.—*

(1) Each person desiring to be registered pursuant to this part shall apply to the department in writing upon forms prepared and furnished by the department.

(2) The department shall administer, coordinate, and enforce the provisions of this part, provide qualifications for applicants, administer the examination for applicants, and be responsible for the granting of certificates of registration to qualified persons.

(3) The department shall adopt reasonable rules pursuant to ss. 120.536(1) and 120.54 to administer this part, including, but not limited to, rules that establish ethical standards of practice, requirements for registering as a contractor, requirements for obtaining an initial or renewal certificate of registration, disciplinary guidelines, and requirements for the certification of partnerships and corporations. The department may amend or repeal the rules in accordance with chapter 120, the Administrative Procedure Act.

(4) To be eligible for registration by the department as a portable restroom contractor, the applicant shall:

(a) Be of good moral character. In considering good moral character, the department may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to, the applicant being convicted or found guilty of, or entering a plea of *nolo contendere* to, regardless of adjudication, a crime in any jurisdiction that directly relates to the practice of contracting or the ability to practice contracting, and previous disciplinary action involving portable restroom contracting, where all judicial reviews have been completed.

(b) Pass an examination approved by the department that demonstrates that the applicant has a fundamental knowledge of the state laws relating to the installation, maintenance, and wastewater disposal of portable restrooms, portable sinks, and portable holding tanks.

(c) Be at least 18 years of age.

(d) Have a total of at least 3 years of active experience serving an apprenticeship as a skilled worker under the supervision and control of a registered portable restroom contractor. Related work experience or educational experience may be substituted for no more than 2 years of active contracting experience. Each 30 hours of coursework approved by the department will substitute for 6 months of work experience. Out-of-state work experience shall be accepted on a year-for-year basis for any applicant who demonstrates that he or she holds a current license issued by another state for portable restroom contracting that was issued upon satisfactory completion of an examination and continuing education courses that are equivalent to the requirements in this state. Individuals from a state with no state certification who have successfully completed a written examination provided by the Portable Sanitation Association International shall only be required to take the written portion of the examination that includes state health code law and rules. For purposes of this section, an equivalent examination must include the topics of state health code law and rules applicable to portable restrooms and the knowledge required to handle, deliver, and pick up sanitary portable restrooms; to install, handle, and maintain portable holding tanks; and to handle, transport, and dispose of domestic portable restroom and portable holding tank wastewater. A person employed by and under the supervision of a licensed contractor shall be granted up to 2 years of related work experience.

(e) Have not had a registration revoked, the effective date of which was less than 5 years before the application.

(5) The department shall provide each applicant for registration pursuant to this part with a copy of this part and any rules adopted under this part. The department may also prepare and disseminate such other material and questionnaires as it deems necessary to effectuate the registration provisions of this part.

(6) Any person who was employed one or more years in this state by a portable restroom service holding a permit issued by the department on

or before October 1, 2002, has until October 1, 2003, to be registered by the department in accordance with the provisions of this act and may continue to perform portable restroom contracting services until that time. Such persons are exempt until October 1, 2003, from the three years active work experience requirement of s. 489.663(4)(d).

489.664 Registration renewal.—The department shall prescribe by rule the method for approval of continuing education courses and for renewal of annual registration. At a minimum, annual renewal shall include continuing education requirements of not less than 6 classroom hours annually for portable restroom contractors.

489.665 Certification of partnerships and corporations.—

(1) The practice of or the offer to practice portable restroom contracting services by registrants through a parent corporation, corporation, subsidiary of a corporation, or partnership offering portable restroom contracting services to the public through registrants under this chapter as agents, employers, officers, or partners is permitted, provided that one or more of the principal officers of the corporation or one or more partners of the partnership and all personnel of the corporation or partnership who act on its behalf as portable restroom contractors in this state are registered as provided by this part, and further provided that the corporation or partnership has been issued a certificate of authorization by the department as provided in this section. A registered contractor may not be the sole qualifying contractor for more than one business that requests a certificate of authorization. A business organization that loses its qualifying contractor has 60 days following the date the qualifier terminates his or her affiliation within which to obtain another qualifying contractor. During this period, the business organization may complete any existing contract or continuing contract, but may not undertake any new contract. This period may be extended once by the department for an additional 60 days upon a showing of good cause. Nothing in this section shall be construed to mean that a certificate of registration to practice portable restroom contracting shall be held by a corporation. No corporation or partnership shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section, nor shall any individual practicing portable restroom contracting be relieved of responsibility for professional services performed by reason of his or her employment or relationship with a corporation or partnership.

(2) For the purposes of this section, a certificate of authorization shall be required for a corporation, partnership, association, or person practicing under a fictitious name, offering portable restroom contracting services to the public, except that when an individual is practicing portable restroom contracting in his or her own given name, he or she shall not be required to register under this section.

(3) Each certification of authorization shall be renewed every 2 years. Each partnership and corporation certified under this section shall notify the department within 1 month after any change in the information contained in the application upon which the certification is based.

(4) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered portable restroom contractor.

(5) When a certificate of authorization has been revoked, any person authorized by law to provide portable restroom contracting services may not use the name or fictitious name of the entity whose certificate was revoked, or any other identifiers for the entity, including telephone numbers, advertisements, or logos.

489.666 Suspension or revocation of registration.—A certificate of registration may be suspended or revoked upon a showing that the registrant has:

(1) Violated any provision of this part.

(2) Violated any lawful order or rule rendered or adopted by the department.

(3) Obtained his or her registration or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.

(4) *Been found guilty of gross misconduct in the pursuit of his or her profession.*

489.667 *Fees; establishment.—*

(1) *The department shall, by rule, establish fees as follows:*

(a) *For portable restroom contractor registration:*

1. *Application and examination fee: not less than \$25 nor more than \$75.*

2. *Initial registration fee: not less than \$50 nor more than \$100.*

3. *Renewal of registration fee: not less than \$50 nor more than \$100.*

(b) *Certification of partnerships and corporations: not less than \$100 nor more than \$250.*

(2) *Fees established pursuant to subsection (1) shall be based on the actual costs incurred by the department in carrying out its registration and other related responsibilities under this part.*

489.668 *Penalties and prohibitions.—*

(1) *Any person who violates any provision of this part commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.*

(2) *The department may deny a registration if it determines that an applicant does not meet all requirements of this part or has violated any provision of this part. Any applicant aggrieved by such denial shall be entitled to a hearing, after reasonable notice thereof, upon filing a written request for such hearing in accordance with chapter 120.*

Section 99. Subsection (3) is added to section 627.638, Florida Statutes, to read:

627.638 *Direct payment for hospital, medical services.—*

(3) *Under any health insurance policy insuring against loss or expense due to hospital confinement or to medical and related services, payment of benefits shall be made directly to any recognized hospital, doctor, or other person who provided services for the treatment of a psychological disorder or treatment for substance abuse, including drug and alcohol abuse, when the treatment is in accordance with the provisions of the policy and the insured specifically authorizes direct payment of benefits. Payments shall be made under this section, notwithstanding any contrary provisions in the health insurance contract. This subsection applies to all health insurance policies now or hereafter in force as of October 1, 2002.*

Section 100. Subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 *Medical review committee, immunity from liability.—*

(1) *As used in this section:*

(a) *The term “medical review committee” or “committee” means:*

1.a. *A committee of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part I of chapter 641,*

b. *A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system,*

c. *A committee of a state or local professional society of health care providers,*

d. *A committee of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,*

e. *A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,*

f. *A committee of a professional service corporation formed under chapter 621 or a corporation organized under chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,*

g. *A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,*

h. *A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,*

i. *A peer review or utilization review committee organized under chapter 440,*

j. *A committee of the Department of Health, a county health department, healthy start coalition, or certified rural health network, when reviewing quality of care, or employees of these entities when reviewing mortality records, or*

k. *A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465,*

l. *A committee established by a university board of trustees, or*

m. *A committee comprised of faculty, residents, students, and administrators of an accredited college of medicine, nursing, or other health care discipline,*

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. *A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.*

(b) *The term “health care providers” means physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatric physicians licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractic physicians licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.*

Section 101. Effective upon this act becoming a law, subsection (10) of section 627.357, Florida Statutes, is amended to read:

627.357 *Medical malpractice self-insurance.—*

(10)(a) *An application to form a self-insurance fund under this section must be filed with the department before October 1, 2002. All self-insurance funds authorized under this paragraph must apply for a certificate of authority to become an authorized insurer by October 1, 2006. Any such fund failing to obtain a certificate of authority as an authorized insurer within 1 year of the date of application therefore shall wind down its affair and shall not issue coverage after the expiration of the 1-year period.*

(b) *Any self insurance fund established pursuant to this section after April 1, 2002, shall also comply with ss. 624.460-624.489, notwithstanding s. 624.462(2)(a). In the event of a conflict between the provisions of this section and ss. 624.460-624.489, the latter sections shall govern. With respect to those sections, provisions solely applicable to workers’ compensation and employers’ liability insurance shall not apply to medical malpractice funds. ~~A self insurance may not be formed under this section after October 1, 1992.~~*

Section 102. Subsection (7) of section 631.54, Florida Statutes, is amended to read:

631.54 Definitions.—As used in this part:

(7) “Member insurer” means any person who writes any kind of insurance to which this part applies under s. 631.52, including the exchange of reciprocal or interinsurance contracts and any medical malpractice self-insurance fund authorized after April 1, 2002 under s. 627.357, and is licensed to transact insurance in this state.

Section 103. *The Agency for Health Care Administration shall conduct a study of health care services provided to the medically fragile or medical-technology-dependent children in the state and conduct a pilot program in Dade County to provide subacute pediatric transitional care to a maximum of 30 children at any one time. The purpose of the study and the pilot program are to determine ways to permit medically fragile or medical-technology-dependent children to successfully make a transition from acute care in a health care institution to live with their families when possible, and to provide cost-effective, subacute transitional care services.*

Section 104. *The Agency for Health Care Administration, in cooperation with the Children’s Medical Services Program in the Department of Health, shall conduct a study to identify the total number of medically fragile or medical-technology-dependent children, from birth through age 21, in the state. By January 1, 2003, the agency must report to the Legislature regarding the children’s ages, the locations where the children are served, the types of services received, itemized costs of the services, and the sources of funding that pay for the services, including the proportional share when more than one funding source pays for a service. The study must include information regarding medically fragile or medical-technology-dependent children residing in hospitals, nursing homes, and medical foster care, and those who live with their parents. The study must describe children served in prescribed pediatric extended-care centers, including their ages and the services they receive. The report must identify the total services provided for each child and the method for paying for those services. The report must also identify the number of such children who could, if appropriate transitional services were available, return home or move to a less-institutional setting.*

Section 105. (1) *Within 30 days after the effective date of this act, the agency shall establish minimum staffing standards and quality requirements for a subacute pediatric transitional care center to be operated as a 2-year pilot program in Dade County. The pilot program must operate under the license of a hospital licensed under chapter 395, Florida Statutes, or a nursing home licensed under chapter 400, Florida Statutes, and shall use existing beds in the hospital or nursing home. A child’s placement in the subacute pediatric transitional care center may not exceed 90 days. The center shall arrange for an alternative placement at the end of a child’s stay and a transitional plan for children expected to remain in the facility for the maximum allowed stay.*

(2) *Within 60 days after the effective date of this act, the agency must amend the state Medicaid plan and request any federal waivers necessary to implement and fund the pilot program.*

(3) *The subacute pediatric transitional care center must require level I background screening as provided in chapter 435, Florida Statutes, for all employees or prospective employees of the center who are expected to, or whose responsibilities may require them to, provide personal care or services to children, have access to children’s living areas, or have access to children’s funds or personal property.*

Section 106. (1) *The subacute pediatric transitional care center must have an advisory board. Membership on the advisory board must include, but need not be limited to:*

(a) *A physician and an advanced registered nurse practitioner who is familiar with services for medically fragile or medical-technology-dependent children;*

(b) *A registered nurse who has experience in the care of medically fragile or medical-technology-dependent children;*

(c) *A child development specialist who has experience in the care of medically fragile or medical-technology-dependent children and their families;*

(d) *A social worker who has experience in the care of medically fragile or medical-technology-dependent children and their families; and*

(e) *A consumer representative who is a parent or guardian of a child placed in the center.*

(2) *The advisory board shall:*

(a) *Review the policy and procedure components of the center to assure conformance with applicable standards developed by the Agency for Health Care Administration; and*

(b) *Provide consultation with respect to the operational and programmatic components of the center.*

Section 107. (1) *The subacute pediatric transitional care center must have written policies and procedures governing the admission, transfer, and discharge of children.*

(2) *The admission of each child to the center must be under the supervision of the center nursing administrator or his or her designee, and must be in accordance with the center’s policies and procedures. Each Medicaid admission must be approved by the Department of Health, Children’s Medical Services Multidisciplinary Assessment Team, in conjunction with the Agency for Health Care Administration, as appropriate for placement in the facility.*

(3) *Each child admitted to the center shall be admitted upon prescription of the Medical Director of the center, licensed pursuant to chapter 458 or 459, and the child shall remain under the care of the medical director and advanced registered nurse practitioner for the duration of his or her stay in the center.*

(4) *Each child admitted to the center must meet at least the following criteria:*

(a) *The child must be medically fragile or medical-technology-dependent.*

(b) *The child may not, prior to admission, present significant risk of infection to other children or personnel. The medical and nursing directors shall review, on a case-by-case basis, the condition of any child who is suspected of having an infectious disease to determine whether admission is appropriate.*

(c) *The child must be medically stabilized and require skilled nursing care or other interventions.*

(5) *If the child meets the criteria specified in paragraphs (4)(a), (b), and (c), the medical director or nursing director of the center shall implement a preadmission plan that delineates services to be provided and appropriate sources for such services.*

(a) *If the child is hospitalized at the time of referral, preadmission planning must include the participation of the child’s parent or guardian and relevant medical, nursing, social services, and developmental staff to assure that the hospital’s discharge plans will be implemented following the child’s placement in the center.*

(b) *A consent form, outlining the purpose of the center, family responsibilities, authorized treatment, appropriate release of liability, and emergency disposition plans, must be signed by the parent or guardian and witnessed before the child is admitted to the center. The parent or guardian shall be provided a copy of the consent form.*

Section 108. *The provisions of this pilot program relating to subacute pediatric transitional care shall be implemented to the extent available appropriations contained in the annual General Appropriations Act are specifically designated for the purposes contained within the pilot program.*

Section 109. *By January 1, 2003, the Agency for Health Care Administration shall report to the Legislature concerning the progress of*

the medically fragile or medical-technology-dependent children pilot program. By January 1, 2004, the agency shall submit to the Legislature a report on the success of the pilot program.

Section 110. Subsection (5) of section 393.064, Florida Statutes, is amended to read:

393.064 Prevention.—

(5) The Department of ~~Health Children and Family Services~~ shall have the authority, within available resources, to contract for the supervision and management of the Raymond C. Philips Research and Education Unit, and such contract shall include specific program objectives.

Section 111. Except as otherwise provided herein, this act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1, line 3, through page 3, line 11, remove all of said lines and insert: emergencies and disasters; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 20.43, F.S.; deleting the provision authorizing the department to enter into such contract with the agency, to conform; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; requiring the Office of Legislative Services to contract for an outsourcing feasibility study relating to the regulatory responsibilities of the Board of Dentistry; providing an appropriation; requiring a report to the Governor and Legislature; requiring the Department of Health to contract for the implementation of the electronic continuing education tracking system and requiring said system to be compatible and integrated with the department's licensure and renewal system; amending s. 456.057, F.S.; authorizing specified persons to release certain medical records to a custodian upon board order; exempting such persons from liability for the release of such records; prohibiting insurers from denying claims under specified circumstances; amending s. 456.072, F.S.; providing additional penalties to be imposed on certain health care practitioners relating to notice to patients concerning availability and access to medical records; amending s. 456.076, F.S.; providing additional conditions for impaired practitioners to enroll in a treatment program as an alternative to discipline; amending s. 456.0375, F.S.; revising the definition of "clinic" to exempt public college and university clinics from medical clinic registration, to restrict the exemption for massage establishments, and to clarify when a health care practitioner may supervise another health care practitioner; prohibiting insurers from denying claims under specified circumstances; amending s. 456.072, F.S.; revising grounds for disciplinary action relating to performing health care services improperly and to leaving foreign bodies in patients; amending s. 631.57, F.S.; exempting medical malpractice insurance premiums from an assessment; amending s. 395.002, F.S.; defining "medically unnecessary procedure"; amending s. 394.4787, F.S.; conforming a cross reference; amending s. 395.0161, F.S.; providing rulemaking authority relating to inspections and investigations of facilities; amending s. 395.0197, F.S.; revising requirements for internal risk management programs; amending s. 465.019, F.S.; revising the definition of "class II institutional pharmacies" to allow dispensing and consulting services to hospice patients under certain circumstances; amending s. 499.007, F.S.; deleting requirement for labeling of name and place of business of the manufacturer; providing legislative findings relating to responsiveness to emergencies and disasters; amending s. 381.0011, F.S.; revising the rulemaking authority of the Department of Health with respect to its power to impose quarantine, including requiring vaccination; amending s. 381.00315, F.S.; defining the terms "public health advisory" and "public health emergency"; specifying the terms under which a public health emergency is declared; providing for consultation for, notice, and duration of a declaration of a public health emergency; authorizing the State Health Officer to take specified

actions upon the declaration of a public health emergency relating to shipping of specified drugs, directing the compounding of bulk prescription drugs, and specifying the use of such drugs; authorizing the State Health Officer to reactivate the inactive licenses of certain practitioners who request such reactivation; authorizing the State Health Officer to order that an individual be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances; specifying benefits to be made available to volunteers acting under a public health emergency; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; providing an exception; creating s. 381.0421, F.S.; requiring postsecondary education institutions to provide information on meningococcal meningitis and hepatitis B; requiring individuals residing in on-campus housing to document vaccinations against meningococcal meningitis and hepatitis B or sign a waiver; amending ss. 395.1027 and 401.245, F.S.; correcting cross references; amending s. 401.23, F.S.; revising definitions of "advanced life support" and "basic life support" and defining "emergency medical condition"; amending s. 401.252, F.S.; authorizing physician assistants to conduct interfacility transfers in a permitted ambulance under certain circumstances; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending s. 456.072, F.S.; conforming provisions relating to grounds for disciplinary actions to changes in health care practitioners' course requirements; amending s. 456.38, F.S.; revising provisions relating to the health care practitioner registry for disasters and emergencies; prohibiting certain termination of or discrimination against a practitioner providing disaster medical assistance; amending ss. 458.319 and 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending ss. 401.2715, 633.35, and 943.135, F.S.; authorizing certain substitution of terrorism response training for other training required for recertification of emergency medical technicians and paramedics, certification of firefighters, and continued employment or appointment of law enforcement officers, correctional officers, and correctional probation officers; authorizing rulemaking; amending s. 765.512, F.S., relating to anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish donors' medical records upon request; amending s. 765.516, F.S.; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; amending s. 456.073, F.S.; revising procedures and timeframes for formal hearings of health care practitioner disciplinary cases; requiring a joint audit of hearings and their billing formulas and a report to the Legislature; amending s. 456.076, F.S.; requiring each impaired practitioner to pay a portion of the cost of the consultant and impaired practitioner program and the full cost of the required treatment program or plan; providing certain exceptions; repealing s. 456.047, F.S., to terminate the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.072, and 456.077, F.S.; removing references, to conform; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed;

amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; amending s. 456.004, F.S., relating to powers and duties of the department; requiring performance measures for certain entities; providing procedures for considering board requests to privatize regulatory functions; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; providing for determination of location of in-person meetings; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, and 627.912, F.S.; raising the malpractice closed claims reporting requirement amount; amending s. 456.073, F.S.; requiring health care practitioner licensees to pay certain costs of investigation and prosecution under certain circumstances; requiring cases in which no probable cause has been found to be closed within a specified period of time; requiring a study of the field office structure and organization of the Agency for Health Care Administration and a report to the Legislature; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; requiring health care practitioner licensure and licensure renewal fees to be set at graduated levels of the statutory fee cap or actual regulatory costs, whichever is less; amending s. 468.302, F.S.; authorizing certified nuclear medicine technologists to administer X radiation from certain devices under certain circumstances; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; amending s. 468.80, F.S.; expanding a definition; requiring applications for health care practitioner licensure and licensure renewal to be submitted electronically beginning July 1, 2003, with certain exceptions; providing for transition to such electronic licensure; annually adjusting by 2.5 percent the statutory fee caps applicable to regulation of health care practitioners; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, and 381.6026, F.S., and renumbering and amending ss. 381.60225 and 381.6025, F.S., to move provisions relating to organ and tissue procurement, donation, and transplantation to part V, ch. 765, F.S., relating to anatomical gifts; revising cross references, to conform; amending ss. 395.2050, 409.815, 765.5216, and 765.522, F.S.; revising cross references, to conform; providing a short title and providing coverage for certain organ transplant services; amending s. 409.915, F.S.; exempting counties from contributions for such services; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any health care practitioner who has defaulted on a student loan issued or guaranteed by the state or the Federal Government; amending s. 456.072, F.S., and reenacting subsection (2), relating to disciplinary actions; clarifying the ground for disciplinary action for failing to perform a statutory or legal obligation to include failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan and for failing to comply with service scholarship obligations; providing penalties; directing the Department of Health to obtain certain information from the United States Department of Health and Human Services on a monthly basis and to include certain information in its annual report to the Legislature; reenacting ss. 456.026 and 456.073, F.S., relating to the

annual report and disciplinary proceedings, respectively, to conform; providing applicability; amending s. 400.925, F.S.; eliminating the regulation of certain home medical equipment by the Agency for Health Care Administration; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; providing for health care decisions for persons having a developmental disability; amending s. 457.1085, F.S.; removing obsolete dates relating to adoption of rules relating to infection control; amending s. 457.109, F.S.; prohibiting the use of certain titles relating to the practice of acupuncture unless properly licensed and certified; providing penalties; amending s. 457.116, F.S.; increasing the penalties applicable to prohibited acts relating to the practice of acupuncture; amending s. 395.002, F.S., to provide a definition of "surgical first assistant;" amending s. 395.0197, F.S., to allow an operating surgeon to choose the surgical first assistant under certain conditions; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; creating part IV of chapter 489, F.S., relating to portable restroom contracting; providing definitions; requiring registration and providing requirements therefor, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 491.0057, F.S.; revising requirements relating to dual licensure as a marriage and family therapist; amending s. 627.638, F.S., to require direct payment of benefits for hospital or medical services under certain circumstances; amending s. 766.101, F.S.; expanding the definition of the term "medical review committee" for purposes of immunity from liability; amending s. 627.357, F.S., relating to medical malpractice insurance; providing requirements to apply to form a self-insurance fund; amending s. 631.54, F.S.; amending definition of member insurer; requiring the Agency for Health Care Administration to conduct a study of health care services provided to medically fragile or medical-technology-dependent children; requiring the Agency for Health Care Administration to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan and seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership on the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; amending s. 393.064, F.S.; changing contract authority between the Department of Children and Families and the Department of Health; providing effective dates.

WHEREAS, residents and visitors to Florida need access to quality and affordable health care, and

WHEREAS, the delivery of and payment for health care services provided to patients by health care practitioners in health care facilities is integrated in such a manner that a change to one facet of health care almost always impacts another facet, and

WHEREAS, three state agencies play a role in overseeing health care providers, health care services, and health care payors in Florida, and

WHEREAS, it is the role of the Department of Health to protect and improve the health of Florida's patients by regulating most health care practitioners and some health care facilities and establishments, by preventing the occurrence and progression of communicable diseases, and by regulating certain environmental health issues, among other duties, and

WHEREAS, it is the role of the Agency for Health Care Administration to ensure access to quality, affordable health care by

regulating most health care facilities, some health care providers, and certain health care payors such as managed care plans, and

WHEREAS, it is the role of the Department of Insurance to regulate certain health insurers who pay for health care for Floridians, and

WHEREAS, the regulation of health care practitioners relies on peer review by fellow health care practitioners and requires the costs of such regulation to be paid solely by practitioners through fines and licensure fees, and

WHEREAS, the current level of practitioner fees are not sufficient to cover the full costs of regulation, and

WHEREAS, Florida law requires health care practitioners to be assessed a special fee if regular licensure fees are not sufficient to pay the full costs of regulation, and

WHEREAS, the Medical Quality Assurance Trust Fund which holds all licensure fees and fines paid by health care practitioners is projected to be in a deficit in 2003, and

WHEREAS, certain health care profession accounts within the Medical Quality Assurance Trust Fund are already in a deficit, and

WHEREAS, it is vital that the Legislature ensure the financial integrity and soundness of all trust funds, and

WHEREAS, the Legislature should encourage innovative methods of providing quality services at reduced costs, and

WHEREAS, certain functions provided by state agencies could be performed at a lower cost or with more efficiency in the private sector in certain circumstances while still being accountable to the Legislature, and

WHEREAS, the Legislature finds that oversight of the health care delivery and payment system in Florida is an important state interest, NOW, THEREFORE,

Rep. Farkas moved the adoption of the amendment.

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

Representative(s) Harrington offered the following:

(Amendment Bar Code: 582837)

Amendment 1 to Amendment 6 (with title amendment)—On page 105, between lines 9 and 10, of the amendment

insert:

Section 103. *A residential child-caring agency licensed under section 409.175, Florida Statutes, which is also licensed under section 400.805, Florida Statutes, and located within Hardee County shall be inspected by the service district specified in section 20.19(5)(a)7, Florida Statutes, and not by any other district specified in section 20.19(5)(a), Florida Statutes.*

And the title is amended as follows:

On page 120, line 21, after the semicolon of the amendment

insert: designating a service district of the Department of Children and Family Services to inspect certain residential child-caring agencies within Hardee County;

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

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted by the required two-thirds vote.

The question recurred on the passage of CS/HB 507. The vote was:

Session Vote Sequence: 970

Yeas—109

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

Nays—7

Allen	Hart	Kyle	Negron
Haridopolos	Kottkamp	Mack	

Votes after roll call:

Yeas—Harrell, Justice

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

HB 1467 was taken up. On motion by Rep. Waters, the rules were waived and—

CS for SB 1766—A bill to be entitled An act relating to child and adult abuse; providing a short title; requiring hospitals, birthing facilities, or home birth providers to give to new parents informational brochures concerning the dangers of shaking babies and young children; requiring the Department of Health to prepare the brochures; prescribing the contents of the brochures; providing that a cause of action against specified persons and entities does not accrue as a result of failure to give this information; amending ss. 39.204 and 415.1045, F.S.; providing applicability of failure to cooperate with law enforcement with respect to investigation of or privileged communications regarding child or adult abuse; providing an effective date.

—was substituted for HB 1467 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Waters offered the following:

(Amendment Bar Code: 933743)

Amendment 1—On page 1, lines 30 and 31, remove: all of said lines,

and insert: *shaking infants and young children.*

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

On motion by Rep. Waters, the rules were waived and CS for SB 1766, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 971

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Bucher, Harrington, Justice, Mayfield

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

CS for SB 998—A bill to be entitled An act relating to criminal justice; amending ss. 790.163, 790.164, F.S.; prohibiting making a false report concerning the placing or planting of a weapon of mass destruction; providing a penalty; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for such offense; providing that proof of a person knowingly making a false report is prima facie evidence of intent to deceive or provide misinformation; amending s. 790.165, F.S.; revising the elements of the offense of planting a hoax bomb to prohibit sending, mailing, or using a hoax bomb or threatening, attempting, or conspiring to use a hoax bomb; enhancing the penalty imposed for committing such offense; amending s. 790.166, F.S.; redefining the term “weapon of mass destruction” to include a device or object that is intended to kill or injure an animal, that involves a biological agent, or that is designed to release radiation or any biological agent, toxin, vector, or delivery system; prohibiting the court from suspending or withholding adjudication of guilt or imposition of sentence for specified offenses involving a hoax weapon of mass destruction; providing that proof a device caused injury or death or released radiation is prima facie evidence that the device was designed or intended to cause such death, injury, or release; providing that it is a felony of the second degree to possess, display, or threaten to use a hoax weapon of mass destruction while committing or attempting to commit a felony; providing that certain devices or instruments are not weapons of mass destruction; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

Session Vote Sequence: 972

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Harrington, Justice, Mayfield, Melvin

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

CS/HB 1641—A bill to be entitled An act relating to law enforcement; amending s. 943.12, F.S.; requiring the Criminal Justice Standards and Training Commission to conduct inquiries of criminal justice training instructors; amending s. 943.13, F.S.; authorizing physician assistants to examine law enforcement officers as a condition of employment; amending s. 943.131, F.S.; revising provisions relating to minimum basic training for temporary employees and officers; amending s. 943.135, F.S.; deleting requirement to provide a remediation program for certain officers; amending s. 943.14, F.S.; revising provisions relating to commission-certified criminal justice training schools; authorizing employing agencies to submit information regarding fingerprints and criminal history checks; amending s. 943.17, F.S.; revising provisions relating to basic recruit, advanced, and career development programs; providing for a specialized training program; amending s. 943.173, F.S.; removing requirement that certain examinations be adopted by the commission; amending s. 943.175, F.S.; removing provisions relating to specialized training programs; amending s. 943.22, F.S.; clarifying authority for accreditation; amending s. 943.25, F.S.; prohibiting the assessment of costs for advanced and specialized training under certain circumstances; conforming a cross reference; amending s. 316.640, F.S.; revising provisions relating to required instruction for certain traffic officers; amending s. 790.065, F.S., relating to the sale and delivery of weapons and firearms; extending the date of repeal of such section; providing an effective date.

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

Session Vote Sequence: 973

Yeas—117

The Chair	Allen	Argenziano	Attkisson
Alexander	Andrews	Arza	Atwater

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 751—A bill to be entitled An act relating to community mental health services; requiring that the Department of Children and Family Services use certain funds to expand the provision of crisis services and community mental health services; requiring the Department of Children and Family Services in collaboration with the Agency for Health Care Administration to develop estimates of the need for mental health services; requiring estimates to be submitted annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that new funds for crisis services or community mental health services be appropriated in a lump-sum category; requiring a spending plan to be submitted to the Governor; requiring that the spending plan include a schedule for phasing in new community mental health services; requiring the department to submit reports concerning its progress toward expanding community mental health services; requiring that certain crisis services and mental health services be provided by the state's community mental health system by specified dates to the extent of available appropriations; providing an effective date.

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

Session Vote Sequence: 974

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 525—A bill to be entitled An act relating to chronic diseases; creating s. 385.210, F.S.; creating the “Arthritis Prevention and Education Act”; providing legislative findings; providing purposes; directing the Department of Health to establish an arthritis prevention and education program; requiring the department to conduct a needs assessment; providing for establishment of an advisory panel on arthritis; providing for implementation of a public awareness effort; providing for funding through contributions; directing the Secretary of Health to seek federal waivers as necessary to maximize federal funding; establishing a Prostate Cancer Awareness Program within the Department of Health; specifying purpose, activities, administration, and funding sources for the program; creating a prostate cancer advisory committee; providing for appointment of members; providing for reimbursement of expenses; providing an effective date.

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

Session Vote Sequence: 975

Yeas—113

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

Sorensen Wallace Weissman Wilson
Spratt Waters Wiles Wishner
Stansel

Nays—None

Votes after roll call:

Yeas—Justice, Kravitz, Trovillion

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

SB 612—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding carisoprodol to Schedule IV of the controlled substance standards and schedules; reenacting ss. 316.193(5), 322.2616(2)(c), 327.35(5), 440.102(11)(b), 458.326(3), 817.563, 831.31(1)(a) and (2), 856.015(1)(d), 893.02(4), 893.13(1)(a), (c), (d), (e), and (f), (2)(a), (4)(b), and (5)(b), 921.0022(3)(b), (c), and (e), F.S., relating to driving under the influence, persons under 21 years of age driving with a blood-alcohol or breath-alcohol level in excess of a specified threshold, boating under the influence, drug-free workplace program requirements, treatment of intractable pain, sale of substance in lieu of controlled substance, counterfeit controlled substances, open house parties, the definition of “controlled substance,” prohibited acts involving controlled substances, and the offense severity ranking chart, respectively, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

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

Session Vote Sequence: 976

Yeas—114

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

Nays—None

Votes after roll call:

Yeas—Carassas, Justice

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

CS/HB 1563—A bill to be entitled An act relating to sentencing; amending s. 775.082, F.S.; requiring that the court sentence a prison releasee reoffender under provisions requiring enhanced penalties rather than under the sentencing guidelines or Criminal Punishment

Code if the defendant’s sentence under the guidelines or Criminal Punishment Code would be less severe; authorizing the court to impose a sentence greater than that otherwise provided by law using the scoresheet of the sentencing guidelines or Criminal Punishment Code; providing an effective date.

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

Session Vote Sequence: 977

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice, Littlefield

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

CS/HB 163—A bill to be entitled An act relating to sentencing for sexual offenses; amending s. 794.011, providing for use of expert witnesses; amending ss. 458.303, 459.002, and 490.014, F.S.; providing for use of expert witnesses; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; providing a change in ranking for a second degree felony conviction for lewd or lascivious battery upon an elderly person or disabled adult; providing an effective date.

—was read the third time by title.

Representative(s) Paul offered the following:

(Amendment Bar Code: 054371)

Amendment 2 (with title amendment)—
Remove everything after the enacting clause

and insert:

Section 1. Section 825.1025, Florida Statutes, is amended to read:

825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled ~~person~~ ~~adult~~.—

(1) As used in this section, “sexual activity” means the oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the

anal or vaginal penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(2)(a) "Lewd or lascivious battery upon an elderly person or disabled ~~person adult~~" occurs when a person encourages, forces, or entices an elderly person or disabled ~~person adult~~ to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity, when the person knows or reasonably should know that the elderly person or disabled ~~person adult~~ either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious battery upon an elderly person or disabled ~~person adult~~ commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)(a) "Lewd or lascivious molestation of an elderly person or disabled ~~person adult~~" occurs when a person intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of an elderly person or disabled ~~person adult~~ when the person knows or reasonably should know that the elderly person or disabled ~~person adult~~ either lacks the capacity to consent or fails to give consent.

(b) A person who commits lewd or lascivious molestation of an elderly person or disabled ~~person adult~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4)(a) "Lewd or lascivious exhibition in the presence of an elderly person or disabled ~~person adult~~" occurs when a person, in the presence of an elderly person or disabled ~~person adult~~:

1. Intentionally masturbates;
2. Intentionally exposes his or her genitals in a lewd or lascivious manner; or
3. Intentionally commits any other lewd or lascivious act that does not involve actual physical or sexual contact with the elderly person or disabled ~~person adult~~, including but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

when the person knows or reasonably should know that the elderly person or disabled ~~person adult~~ either lacks the capacity to consent or fails to give consent to having such act committed in his or her presence.

(b) A person who commits a lewd or lascivious exhibition in the presence of an elderly person or disabled ~~person adult~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraphs (g) and (h) of subsection (3) of section 921.0022, Florida Statutes, as amended by section 2 of chapter 2001-358, Laws of Florida, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920(2)	3rd	Medicaid provider fraud.
456.065(2)	3rd	Practicing a health care profession without a license.

Florida Statute	Felony Degree	Description
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
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.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
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.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.	872.06	2nd	Abuse of a dead human body.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.	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.
784.081(1)	1st	Aggravated battery on specified official or employee.	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.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.			
784.083(1)	1st	Aggravated battery on code inspector.			
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).			
790.16(1)	1st	Discharge of a machine gun under specified circumstances.	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).
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
796.03	2nd	Procuring any person under 16 years for prostitution.	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
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.	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
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.	893.135(1)(i)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
812.014(2)(b)2.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	893.135(1)(j)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
812.131(2)(a)	2nd	Robbery by sudden snatching.	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.			
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.			
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.			
825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.			(h) LEVEL 8
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.	316.193(3)(c)3.a.	2nd	DUI manslaughter.
827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
777.03(2)(a)	1st	Accessory after the fact, capital felony.	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
800.04(4)	2nd	Lewd or lascivious battery.	893.135(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	893.135(1)(j)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
810.02(2)(a)	1st,PBL	Burglary with assault or battery.	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
812.13(2)(b)	1st	Robbery with a weapon.	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
812.135(2)	1st	Home-invasion robbery.	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.			
825.1025(2)	2nd	<i>Lewd or lascivious battery upon an elderly person or disabled adult.</i>			
825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.			
837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.			
837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.			
860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.			
860.16	1st	Aircraft piracy.			
893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).			
893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).			

Section 3. This act shall take effect July 1, 2002.

And the title is amended as follows:

On page 1, line 2,
remove: entire title

and insert: An act relating to sexual offenses; amending s. 825.1025, F.S.; providing for the crime of lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the criminal punishment code; revising punishment for lewd or lascivious battery upon an elderly person or disabled adult; providing an effective date.

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

The question recurred on the passage of CS/HB 163. The vote was:

Session Vote Sequence: 978

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice, Kilmer

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

REPRESENTATIVE FASANO IN THE CHAIR

CS/HB 545 was taken up. On motion by Rep. Andrews, the rules were waived and—

CS for SB 682—A bill to be entitled An act relating to substance-abuse services; amending s. 397.311, F.S.; redefining the term “licensed service provider”; requiring that licensure standards apply to certain housing locations; redefining the term “service provider personnel,” to add chief financial officers; requiring that owners, directors, and chief financial officers of a substance-abuse service provider undergo a background check pursuant to ch. 435, F.S.; requiring that proof of compliance with local zoning ordinances be included in the applications for licensure; amending s. 397.405, F.S.; clarifying that DUI education and screening services must be licensed if they provide treatment services; amending s. 397.407, F.S.; conforming cross-references; amending s. 397.416, F.S.; conforming cross-references; amending s. 397.451, F.S.; clarifying provisions; requiring level-2 background screening for employees who work with children and with adults who are developmentally disabled; specifying circumstances under which service provider owners, directors, or chief financial officers are not subject to background screening; allowing personnel to request, and the department to grant, an exemption from disqualification; amending ss. 212.055, 440.102, F.S.; conforming cross-references; providing an effective date.

—was substituted for CS/HB 545 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Andrews, the rules were waived and CS for SB 682 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 979

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 255 was taken up. On motion by Rep. Carassas, the rules were waived and—

CS for SB 276—A bill to be entitled An act relating to nursing homes and related health care facilities; amending s. 400.235, F.S.; revising membership and terms of office of the Governor’s Panel on Excellence in Long-Term Care; providing for selection of a panel chairperson; amending s. 400.4195, F.S.; providing conditions under which the prohibition against payment of referral fees by assisted living facilities does not apply; authorizing the Agency for Health Care Administration to adopt rules; amending s. 817.505, F.S.; providing that certain penalties for patient brokering do not apply under such conditions; providing an effective date.

—was substituted for CS/HB 255 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Carassas, the rules were waived and CS for SB 276 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 980

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Justice, Siplin

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

CS for CS for SB 632—A bill to be entitled An act relating to out-of-home care; repealing s. 39.521(5), F.S., relating to the mandatory assessment of specified children for placement in licensed residential group care; creating s. 39.523, F.S.; prescribing procedures for the mandatory assessment of certain children for placement in licensed residential group care; providing for reports; providing for a residential group care appropriations category in the General Appropriations Act; providing for funding increases to be appropriated in a lump-sum category; specifying that the release of certain funds is contingent on the approval of a spending plan; prescribing elements of the plan; authorizing one-time startup funding; amending s. 39.407, F.S.; clarifying that the Department of Children and Family Services may place a child who is in its custody in a residential treatment center without prior approval of the court; amending s. 409.1671, F.S.; providing intent that the Department of Children and Family Services and the Department of Juvenile Justice establish an interagency agreement regarding referral to residential group care facilities; specifying that a residential group care facility must be licensed as a child-caring agency; requiring such facilities serving certain children to meet specified staff qualifications; redefining and adding terms; redefining the term “serious behavioral problems”; authorizing the department to adopt rules; specifying timeframes for initiating and for completing privatization of foster care and related services; providing for the establishment of a model comprehensive residential services program in specified counties; providing that community-based providers and subcontractors require employees to obtain bodily injury liability insurance on personal automobiles; providing certain immunity from liability when transporting clients in privately owned automobiles; directing the Department of Children and Family Services to adopt written policies and procedures for contract monitoring of community-based providers; modifying the requirement for community-based providers to furnish information to the department; modifying the conditions under which a provider may close a case; modifying the requirements concerning dual licensure of foster homes; eliminating the authority for a risk pool; requiring the development of a proposal for a shared-earnings program; providing direction for the development of the proposal; providing for submission of the proposal to the Legislative Budget Commission and for submission to the Legislature under certain conditions; expanding the program relating to excess federal earnings and certain additional state funds to additional entities; eliminating a specified expiration for this program; requiring that the Legislature

appropriate a lump sum in the Administered Funds Program each year for a specified purpose; specifying the type of bond that may be required; eliminating an obsolete review requirement; amending s. 409.1676, F.S.; removing a reference to specific districts and regions of the department; amending s. 409.175, F.S.; defining the term “family foster group home”; amending s. 409.906, F.S.; expanding the authority for the establishment of child welfare targeted case management projects; eliminating reference to a pilot project; eliminating the requirement to report to the Child Welfare Estimating Conference regarding targeted case management; directing the Office of Program Policy Analysis and Government Accountability, in consultation with the Agency for Health Care Administration, to conduct a review of the process for placing children for residential mental health treatment; providing for a report to the Governor and Legislature; providing an effective date.

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

Session Vote Sequence: 981

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice, Siplin

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

CS/HB 1219—A bill to be entitled An act relating to health care; creating the “Patient Safety Improvement Act”; providing legislative intent and definitions; creating the Florida Patient Safety Center; providing for location and duties of the center; requiring identifying information in medical patient records to remain confidential as provided by law; providing an effective date.

—was read the third time by title.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 684753)

Amendment 1—On page 3, line 8, after “*Tampa*”

insert: , the Health Science Center at the University of Florida,

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

The question recurred on the passage of CS/HB 1219. The vote was:

Session Vote Sequence: 982

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/CS/HB 321 was taken up. On motion by Rep. Brown, the rules were waived and—

CS for CS for SB 1412—A bill to be entitled An act relating to prescription drug claim identification cards; creating s. 627.4302, F.S.; providing intent; requiring certain entities to provide a benefits identification card by a date certain for specified purposes under certain circumstances; providing an exception; specifying required information; providing for temporary stickers for annual renewal cards; providing an effective date.

—was substituted for CS/CS/HB 321 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Brown, the rules were waived and CS for CS for SB 1412 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 983

Yeas—117

The Chair	Argenziano	Ausley	Baxley
Alexander	Arza	Baker	Bean
Allen	Attkisson	Ball	Bendross-Mindingall
Andrews	Atwater	Barreiro	Bennett

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

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/HB 821—A bill to be entitled An act relating to substance abuse and mental health programs; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to accept community input in the implementation of plans to ensure the provision of certain treatment to certain patients; requiring publicly announced meetings for input from assisted living facilities that hold limited mental health licenses; providing for annual review of district plans; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to use case rates or per capita contracts in contracting for the provision of services for local substance abuse and mental health programs; specifying additional requirements relating to such contracts; providing an effective date.

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

Session Vote Sequence: 984

Yeas—113

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

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

Nays—None

Votes after roll call:

Yeas—Detert, Farkas, Justice, Sorensen

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

CS/HB 1559 was taken up. On motion by Rep. Kravitz, the rules were waived and—

SB 1636—A bill to be entitled An act relating to corrections; amending s. 944.02, F.S.; redefining the term “prisoner” for purposes of the state corrections code; providing an effective date.

—was substituted for CS/HB 1559 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Kravitz, the rules were waived and SB 1636 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 985

Yeas—117

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

Nays—None

Votes after roll call:

Yeas—Justice

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

Consideration of **HB 1313** was temporarily postponed under Rule 11.10.

CS/HB 1447—A bill to be entitled An act relating to assault; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility; providing an effective date.

—was read the third time by title.

Representative(s) Harrell offered the following:

(Amendment Bar Code: 690553)

Amendment 1 (with title amendment)—On page 1, line 29, remove said line

and insert: Section 2. Subsection (7) is added to section 947.141, Florida Statutes, to read:

947.141 Violations of conditional release, control release, or conditional medical release or addiction-recovery supervision.—

(7) *If a law enforcement officer has probable cause to believe that an offender who is on release supervision under s. 947.1405, s. 947.146, s. 947.149, or s. 944.4731 has violated the terms and conditions of his or her release by committing a felony offense, the officer shall arrest the offender without a warrant and a warrant need not be issued in the case.*

Section 3. Subsection (3) is added to section 947.22, Florida Statutes, to read:

947.22 Authority to arrest parole violators with or without warrant.—

(3) *If a law enforcement officer has probable cause to believe that a parolee has violated the terms and conditions of his or her parole, the officer shall arrest and take into custody the parolee without a warrant, and a warrant need not be issued in the case.*

Section 4. This act shall take effect October 1, 2002.

And the title is amended as follows:

On page 1, lines 2, through 12, remove: all said lines

and insert: An act relating to arrest without a warrant; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility; amending ss. 947.141, 947.22, F.S.; requiring a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole; providing that a warrant need not be issued in the case; providing an effective date.

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

The question recurred on the passage of CS/HB 1447. The vote was:

Session Vote Sequence: 986

Yeas—116

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

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1313—A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 839.27, F.S.; providing definitions; specifying unlawful acts relating to records of investigations of abuse of a child, elderly person, or disabled adult; providing penalties; requiring imposition of sentence for violations; providing for certain disposal or archiving of records; providing for certain correcting and updating of records; providing an effective date.

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

Session Vote Sequence: 987

Yeas—115

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

Trovillion	Waters	Wiles	Wishner
Wallace	Weissman	Wilson	

Nays—None

Votes after roll call:

Yeas—Justice, Sorensen

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

SB 1028—A bill to be entitled An act relating to pharmacy; amending s. 465.009, F.S.; allowing continuing professional pharmaceutical education requirements to be met at any time during the biennium preceding application for license renewal by eliminating the requirement that a specified number of hours of the biennial requirements be done each year; providing an effective date.

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

Session Vote Sequence: 988

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice, Sorensen

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

THE SPEAKER IN THE CHAIR

CS/CS/HB 871—A bill to be entitled An act relating to immunizations; creating s. 381.0421, F.S.; requiring that individuals enrolled in a postsecondary educational institution be provided information regarding meningococcal meningitis and hepatitis B vaccines and, if residing in on-campus housing, provide documentation of vaccination against meningococcal meningitis and hepatitis B, or a statement declining such vaccination; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 185047)

Technical Amendment 2—On page 3, line 4, of the bill insert:

Section 2. This act shall take effect July 1, 2002.

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

The question recurred on the passage of CS/CS/HB 871. The vote was:

Session Vote Sequence: 989

Yeas—113

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

Nays—None

Votes after roll call:

Yeas—Harper, Harrell, Justice, Siplin

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

CS for SB 426—A bill to be entitled An act relating to tax administration; amending s. 199.052, F.S.; eliminating the requirement that a corporation file an intangibles tax return when no tax is due; repealing s. 199.062(1) and (2), F.S.; eliminating the requirement that a corporation file an annual information return regarding stock value; amending s. 199.218, F.S.; eliminating the requirement that a corporation maintain records relating to information reported under s. 199.062(2), F.S.; amending s. 199.282, F.S.; eliminating the penalty imposed upon a corporation for failure to file the notice required under s. 199.062(2), F.S.; repealing s. 201.05, F.S., relating to tax on stock certificates; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; amending s. 212.11, F.S.; authorizing the Department of Revenue to require a report to be submitted when filing a sales and use tax return that claims certain credits; authorizing the department to adopt rules regarding the forms and documentation required to verify these credits; authorizing the department to disallow any credit not supported by the required report and to impose penalties and interest; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations and registrations made

using the Multistate Tax Commission procedures; amending s. 220.22, F.S.; eliminating initial information returns for certain corporations; amending s. 220.23, F.S.; providing that interest on any deficiency accrues from the date fixed for filing the original return; amending s. 220.809, F.S.; conforming provisions; amending s. 376.70, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations; amending s. 443.131, F.S.; allowing certain employers of domestic employees to file annually for unemployment tax; providing an appropriation to the Department of Revenue; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer's liability for tax and interest; amending ss. 213.285, F.S., 213.053, F.S.; postponing the repeal of the certified audits project; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; amending s. 220.187, F.S.; providing for an additional class of "qualified student," repealing section 9 of ch. 2001-225, Laws of Florida; repealing an incorrect statutory reference; repealing s. 220.331, F.S.; allowing credits to be applied to the first two estimated payments; providing effective dates.

—was read the third time by title.

On motion by Rep. Byrd, further consideration of **CS for SB 426** was temporarily postponed under Rule 11.10.

SB 716—A bill to be entitled An act relating to domestic violence; amending s. 39.903, F.S.; requiring the Department of Children and Family Services to operate the domestic violence program; specifying program purposes; repealing s. 741.466, F.S., relating to the "Prevention of Domestic and Sexual Violence Program"; amending s. 938.01, F.S.; specifying the amount of funds available for use by the Department of Children and Family Services and the Department of Law Enforcement; repealing s. 4(2) of ch. 2001-184, Laws of Florida, and s. 7(2) of ch. 2001-232, Laws of Florida, relating to funding for the Prevention of Domestic and Sexual Violence Program; providing an effective date.

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

Session Vote Sequence: 990

Yeas—115

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

Simmons	Sobel	Trovillion	Wiles
Siplin	Sorensen	Wallace	Wilson
Slosberg	Spratt	Waters	Wishner
Smith	Stansel	Weissman	

Votes after roll call:
 Nays—Bennett, Justice
 Nays to Yeas—Bennett

Nays—None

Votes after roll call:
 Yeas—Justice

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

CS/HB 1223—A bill to be entitled An act relating to health care; creating the “Women’s Health and Safety Act”; amending s. 390.0112, F.S.; revising requirements for reporting by medical directors and physicians of terminations of pregnancies; providing a penalty; providing for disciplinary action for successive failures to report; amending s. 390.012, F.S.; revising requirements for rules of the Agency for Health Care Administration relating to abortions performed in abortion clinics; providing for rules regarding abortions performed after the first trimester of pregnancy; requiring abortion clinics to develop policies to protect the health, care, and treatment of patients; providing an effective date.

—was read the third time by title.

REPRESENTATIVE BALL IN THE CHAIR

THE SPEAKER IN THE CHAIR

REPRESENTATIVE MELVIN IN THE CHAIR

THE SPEAKER IN THE CHAIR

The question recurred on the passage of CS/HB 1223. The vote was:

Session Vote Sequence: 991

Yeas—71

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

Nays—44

Argenziano	Gannon	Kosmas	Romeo
Ausley	Gelber	Lacasa	Ryan
Bendross-Mindingall	Goodlette	Lerner	Seiler
Betancourt	Gottlieb	Lynn	Siplin
Bucher	Green	Machek	Slosberg
Clarke	Greenstein	McGriff	Smith
Cusack	Harper	Meadows	Sobel
Detert	Henriquez	Peterman	Weissman
Fields	Heyman	Rich	Wiles
Fiorentino	Jennings	Richardson	Wilson
Frankel	Joyner	Ritter	Wishner

Explanation of Vote for Sequence Number 991

Abortion is an extremely sensitive issue. I believe that the decision of whether or not a woman should have an abortion is one that should be made by the woman with her family, her doctor, and her clergy. I don’t believe that government should be involved in the decision. If I thought this bill was purely to protect a woman’s safety, I would have voted yes. In my opinion, House Bill 1223 is inconsistent with the Florida Constitution and case law. For these reasons, it causes me great concern and I could not vote for it.

*Rep. Heather Fiorentino
 District 46*

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

CS for SB 426—A bill to be entitled An act relating to tax administration; amending s. 199.052, F.S.; eliminating the requirement that a corporation file an intangibles tax return when no tax is due; repealing s. 199.062(1) and (2), F.S.; eliminating the requirement that a corporation file an annual information return regarding stock value; amending s. 199.218, F.S.; eliminating the requirement that a corporation maintain records relating to information reported under s. 199.062(2), F.S.; amending s. 199.282, F.S.; eliminating the penalty imposed upon a corporation for failure to file the notice required under s. 199.062(2), F.S.; repealing s. 201.05, F.S., relating to tax on stock certificates; amending s. 201.08, F.S.; providing for the maximum tax that must be paid on unsecured obligations; conforming cross-references; amending s. 212.11, F.S.; authorizing the Department of Revenue to require a report to be submitted when filing a sales and use tax return that claims certain credits; authorizing the department to adopt rules regarding the forms and documentation required to verify these credits; authorizing the department to disallow any credit not supported by the required report and to impose penalties and interest; amending s. 212.18, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations and registrations made using the Multistate Tax Commission procedures; amending s. 220.22, F.S.; eliminating initial information returns for certain corporations; amending s. 220.23, F.S.; providing that interest on any deficiency accrues from the date fixed for filing the original return; amending s. 220.809, F.S.; conforming provisions; amending s. 376.70, F.S.; authorizing the Department of Revenue to waive registration fees for online registrations; amending s. 443.131, F.S.; allowing certain employers of domestic employees to file annually for unemployment tax; providing an appropriation to the Department of Revenue; amending s. 220.15, F.S., which provides for apportionment of adjusted federal income to this state; revising the conditions for determining when sales of tangible personal property occur in this state for certain industries; providing for retroactive effect; amending s. 72.011, F.S.; providing for the venue and jurisdiction of taxpayer actions in circuit court; amending s. 212.12, F.S.; providing for methods of determining overpayments by persons paying the tax on sales, use, and other transactions; amending s. 213.21, F.S.; revising the process for review of a taxpayer’s liability for tax and interest; amending ss. 213.285, F.S., 213.053, F.S.; postponing the repeal of the certified audits project; amending s. 608.471, F.S.; providing for the tax treatment of certain types of limited liability companies; amending s. 220.187, F.S.; providing for an additional class of “qualified student,” repealing section 9 of ch. 2001-225, Laws of Florida; repealing an incorrect statutory reference; repealing s. 220.331, F.S.; allowing credits to be applied to the first two estimated payments; providing effective dates.

—was taken up, having been read the third time earlier today.

Representative(s) Frankel and Greenstein offered the following:

(Amendment Bar Code: 830573)

Amendment 2 (with title amendment)—On page 21, between lines 8 and 9,

and insert:

Section 24. Notwithstanding the passage of SB 2028 during the 2002 regular session, taxpayers of the state corporate income tax shall not be entitled to any change in business depreciation bonus or related tax breaks contained in the Job Creation and Worker Assistance Act of 2002. Any revenues collected due to this provision shall be appropriated to the Department of Education for the purpose of raising teacher salaries to the national average to encourage the recruitment and retention of quality teachers.

And the title is amended as follows:

On page 3, line 9, after the semicolon, of the bill

insert: clarifying the effect of SB 2028 on corporate income tax; providing an appropriation;

Rep. Frankel moved the adoption of the amendment, which failed to receive the necessary two-thirds vote for adoption. The vote was:

Session Vote Sequence: 992

Yeas—43

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

Nays—72

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

Votes after roll call:

Yeas—Justice

Yeas to Nays—Bennett

The question recurred on the passage of CS for SB 426. The vote was:

Session Vote Sequence: 993

Yeas—73

The Chair	Atwater	Benson	Cantens
Alexander	Baker	Berfield	Carassas
Allen	Barreiro	Bilirakis	Clarke
Andrews	Baxley	Bowen	Davis
Argenziano	Bean	Brown	Diaz de la Portilla
Arza	Bennett	Brummer	Diaz-Balart
Attkisson	Bense	Byrd	Dockery

Evers	Harrington	Mack	Ross
Farkas	Hart	Mahon	Rubio
Fasano	Hogan	Mayfield	Russell
Fiorentino	Johnson	Maygarden	Simmons
Flanagan	Jordan	Mealor	Sorensen
Garcia	Kallinger	Melvin	Spratt
Gardiner	Kilmer	Murman	Trovillion
Gibson	Kottkamp	Needelman	Wallace
Goodlette	Kravitz	Negron	Waters
Green	Kyle	Paul	
Haridopolos	Lacasa	Pickens	
Harrell	Littlefield	Prieguez	

Nays—43

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

Votes after roll call:

Nays—Justice

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

HB 1177—A bill to be entitled An act relating to direct-support organizations; creating s. 20.193, F.S.; providing for direct-support organizations for the benefit of the Department of Children and Family Services; providing a definition; providing for administration of funds; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; authorizing designation of employees to solicit funds; creating s. 430.065, F.S.; providing for direct-support organizations for the benefit of the Department of Elder Affairs; providing a definition; providing purposes and objectives; requiring funds be used for enhancement of department programs and projects; authorizing certain use of state property and facilities; requiring annual audit; providing an effective date.

—was read the third time by title.

The Procedural & Redistricting Council offered the following:

(Amendment Bar Code: 531517)

Technical Amendment 2 (with title amendment)—On page 1, line 12, after the semicolon

insert: amending s. 20.19, F.S.;

on page 1, line 16,

remove: Elder

and insert: Elderly

On page 2, line 16,

remove: *extend*

and insert: *extent*

on page 3, between lines 2 & 3,

insert:

20.19 Department of Children and Family Services.—There is created a Department of Children and Family Services.

on page 3, lines 9 & 19,

remove: *Elder*

and insert: *Elderly*

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

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

Representative(s) Diaz de la Portilla offered the following:

(Amendment Bar Code: 610087)

Amendment 3 (with title amendment)—On page 4, between lines 4 & 5, of the bill

insert:

Section 4. Subsection (4) of section 240.299, Florida Statutes, is amended to read:

240.299 Direct-support organizations; use of property; board of directors; activities; audit; facilities.—

(4) ACTIVITIES; RESTRICTION.—A university direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct support organization at a regularly scheduled meeting as being directly related to the educational mission of the university. Any gift by a direct-support organization, either direct or indirect, with a value in excess of \$1000 must be immediately reported to the university board of trustees. The report must include the following information: the amount of the gift or nature of the gift; the recipient of the gift; the direct relationship of the gift to the educational mission of the university; and the direct benefit of the gift to the university. The university board of trustees shall forward such information to the State Board of Education by December 31 of each year.

Section 5. Paragraph (c) of subsection (4) of section 240.3315, Florida Statutes, is amended to read:

240.3315 Statewide community college direct-support organizations.—

(4) RESTRICTIONS.—

(c) A statewide community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Community Colleges. Any gift by a direct-support organization, either direct or indirect, with a value in excess of \$1000 must be immediately reported to the community college board of trustees. The report must include the following information: the amount of the gift or nature of the gift; the recipient of the gift; the direct relationship of the gift to the educational mission of the community college; and the direct benefit of the gift to the community college. The community college board of trustees shall forward such information to the State Board of Education by December 31 of each year.

And the title is amended as follows:

On page 1, line 21,

after the semicolon insert: amending ss. 240.299 and 240.3315, F.S.; revising provisions relating to restricted activities of university direct-support organizations and community college direct-support organizations;

Rep. Diaz de la Portilla moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1177. The vote was:

Session Vote Sequence: 994

Yeas—115

The Chair Alexander Allen Andrews Argenziano Arza Attkisson Atwater

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

Nays—None

Votes after roll call:

Yeas—Bean, Justice

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

CS for SB 560—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; prohibiting use of funds for certain purposes; authorizing use of funds for certain purposes; providing an effective date.

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

Session Vote Sequence: 995

Yeas—109

The Chair Alexander Allen Andrews Argenziano Arza Attkisson Atwater Cantens Carassas Clarke Crow Cusack Davis Detert Diaz de la Portilla Diaz-Balart Dockery Evers Farkas Fasano Fields Fiorentino Frankel Gannon Garcia Gardiner Gelber Gibson Goodlette Gottlieb Green Greenstein Haridopolos Harper Harrell Harrington Hart Henriquez Heyman Hogan Holloway Jennings Johnson Jordan Joyner Kallinger Kendrick Kilmer Kosmas Kottkamp Kravitz Kyle Lerner Littlefield Lynn Machek Mack Mahon Mayfield Maygarden McGriff Meadows Mealor Melvin Murman Needelman Negron Paul Peterman Pickens Prieguez Rich Richardson Romero Ross Rubio Russell Ryan Seiler Simmons Siplin Slosberg Smith Sobel Sorensen

Spratt	Wallace	Weissman	Wilson
Stansel	Waters	Wiles	Wishner
Trovillion			

Nays—4

Davis	Flanagan	Kottkamp	Kravitz
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Votes after roll call:

Yeas—Attkisson, Justice

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

CS/HB 1157—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; requiring a person who commits a criminal mischief offense related to the placement of graffiti to pay a minimum fine and perform community service; providing for the parent or legal guardian of a minor to be liable for payment of a fine; authorizing the court to decline to order payment of a fine if the court finds that the person subject to payment of the fine is indigent; providing an effective date.

—was read the third time by title.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 140369)

Amendment 1 (with title amendment)—On page 4, line 3, after the word “fine”

insert: *or if the court finds that the person does not have the ability to pay the fine whether or not the person is indigent*

And the title is amended as follows:

On page 1, line 11,
remove: the word “indigent”

and insert: unable to pay the fine under certain circumstances

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

The question recurred on the passage of CS/HB 1157. The vote was:

Session Vote Sequence: 996

Yeas—111

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

Stansel	Waters	Wiles	Wishner
Wallace	Weissman	Wilson	

Nays—None

Votes after roll call:

Yeas—Andrews, Justice, Maygarden, Trovillion

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

CS for SB 622—A bill to be entitled An act relating to commercial transportation; providing a penalty for the illegal use of any means of public or commercial transportation or conveyance to commit any felony or to facilitate the commission of any felony; providing an effective date.

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

Session Vote Sequence: 997

Yeas—115

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

Nays—None

Votes after roll call:

Yeas—Justice, Negron

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

HB 1423—A bill to be entitled An act relating to school safety; creating s. 810.0975, F.S.; defining the term “school safety zone”; prohibiting certain persons from entering or loitering within a school safety zone; providing a penalty; providing an effective date.

—was read the third time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 782137)

Amendment 2 (with title amendment)—On page 2, between lines 11 and 12,

insert:

(3) *This section does not apply to residents or persons engaged in the operation of a licensed commercial business within the school safety zone.*

the presence of career offenders; creating s. 775.261, F.S.; creating the Florida Career Offender Registration Act; providing definitions; requiring a criminal who is classified as a career offender and who is released on or after a specified date to register with the Department of Law Enforcement; providing an exception for an offender who registers as a sexual predator or sexual offender; providing procedures for registration; requiring that a photograph and fingerprints be taken of a career offender; providing procedures for notifying the Department of Law Enforcement if a career offender intends to establish residence in another state or jurisdiction; requiring the Department of Law Enforcement to provide for computer access to information on career offenders; providing that the registration list is a public record; providing a procedure by which a registered career offender may petition the court to remove the requirement that he or she maintain registration; authorizing law enforcement agencies to notify the public of the presence of a career offender; requiring address verification for career offenders; providing that specified state agencies and employees are immune from liability for good-faith compliance with the requirements of the act; providing penalties; specifying venues for prosecuting a violation of the act; creating s. 944.608, F.S.; requiring a career offender who is not sentenced to a term of imprisonment or who is under the supervision of the Department of Corrections to register with the Department of Law Enforcement; providing procedures for registration; providing penalties; providing that specified state agencies and certain employees are immune from liability for good-faith compliance with the requirements of the act; creating s. 944.609, F.S.; requiring the Department of Corrections to provide information concerning a career offender to the sheriff, police chief, Department of Law Enforcement, and victim, if requested, before the career offender is released from incarceration; authorizing the Department of Corrections or any law enforcement agency to notify the public of the presence of a career offender; providing for immunity from liability for good-faith compliance with the requirements of the act; providing appropriations; providing an effective date.

—was substituted for CS/HB 143 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Bowen, the rules were waived and CS for CS for CS for SB's 90 & 554 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1000

Yeas—117

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

Slosberg	Spratt	Wallace	Wiles
Smith	Stansel	Waters	Wilson
Sobel	Trovillion	Weissman	Wishner
Sorensen			

Nays—None

Votes after roll call:

Yeas—Justice

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

CS/CS/HB 1057—A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; revising language with respect to convictions for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; amending conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; amending s. 316.1937, F.S.; requiring the installation of ignition interlock devices in conformance to the act; eliminating reference to probation and probationers; requiring notification to the department with respect to ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing an exception to the prohibition on a limited right to drive for business or employment for certain persons for whom the court has required the use of an ignition interlock device; amending s. 327.35, F.S.; revising language with respect to convictions required for a felony BUI; amending conditions for conviction in cases of accident, serious bodily injury, or death; correcting cross references; allowing a law enforcement officer to place a person in protective custody under certain circumstances; requiring a person placed in protective custody to pay reasonable costs of evaluation and treatment under certain circumstances; amending s. 327.352, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; specifying grounds for which a court may determine that criteria exist for involuntary admission and treatment of certain persons; requiring payment for such evaluation and treatment from a certain fund; requiring persons placed in such involuntary custody to reimburse the provider of services under certain circumstances; amending s. 921.0022, F.S.; revising language relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; correcting a cross reference; providing an effective date.

—was read the third time by title.

Representative(s) Simmons offered the following:

(Amendment Bar Code: 942019)

Amendment 2 (with title amendment)—Remove everything after the enacting clause

and insert:

Section 1. Subsections (2), (3), and (4) of section 316.193, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

316.193 Driving under the influence; penalties.—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:
 - a. Not less than \$250 or more than \$500 for a first conviction.
 - b. Not less than \$500 or more than \$1,000 for a second conviction.
 - ~~e. Not less than \$1,000 or more than \$2,500 for a third conviction;~~
2. By imprisonment for:
 - a. Not more than 6 months for a first conviction.
 - b. Not more than 9 months for a second conviction.
 - ~~e. Not more than 12 months for a third conviction.~~

3. For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person. The installation of such device may not occur before July 1, 2003.

(b)1. Any person who is convicted of a ~~third fourth or subsequent~~ violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person. The installation of such device may not occur before July 1, 2003.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$1,000 or more than \$2,500 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person. The installation of such device may not occur before July 1, 2003.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084; However, the fine imposed for such fourth or subsequent violation may be not less than \$1,000.

- (3) Any person:
- (a) Who is in violation of subsection (1);
 - (b) Who operates a vehicle; and
 - (c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.20 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

- (a) By a fine of:
1. Not less than \$500 or more than \$1,000 for a first conviction.
 2. Not less than \$1,000 or more than \$2,000 for a second conviction.
 3. Not less than \$2,000 ~~or more than \$5,000~~ for a third or subsequent conviction.
- (b) By imprisonment for:
1. Not more than 9 months for a first conviction.
 2. Not more than 12 months for a second conviction.
 - ~~3. Not more than 12 months for a third conviction.~~

For the purposes of this subsection, ~~any conviction for a violation of s. 327.35;~~ only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.20 or higher.

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for up to 6 months for the first offense and for at least 2 years for a second offense. The installation of such device may not occur before July 1, 2003.

(11) The Department of Highway Safety and Motor Vehicles is directed to adopt rules providing for the implementation of the use of ignition interlock devices.

Section 2. Section 316.1932, Florida Statutes, is amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; ~~refusal right to refuse.~~

(1)(a)1. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered

at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, *and shall also be told that if he or she refuses to submit to a lawful test of his or her breath or urine, or both, and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties.* The refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

- a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.
- e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.
- f. Establish a procedure for the approval of breath test operator and agency inspector classes.
- g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.
- h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.
- i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.
- j. Enforce compliance with the provisions of this section through civil or administrative proceedings.
- k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.
- l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(b)1. The blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon grams of alcohol per 210 liters of breath.

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. For this purpose, the department may approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in any individual case do not render the test or test results invalid.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state *and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor.* Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously as a result of a refusal to submit to such a test or tests, *and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor.* The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a

chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(4), s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(4), s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 upon request for such information.

Section 3. Subsection (1) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)(a) ~~Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 316.1932 or any recognized power to revoke the implied consent to such tests,~~ If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, ~~such person shall submit, upon the request of a law enforcement officer shall require the person driving or in actual physical control of the motor vehicle to submit,~~ to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. *Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.*

(b) The term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 4. Section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193, ~~and who is granted probation~~, shall not operate a motor vehicle ~~during the period of probation~~ unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.05 percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for ~~a~~ the period of ~~probation, said period to be for~~ not less than 6 months, if the person is permitted to operate a motor vehicle, whether *or not* the privilege to operate a motor vehicle is restricted ~~or not~~, as determined by the court. *The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.*

(2) If the court imposes the use of an ignition interlock device ~~as a condition of probation~~, the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.

(c) Order that an ignition interlock device be installed, as the court may determine necessary, on any vehicle owned or operated by the ~~person probationer~~.

(d) Determine the ~~person's probationer's~~ ability to pay for installation of the device if the ~~person probationer~~ claims inability to pay. If the court determines that the ~~person probationer~~ is unable to pay for installation of the device, the court may order that any portion of a fine paid by the ~~person probationer~~ for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.

(e) Require proof of installation of the device and periodic reporting to the ~~department probation officer~~ for verification of the operation of the device in the ~~person's probationer's~~ vehicle.

(3) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is not suspended or revoked, the court shall require the person to provide proof of compliance to the ~~department probation officer~~ within 30 days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall ~~notify the department revoke or terminate the person's probation~~.

(4) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is suspended or revoked for a period of less than 3 years, the department shall require proof of compliance before reinstatement of the person's driving privilege.

(5)(a) In addition to any other provision of law, upon conviction of a violation of this section the department shall revoke the person's driving privilege for 1 year from the date of conviction. Upon conviction of a separate violation of this section during the same period of required use of an ignition interlock device, the department shall revoke the person's driving privilege for 5 years from the date of conviction.

(b) Any person convicted of a violation of subsection (6) who does not have a driver's license shall, in addition to any other penalty provided by law, pay a fine of not less than \$250 or more than \$500 per each such violation. In the event that the person is unable to pay any such fine, the fine shall become a lien against the motor vehicle used in violation of subsection (6) and payment shall be made pursuant to s. 316.3025(4).

(6)(a) It is unlawful to tamper with, or to circumvent the operation of, a court-ordered ignition interlock device.

(b) It is unlawful for any person whose driving privilege is restricted pursuant to this section to request or solicit any other person to blow

into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(c) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to this section.

(d) It is unlawful to knowingly lease or lend a motor vehicle to a person who has had his or her driving privilege restricted ~~under a condition of probation~~ as provided in this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted under a condition of probation requiring an ignition interlock device shall notify any other person who leases or loans a motor vehicle to him or her of such driving restriction.

(7) Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of such driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity which owns the vehicle is owned or controlled by the person whose driving privilege has been restricted.

(8) In addition to the penalties provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 5. Section 316.1939, Florida Statutes, is created to read:

316.1939 Refusal to submit to testing; penalties.—

(1) *Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 316.1932, and whose driving privilege is currently suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, and:*

(a) *Who the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;*

(b) *Who was placed under lawful arrest for a violation of s. 316.193;*

(c) *Who was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months;*

(d) *Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor; and*

(e) *Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.*

(2) *The disposition of any administrative proceeding that relates to the suspension of a person's driving privilege does not affect a criminal action under this section.*

(3) *The disposition of a criminal action under this section does not affect any administrative proceeding that relates to the suspension of a person's driving privilege. The department's records showing that a person's license has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood shall be admissible and shall create a rebuttable presumption of such suspension.*

Section 6. Paragraph (a) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2)(a) Upon such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation of his or her license causes a serious hardship and precludes the person's carrying out his or her normal business occupation, trade, or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family. Except as otherwise provided in this subsection, the department shall require proof of the successful completion of the applicable department-approved driver training course operating pursuant to s. 318.1451 or DUI program substance abuse education course and evaluation as provided in s. 316.193(5). Letters of recommendation from respected business persons in the community, law enforcement officers, or judicial officers may also be required to determine whether such person should be permitted to operate a motor vehicle on a restricted basis for business or employment use only and in determining whether such person can be trusted to so operate a motor vehicle. If a driver's license has been suspended under the point system or pursuant to s. 322.2615, the department shall require proof of enrollment in the applicable department-approved driver training course or licensed DUI program substance abuse education course, including evaluation and treatment, if referred, and may require letters of recommendation described in this subsection to determine if the driver should be reinstated on a restricted basis. If such person fails to complete the approved course within 90 days after reinstatement or subsequently fails to complete treatment, if applicable, the department shall cancel his or her driver's license until the course and treatment, if applicable, is successfully completed, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may temporarily reinstate the driving privilege on a restricted basis upon verification from the DUI program that the offender has reentered and is currently participating in treatment and has completed the DUI education course and evaluation requirement. If the DUI program notifies the department of the second failure to complete treatment, the department shall reinstate the driving privilege only after notice of completion of treatment from the DUI program. The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193 until completion of the DUI program substance abuse education course and evaluations as provided in s. 316.193(5). Except as provided in paragraph (b), if a person's license has been revoked pursuant to s. 322.28 or suspended pursuant to s. 322.2615, or a person has been convicted of a violation of s. 316.193 two or more times or has had his or her license suspended two or more times for refusal to submit to a test pursuant to s. 322.2615 or former s. 322.261, the privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person whose license is revoked pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and who has been convicted of a violation of s. 316.193 two or more times or whose license has been suspended two or more times for refusal to submit to a test pursuant to s. 322.2615 or former s. 322.261.

Section 7. Subsections (2), (3), and (4) of section 327.35, Florida Statutes, are amended to read:

327.35 Boating under the influence; penalties; "designated drivers".—

(2)(a) Except as provided in paragraph (b), subsection (3), or subsection (4), any person who is convicted of a violation of subsection (1) shall be punished:

1. By a fine of:
 - a. Not less than \$250 or more than \$500 for a first conviction.
 - b. Not less than \$500 or more than \$1,000 for a second conviction.
 - e. ~~Not less than \$1,000 or more than \$2,500 for a third conviction;~~

2. By imprisonment for:
 - a. Not more than 6 months for a first conviction.
 - b. Not more than 9 months for a second conviction.
 - e. ~~Not more than 12 months for a third conviction.~~
- (b)1. Any person who is convicted of a ~~third fourth or subsequent~~ violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$1,000 or more than \$2,500 and by imprisonment for not more than 12 months.

3. Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.;

However, the fine imposed for such fourth or subsequent violation may not be less than \$1,000.

- (3) Any person:
 - (a) Who is in violation of subsection (1);
 - (b) Who operates a vessel; and
 - (c) Who, by reason of such operation, causes or contributes to causing:
 1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 2. Serious bodily injury to another, as defined in s. 327.353 ~~316.1933~~, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 3. The death of any human being commits BUI manslaughter, and commits:
 - a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:
 - (I) At the time of the accident, the person knew, or should have known, that the accident occurred; and
 - (II) The person failed to give information and render aid as required by s. 327.30 ~~316.062~~.

This sub-subparagraph does not require that the person knew that the accident resulted in injury or death.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.20 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, shall be punished:

- (a) By a fine of:
 1. Not less than \$500 or more than \$1,000 for a first conviction.
 2. Not less than \$1,000 or more than \$2,000 for a second conviction.
 3. Not less than \$2,000 ~~or more than \$5,000~~ for a third or subsequent conviction.
- (b) By imprisonment for:

1. Not more than 9 months for a first conviction.
2. Not more than 12 months for a second conviction.
- ~~3. Not more than 12 months for a third conviction.~~

For the purposes of this subsection, only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.20 or higher.

Section 8. Section 327.352, Florida Statutes, is amended to read:

327.352 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; ~~refusal right to refuse.~~—

(1)(a) The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by so operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in a civil penalty of \$500, *and shall also be told that if he or she refuses to submit to a lawful test of his or her breath or urine, or both, and he or she has been previously fined for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties.* The refusal to submit to a chemical or physical breath or urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(b)1. The blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon grams of alcohol per 210 liters of breath.

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. Any insubstantial differences between approved techniques and actual testing procedures in any individual case do not render the test or test results invalid.

3. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related

provisions located in this chapter and chapters 316 and 322. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322. The program shall:

a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.

b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.

c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.

d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.

e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.

f. Establish a procedure for the approval of breath test operator and agency inspector classes.

g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.

i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.

j. Enforce compliance with the provisions of this section through civil or administrative proceedings.

k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 316, or chapter 322.

l. Promulgate rules for the administration and implementation of this section, including definitions of terms.

m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.

n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 316 and 322.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 316 and 322. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(c) Any person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there

is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500 *and that a refusal to submit to a lawful test of his or her blood, if he or she has previously been fined for refusal to submit to any lawful test of his or her breath, urine, or blood, is a misdemeanor.* The refusal to submit to a blood test upon the request of a law enforcement officer shall be admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages or controlled substances, the person may request the arresting officer to have a chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when

requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 327.35 upon request for such information.

Section 9. Subsection (1) of section 327.353, Florida Statutes, is amended to read:

327.353 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)(a) ~~Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 327.352 or any recognized power to revoke the implied consent to such tests,~~ If a law enforcement officer has probable cause to believe that a vessel operated by a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, ~~the person shall submit, upon the request of a law enforcement officer shall require the person operating or in actual physical control of the vessel to submit,~~ to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require the person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. *Notwithstanding s. 327.352, the testing required by this paragraph need not be incidental to a lawful arrest of the person.*

(b) The term "serious bodily injury" means an injury to any person, including the operator, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 10. Section 327.359, Florida Statutes, is created to read:

327.359 *Refusal to submit to testing; penalties.—Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 327.352, and who has been previously fined for refusal to submit to a lawful test of his or her breath, urine, or blood, and:*

(1) *Who the arresting law enforcement officer had probable cause to believe was operating or in actual physical control of a vessel in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;*

(2) *Who was placed under lawful arrest for a violation of s. 327.35;*

(3) *Who was informed that if he or she refused to submit to such test he or she is subject to a fine of \$500;*

(4) *Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood, if he or she has been previously fined for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor; and*

(5) *Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.*

Section 11. Section 397.6755, Florida Statutes, is created to read:

397.6755 Evidence and criteria for involuntary admissions and involuntary treatment; funding.—

(1) If a court finds that a person arrested for violation of either s. 316.193 or s. 327.35 has lost the power of self-control with respect to substance use and is likely to inflict physical harm upon himself or herself or another pursuant to the standards set forth in s. 397.675, a court may require involuntary admission and treatment of such person. In making such determination, a court shall, along with all relevant evidence, consider the following factors:

(a) Whether the person has, previous to the arrest, been convicted of a violation of s. 316.193 or s. 327.35;

(b) Whether the person's blood-alcohol level or breath-alcohol level, as determined by a test conducted incident to the person's arrest, was 0.20 or greater;

(c) Whether the person, by reason of operation of a motor vehicle or a vessel, has caused or contributed to the death or serious bodily injury of another as defined in s. 316.1933 or s. 327.353; or

(d) Whether the person is on pretrial release for a previous offense under s. 316.193 or s. 327.35.

(2) Any person who meets the criteria for involuntary admission pursuant to s. 397.675, who was placed in protective custody pursuant to s. 316.193(9)(b) or s. 327.35(8)(b), and who is a qualified resident as defined in s. 212.055(4)(d) shall have the costs of evaluation and treatment paid from the fund established pursuant to s. 212.055(4)(e). A court shall order any person whose care is paid for under this subsection, who is subsequently convicted of a violation of s. 316.193 or s. 327.35, to reimburse the provider of the services for the reasonable cost of the services provided and, if the person is unable to reimburse the provider, a civil judgment in favor of such fund shall be entered.

Section 12. Paragraphs (c) and (i) of subsection (3) of section 921.0022, Florida Statutes, as amended by chapter 2001-358, Laws of Florida, 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
		(c) LEVEL 3			
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	843.19	3rd	Injure, disable, or kill police dog or horse.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	870.01(2)	3rd	Riot; inciting or encouraging.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	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).
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	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.
327.35(2)(b)	3rd	Felony BUI, 3rd conviction.	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.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.			

Florida Statute	Felony Degree	Description
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.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
817.233	3rd	Burning to defraud insurer.
817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
817.505(4)	3rd	Patient brokering.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
870.01(2)	3rd	Riot; inciting or encouraging.
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(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.
893.13(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.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
		(i) LEVEL 9	827.03(2)	1st	Aggravated child abuse.
316.193 (3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
327.35(3)(c)3.b.	1st	<i>BUI manslaughter; failing to render aid or give information.</i>	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.	893.135	1st	Attempted capital trafficking offense.
655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
755.0844	1st	Aggravated white collar crime.	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.	893.135 (1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.	893.135 (1)(i)1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.	893.135 (1)(j)2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.	896.101(5)(c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
790.161	1st	Attempted capital destructive device offense.	896.104(4)(a)3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.			
794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.	Section 13. Section 938.07, Florida Statutes, is amended to read:		
794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.	938.07 Driving or boating under the influence.—Notwithstanding any other provision of s. 316.193 or s. 327.35, a court cost of \$135 shall be added to any fine imposed pursuant to s. 316.193 or s. 327.35. The clerks shall remit the funds to the Department of Revenue, \$25 of which shall be deposited in the Emergency Medical Services Trust Fund, \$50 shall be deposited in the Criminal Justice Standards and Training Trust		
794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.			

Fund of the Department of Law Enforcement to be used for operational expenses in conducting the statewide criminal analysis laboratory system established in s. 943.32, and \$60 shall be deposited in the Brain and Spinal Cord Injury Rehabilitation Trust Fund created in s. 381.79.

Section 14. Paragraph (d) of subsection (2) of section 943.05, Florida Statutes, is amended to read:

943.05 Criminal Justice Information Program; duties; crime reports.—

(2) The program shall:

(d) Adopt rules to effectively and efficiently implement, administer, manage, maintain, and use the automated fingerprint identification system and uniform offense reports and arrest reports. The rules shall be considered minimum requirements and shall not preclude a criminal justice agency from implementing its own enhancements. *However, rules and forms prescribing uniform arrest or probable cause affidavits and alcohol influence reports to be used by all law enforcement agencies in making DUI arrests under s. 316.193 shall be adopted, and shall be used by all law enforcement agencies in this state. The rules and forms prescribing such uniform affidavits and reports shall be adopted and implemented by July 1, 2004. Failure to use these uniform affidavits and reports, however, shall not prohibit prosecution under s. 316.193.*

Section 15. *The sum of \$216,062 is appropriated for fiscal year 2002-2003 from recurring general revenue to the Department of Corrections to be used for the purpose of implementing this act.*

Section 16. This act shall take effect July 1, 2002.

And the title is amended as follows:

remove: the entire title

and insert: A bill to be entitled An act relating to driving or boating under the influence of alcohol or controlled substances; amending s. 316.193, F.S.; reducing the number of convictions required for a felony DUI; requiring mandatory placement of an ignition interlock device under certain circumstances; revising conditions for conviction in cases of accident, serious bodily injury, or death; removing a cross reference; amending s. 316.1932, F.S.; requiring a law enforcement officer to inform a person that refusal to submit to certain tests is a misdemeanor; amending s. 316.1933, F.S.; requiring a person to submit to a blood test under certain circumstances; amending s. 316.1937, F.S.; requiring placement of an ignition interlock device under certain circumstances; directing the court regarding requirements for ignition interlock devices; creating s. 316.1939, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; amending s. 322.271, F.S.; providing for the privilege of driving with an ignition interlock device while a license is revoked or suspended, under certain circumstances; amending s. 327.35, F.S.; reducing the number of convictions required for a felony BUI; revising conditions for conviction in cases of accident, serious bodily injury, or death; conforming cross references; amending s. 327.352, F.S.; providing for notification that refusal to submit to a test of breath, blood, or urine under certain circumstances is a misdemeanor; amending s. 327.353, F.S.; requiring a person to submit to a blood test under certain circumstances; providing that the test need not be incidental to a lawful arrest; creating s. 327.359, F.S.; providing a penalty for refusing to submit to a chemical or physical test of breath, urine, or blood; providing application; creating s. 397.6755, F.S.; providing for evidence and criteria for involuntary admission and treatment; providing funding; amending s. 921.0022, F.S.; revising provisions relating to certain DUI offenses; including certain BUI offenses within the offense severity ranking chart; amending s. 938.07, F.S.; providing for application of a fee to persons found guilty of boating under the influence; conforming a cross reference; amending s. 943.05, F.S.; providing for adoption of rules and forms for making DUI arrests; providing an appropriation; providing an effective date.

Rep. Simmons moved the adoption of the amendment.

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

Representative(s) Simmons offered the following:

(Amendment Bar Code: 254117)

Amendment 1 to Amendment 2—On page 2, line 4, through page 23, line 3,
remove: all of said lines

and insert:

3. *For a second conviction, by mandatory placement for a period of at least 1 year, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.*

(b)1. Any person who is convicted of a ~~third~~ ~~fourth~~ or subsequent violation of this section for an offense that occurs within 10 years after a prior conviction for a violation of this section commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *In addition, the court shall order the mandatory placement for a period of not less than 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.*

2. *Any person who is convicted of a third violation of this section for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$1,000 or more than \$2,500 and by imprisonment for not more than 12 months. In addition, the court shall order the mandatory placement for a period of at least 2 years, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.*

3. *Any person who is convicted of a fourth or subsequent violation of this section, regardless of when any prior conviction for a violation of this section occurred, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. However, the fine imposed for such fourth or subsequent violation may be not less than \$1,000.*

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash, the person knew, or should have known, that the crash occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

(4) Any person who is convicted of a violation of subsection (1) and who has a blood-alcohol level or breath-alcohol level of 0.20 or higher, or any person who is convicted of a violation of subsection (1) and who at the time of the offense was accompanied in the vehicle by a person under the age of 18 years, shall be punished:

(a) By a fine of:

1. Not less than \$500 or more than \$1,000 for a first conviction.
2. Not less than \$1,000 or more than \$2,000 for a second conviction.
3. Not less than \$2,000 or more than \$5,000 for a third or subsequent conviction.

(b) By imprisonment for:

1. Not more than 9 months for a first conviction.
2. Not more than 12 months for a second conviction.
3. ~~Not more than 12 months for a third conviction.~~

For the purposes of this subsection, ~~any conviction for a violation of s. 327.35,~~ only the instant offense is required to be a violation of subsection (1) by a person who has a blood-alcohol level or breath-alcohol level of 0.20 or higher.

(c) In addition to the penalties in paragraphs (a) and (b), the court shall order the mandatory placement, at the convicted person's sole expense, of an ignition interlock device approved by the department in accordance with s. 316.1937 upon all vehicles that are individually or jointly leased or owned and routinely operated by the convicted person for up to 6 months for the first offense and for at least 2 years for a second offense, when the convicted person qualifies for a permanent or restricted license. The installation of such device may not occur before July 1, 2003.

(11) The Department of Highway Safety and Motor Vehicles is directed to adopt rules providing for the implementation of the use of ignition interlock devices.

Section 1. Section 316.1932, Florida Statutes, is amended to read:

316.1932 Breath, blood, and urine tests for alcohol, chemical substances, or controlled substances; implied consent; ~~refusal right to refuse.~~

(1)(a)1. Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath, and to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances, if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages, chemical substances, or controlled substances. The chemical or physical breath test must be incidental to a lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of the motor vehicle within this state while under the influence of alcoholic beverages. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was driving or was in actual physical control of a motor vehicle within this state while under the influence of controlled substances. The urine test shall be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of one type of test does not preclude the administration of another type of test. The person shall be

told that his or her failure to submit to any lawful test of his or her breath or urine, or both, will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of such person has been previously suspended as a result of a refusal to submit to such a test or tests, *and shall also be told that if he or she refuses to submit to a lawful test of his or her breath or urine, or both, and his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor in addition to any other penalties.* The refusal to submit to a chemical or physical breath test or to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. The Alcohol Testing Program within the Department of Law Enforcement is responsible for the regulation of the operation, inspection, and registration of breath test instruments utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is responsible for the regulation of the individuals who operate, inspect, and instruct on the breath test instruments utilized in the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program is further responsible for the regulation of blood analysts who conduct blood testing to be utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327. The program shall:

- a. Establish uniform criteria for the issuance of permits to breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- b. Have the authority to permit breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- c. Have the authority to discipline and suspend, revoke, or renew the permits of breath test operators, agency inspectors, instructors, blood analysts, and instruments.
- d. Establish uniform requirements for instruction and curricula for the operation and inspection of approved instruments.
- e. Have the authority to specify one approved curriculum for the operation and inspection of approved instruments.
- f. Establish a procedure for the approval of breath test operator and agency inspector classes.
- g. Have the authority to approve or disapprove breath test instruments and accompanying paraphernalia for use pursuant to the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.
- h. With the approval of the executive director of the Department of Law Enforcement, make and enter into contracts and agreements with other agencies, organizations, associations, corporations, individuals, or federal agencies as are necessary, expedient, or incidental to the performance of duties.
- i. Issue final orders which include findings of fact and conclusions of law and which constitute final agency action for the purpose of chapter 120.
- j. Enforce compliance with the provisions of this section through civil or administrative proceedings.
- k. Make recommendations concerning any matter within the purview of this section, this chapter, chapter 322, or chapter 327.
- l. Promulgate rules for the administration and implementation of this section, including definitions of terms.
- m. Consult and cooperate with other entities for the purpose of implementing the mandates of this section.
- n. Have the authority to approve the type of blood test utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

o. Have the authority to specify techniques and methods for breath alcohol testing and blood testing utilized under the driving and boating under the influence provisions and related provisions located in this chapter and chapters 322 and 327.

p. Have the authority to approve repair facilities for the approved breath test instruments, including the authority to set criteria for approval.

Nothing in this section shall be construed to supersede provisions in this chapter and chapters 322 and 327. The specifications in this section are derived from the power and authority previously and currently possessed by the Department of Law Enforcement and are enumerated to conform with the mandates of chapter 99-379, Laws of Florida.

(b)1. The blood-alcohol level must be based upon grams of alcohol per 100 milliliters of blood. The breath-alcohol level must be based upon grams of alcohol per 210 liters of breath.

2. An analysis of a person's breath, in order to be considered valid under this section, must have been performed substantially according to methods approved by the Department of Law Enforcement. For this purpose, the department may approve satisfactory techniques or methods. Any insubstantial differences between approved techniques and actual testing procedures in any individual case do not render the test or test results invalid.

(c) Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by operating such vehicle, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test shall be performed in a reasonable manner. Any person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A blood test may be administered whether or not the person is told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle upon the public highways of this state *and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor.* Any person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in the suspension of the person's privilege to operate a motor vehicle for a period of 1 year for a first refusal, or for a period of 18 months if the driving privilege of the person has been suspended previously as a result of a refusal to submit to such a test or tests, *and that a refusal to submit to a lawful test of his or her blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor.* The refusal to submit to a blood test upon the request of a law enforcement officer is admissible in evidence in any criminal proceeding.

(d) If the arresting officer does not request a chemical or physical breath test of the person arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages or controlled substances, such person may request the arresting officer to have a chemical or physical test made of the arrested person's breath or a test of the urine or blood for the purpose of determining the alcoholic content of the person's blood or breath or the presence of chemical substances or controlled substances; and, if so requested, the arresting officer shall have the test performed.

(e)1. By applying for a driver's license and by accepting and using a driver's license, the person holding the driver's license is deemed to have expressed his or her consent to the provisions of this section.

2. A nonresident or any other person driving in a status exempt from the requirements of the driver's license law, by his or her act of driving in such exempt status, is deemed to have expressed his or her consent to the provisions of this section.

3. A warning of the consent provision of this section shall be printed above the signature line on each new or renewed driver's license.

(f)1. The tests determining the weight of alcohol in the defendant's blood or breath shall be administered at the request of a law enforcement officer substantially in accordance with rules of the Department of Law Enforcement. Such rules must specify precisely the test or tests that are approved by the Department of Law Enforcement for reliability of result and ease of administration, and must provide an approved method of administration which must be followed in all such tests given under this section. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

2.a. Only a physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, acting at the request of a law enforcement officer, may withdraw blood for the purpose of determining its alcoholic content or the presence of chemical substances or controlled substances therein. However, the failure of a law enforcement officer to request the withdrawal of blood does not affect the admissibility of a test of blood withdrawn for medical purposes.

b. Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, if a health care provider, who is providing medical care in a health care facility to a person injured in a motor vehicle crash, becomes aware, as a result of any blood test performed in the course of that medical treatment, that the person's blood-alcohol level meets or exceeds the blood-alcohol level specified in s. 316.193(1)(b), the health care provider may notify any law enforcement officer or law enforcement agency. Any such notice must be given within a reasonable time after the health care provider receives the test result. Any such notice shall be used only for the purpose of providing the law enforcement officer with reasonable cause to request the withdrawal of a blood sample pursuant to this section.

c. The notice shall consist only of the name of the person being treated, the name of the person who drew the blood, the blood-alcohol level indicated by the test, and the date and time of the administration of the test.

d. Nothing contained in s. 395.3025(4), s. 456.057, or any applicable practice act affects the authority to provide notice under this section, and the health care provider is not considered to have breached any duty owed to the person under s. 395.3025(4), s. 456.057, or any applicable practice act by providing notice or failing to provide notice. It shall not be a breach of any ethical, moral, or legal duty for a health care provider to provide notice or fail to provide notice.

e. A civil, criminal, or administrative action may not be brought against any person or health care provider participating in good faith in the provision of notice or failure to provide notice as provided in this section. Any person or health care provider participating in the provision of notice or failure to provide notice as provided in this section shall be immune from any civil or criminal liability and from any professional disciplinary action with respect to the provision of notice or failure to provide notice under this section. Any such participant has the same immunity with respect to participating in any judicial proceedings resulting from the notice or failure to provide notice.

3. The person tested may, at his or her own expense, have a physician, registered nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person of his or her own choosing administer an independent test in addition to the test administered at

the direction of the law enforcement officer for the purpose of determining the amount of alcohol in the person's blood or breath or the presence of chemical substances or controlled substances at the time alleged, as shown by chemical analysis of his or her blood or urine, or by chemical or physical test of his or her breath. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of the test taken at the direction of the law enforcement officer. The law enforcement officer shall not interfere with the person's opportunity to obtain the independent test and shall provide the person with timely telephone access to secure the test, but the burden is on the person to arrange and secure the test at the person's own expense.

4. Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to the person or his or her attorney.

5. A hospital, clinical laboratory, medical clinic, or similar medical institution or physician, certified paramedic, registered nurse, licensed practical nurse, other personnel authorized by a hospital to draw blood, or duly licensed clinical laboratory director, supervisor, technologist, or technician, or other person assisting a law enforcement officer does not incur any civil or criminal liability as a result of the withdrawal or analysis of a blood or urine specimen, or the chemical or physical test of a person's breath pursuant to accepted medical standards when requested by a law enforcement officer, regardless of whether or not the subject resisted administration of the test.

(2) The results of any test administered pursuant to this section for the purpose of detecting the presence of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

(3) Notwithstanding any provision of law pertaining to the confidentiality of hospital records or other medical records, information relating to the alcoholic content of the blood or breath or the presence of chemical substances or controlled substances in the blood obtained pursuant to this section shall be released to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of s. 316.193 upon request for such information.

Section 2. Subsection (1) of section 316.1933, Florida Statutes, is amended to read:

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1)(a) ~~Notwithstanding any recognized ability to refuse to submit to the tests provided in s. 316.1932 or any recognized power to revoke the implied consent to such tests,~~ If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, ~~such person shall submit, upon the request of a law enforcement officer shall require the person driving or in actual physical control of the motor vehicle to submit;~~ to a test of the person's blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. *Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.*

(b) The term "serious bodily injury" means an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 3. Section 316.1937, Florida Statutes, is amended to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(1) In addition to any other authorized penalties, the court may require that any person who is convicted of driving under the influence in violation of s. 316.193, ~~and who is granted probation,~~ shall not operate a motor vehicle ~~during the period of probation~~ unless that vehicle is equipped with a functioning ignition interlock device certified by the department as provided in s. 316.1938, and installed in such a manner that the vehicle will not start if the operator's blood alcohol level is in excess of 0.05 percent or as otherwise specified by the court. The court may require the use of an approved ignition interlock device for ~~a the period of probation, said period to be for~~ not less than 6 months, if the person is permitted to operate a motor vehicle, whether *or not* the privilege to operate a motor vehicle is restricted ~~or not~~, as determined by the court. *The court, however, shall order placement of an ignition interlock device in those circumstances required by s. 316.193.*

(2) If the court imposes the use of an ignition interlock device ~~as a condition of probation,~~ the court shall:

(a) Stipulate on the record the requirement for, and the period of, the use of a certified ignition interlock device.

(b) Order that the records of the department reflect such requirement.

(c) Order that an ignition interlock device be installed, as the court may determine necessary, on any vehicle owned or operated by the ~~person probationer.~~

(d) Determine the ~~person's probationer's~~ ability to pay for installation of the device if the ~~person probationer~~ claims inability to pay. If the court determines that the ~~person probationer~~ is unable to pay for installation of the device, the court may order that any portion of a fine paid by the ~~person probationer~~ for a violation of s. 316.193 shall be allocated to defray the costs of installing the device.

(e) Require proof of installation of the device and periodic reporting to the ~~department probation officer~~ for verification of the operation of the device in the ~~person's probationer's~~ vehicle.

(3) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is not suspended or revoked, the court shall require the person to provide proof of compliance to the ~~department probation officer~~ within 30 days. If the person fails to provide proof of installation within that period, absent a finding by the court of good cause for that failure which is entered in the court record, the court shall ~~notify the department revoke or terminate the person's probation.~~

(4) If the court imposes the use of an ignition interlock device ~~as a term of probation~~ on a person whose driving privilege is suspended or revoked for a period of less than 3 years, the department shall require proof of compliance before reinstatement of the person's driving privilege.

(5)(a) In addition to any other provision of law, upon conviction of a violation of this section the department shall revoke the person's driving privilege for 1 year from the date of conviction. Upon conviction of a separate violation of this section during the same period of required use of an ignition interlock device, the department shall revoke the person's driving privilege for 5 years from the date of conviction.

(b) Any person convicted of a violation of subsection (6) who does not have a driver's license shall, in addition to any other penalty provided by law, pay a fine of not less than \$250 or more than \$500 per each such violation. In the event that the person is unable to pay any such fine, the fine shall become a lien against the motor vehicle used in violation of subsection (6) and payment shall be made pursuant to s. 316.3025(4).

(6)(a) It is unlawful to tamper with, or to circumvent the operation of, a court-ordered ignition interlock device.

(b) It is unlawful for any person whose driving privilege is restricted pursuant to this section to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(c) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted pursuant to this section.

(d) It is unlawful to knowingly lease or lend a motor vehicle to a person who has had his or her driving privilege restricted ~~under a condition of probation~~ as provided in this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted under a condition of probation requiring an ignition interlock device shall notify any other person who leases or loans a motor vehicle to him or her of such driving restriction.

(7) Notwithstanding the provisions of this section, if a person is required to operate a motor vehicle in the course and scope of his or her employment and if the vehicle is owned by the employer, the person may operate that vehicle without installation of an approved ignition interlock device if the employer has been notified of such driving privilege restriction and if proof of that notification is with the vehicle. This employment exemption does not apply, however, if the business entity which owns the vehicle is owned or controlled by the person whose driving privilege has been restricted.

(8) In addition to the penalties provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 4. Section 316.1939, Florida Statutes, is created to read:

316.1939 Refusal to submit to testing; penalties.—

(1) Any person who has refused to submit to a chemical or physical test of his or her breath, blood, or urine, as described in s. 316.1932, and whose driving privilege is previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, and:

(a) Who the arresting law enforcement officer had probable cause to believe was driving or in actual physical control of a motor vehicle in this state while under the influence of alcoholic beverages, chemical substances, or controlled substances;

(b) Who was placed under lawful arrest for a violation of s. 316.193;

(c) Who was informed that, if he or she refused to submit to such test, his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months;

(d) Who was informed that a refusal to submit to a lawful test of his or her breath, urine, or blood, if his or her driving privilege has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood, is a misdemeanor; and

(e) Who, after having been so informed, refused to submit to any such test when requested to do so by a law enforcement officer or correctional officer

commits a misdemeanor of the first degree and is subject to punishment as provided in s. 775.082 or s. 775.083.

(2) The disposition of any administrative proceeding that relates to the suspension of a person's driving privilege does not affect a criminal action under this section.

(3) The disposition of a criminal action under this section does not affect any administrative proceeding that relates to the suspension of a person's driving privilege. The department's records showing that a person's license has been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood shall be admissible and shall create a rebuttable presumption of such suspension.

Section 5. Paragraph (a) of subsection (2) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(2)(a) Upon such hearing, the person whose license has been suspended, canceled, or revoked may show that such suspension, cancellation, or revocation of his or her license causes a serious hardship and precludes the person's carrying out his or her normal business occupation, trade, or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family. Except as otherwise provided in this subsection, the department shall require proof of the successful completion of the applicable department-approved driver training course operating pursuant to s. 318.1451 or DUI program substance abuse education course and evaluation as provided in s. 316.193(5). Letters of recommendation from respected business persons in the community, law enforcement officers, or judicial officers may also be required to determine whether such person should be permitted to operate a motor vehicle on a restricted basis for business or employment use only and in determining whether such person can be trusted to so operate a motor vehicle. If a driver's license has been suspended under the point system or pursuant to s. 322.2615, the department shall require proof of enrollment in the applicable department-approved driver training course or licensed DUI program substance abuse education course, including evaluation and treatment, if referred, and may require letters of recommendation described in this subsection to determine if the driver should be reinstated on a restricted basis. If such person fails to complete the approved course within 90 days after reinstatement or subsequently fails to complete treatment, if applicable, the department shall cancel his or her driver's license until the course and treatment, if applicable, is successfully completed, notwithstanding the terms of the court order or any suspension or revocation of the driving privilege. The department may temporarily reinstate the driving privilege on a restricted basis upon verification from the DUI program that the offender has reentered and is currently participating in treatment and has completed the DUI education course and evaluation requirement. If the DUI program notifies the department of the second failure to complete treatment, the department shall reinstate the driving privilege only after notice of completion of treatment from the DUI program. The privilege of driving on a limited or restricted basis for business or employment use shall not be granted to a person who has been convicted of a violation of s. 316.193 until completion of the DUI program substance abuse education course and evaluations as provided in s. 316.193(5). Except as provided in paragraph (b), *if a person's license has been revoked pursuant to s. 322.28 or suspended pursuant to s. 322.2615, or a person has been convicted of a violation of s. 316.193 two or more times or has had his or her license suspended two or more times for refusal to submit to a test pursuant to s. 322.2615 or former s. 322.261, the privilege of driving on a limited or restricted basis for business or employment use shall be granted in those circumstances where a court has required use of an ignition interlock device as applicable pursuant to s. 316.193. the privilege of driving on a*

Rep. Simmons 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 by the required two-thirds vote.

The question recurred on the passage of CS/CS/HB 1057. The vote was:

Session Vote Sequence: 1001

Yeas—115

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

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

Nays—None

Votes after roll call:
Yeas—Justice

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

CS/HB 415 was taken up. On motion by Rep. Farkas, the rules were waived and—

CS for SB 570—A bill to be entitled An act relating to prostitution; creating a community-based pilot program entitled Project HOPE in Pinellas County and Hillsborough County; specifying that certain persons convicted of violations of s. 796.07, F.S., are required to participate in the program; providing for program components; providing an appropriation; requiring the Office of Program Policy Analysis and Government Accountability to review Project HOPE and report its findings and recommendations to the Legislature; amending s. 796.07, F.S.; providing that a third or subsequent violation of provisions prohibiting prostitution, certain activities related to prostitution, or the purchase of services from a person engaged in prostitution is a third-degree felony rather than a second-degree misdemeanor; providing that a person charged with such offense may be offered admission to a pretrial intervention program or substance-abuse treatment program; amending s. 322.28, F.S.; requiring that the court revoke a person’s driver’s license or driving privilege following a second or subsequent conviction of certain offenses of solicitation for prostitution which involve a motor vehicle; amending s. 948.08, F.S., relating to the pretrial intervention program; conforming provisions to changes made by the act; providing an effective date.

—was substituted for CS/HB 415 and read the second time by title. Under Rule 5.15, the House bill was laid on the table.

On motion by Rep. Farkas, the rules were waived and CS for SB 570 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1002

Yeas—116

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

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

Nays—None

Votes after roll call:
Yeas—Justice

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

CS/HB 1819—A bill to be entitled An act relating to guide dogs and service animals; providing a short title; prohibiting persons from interfering with, injuring, or killing guide dogs or service animals; providing penalties; defining the terms “guide dog” and “service animal” for purposes of the act; amending s. 413.08, F.S.; extending to people who have seizure disorders the right to be accompanied by a trained service dog in specified circumstances; providing penalties for violations of this section; conforming a provision relating to trainers of service dogs; providing an effective date.

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

Session Vote Sequence: 1003

Yeas—116

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

Nays—None

Votes after roll call:

Yeas—Justice

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

HB 1821—A bill to be entitled An act relating to children and families; creating s. 39.320, F.S.; providing legislative findings and intent; creating the Commission on Marriage and Family Support Initiatives within the Department of Children and Family Services; providing for membership; providing scope of activity; providing for coordination with other organizations and entities; providing for funding of the commission; repealing ss. 383.0112, 383.0113, and 383.0114, F.S., relating to the Commission on Responsible Fatherhood and community-based programs to encourage responsible fatherhood; providing an effective date.

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

Session Vote Sequence: 1004

Yeas—114

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

Nays—1

Arza

Votes after roll call:

Yeas—Baker, Justice

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

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 861.

Faye W. Blanton, Secretary

The above bill was 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 1236; CS for SB 1272; SB 1334; CS for SB 1772; and SB 1794, as amended; passed CS for SB 1994; passed CS for SB 2124, as amended; passed CS for SB 2238 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By the Committee on Judiciary and Senators Jones and Crist—

CS for SB 1236—A bill to be entitled An act relating to the equitable distribution of marital assets and liabilities; amending s. 61.075, F.S.; providing that a liability incurred by forgery or unauthorized signature is a nonmarital liability; providing for attorney's fees and costs; providing an exception; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Children and Families and Senator Peaden—

CS for SB 1272—A bill to be entitled An act relating to the determination and enforcement of obligations for child support; amending s. 61.046, F.S.; defining the term “national medical support notice”; amending s. 61.13, F.S.; requiring that the court issue an order for health care coverage for a minor child in a proceeding for dissolution of marriage rather than an order for health insurance; providing for enforcement of such an order through use of the national medical support notice; requiring the Department of Revenue to notify the obligor of withholding premium payments under the notice; providing a procedure under which the obligor may contest the withholding; providing procedures for enrolling a child in a group health plan; providing certain limitations on the amount of withholding allowed under a support order; amending s. 61.181, F.S.; continuing the increased fee charged to child support obligors by the depository; repealing s. 61.1826(5), F.S., relating to performance reviews; amending s. 61.1826, F.S.; conforming to repeal of s. 61.1826(5), F.S.; amending ss. 61.14, 61.30, F.S.; requiring that the Department of Revenue seek modification of certain awards of child support; requiring that such modification be made without proof or showing of a change in circumstances; amending s. 120.80, F.S.; providing for immediate judicial review of any such order; providing for enforcement; amending s. 409.2557, F.S.; authorizing the Department of Revenue to adopt rules for administrative proceedings to establish child-support obligations; amending s. 409.2563, F.S.; revising the pilot program for administrative establishment of child-support obligations; providing process for optional pursuit of judicial process; providing for the withholding of a specified portion of a noncustodial parent's unemployment compensation; authorizing the Division of Administrative Hearings to render an income deduction order; providing for the use of a financial affidavit as prescribed by the department; amending s. 409.25656, F.S.; providing a procedure for liquidating securities that are levied to satisfy an obligation for past due or overdue support; amending s. 409.25658, F.S.; providing for the use of unclaimed property to satisfy an obligation for past due support; amending s. 409.2576, F.S.; requiring that the Department of Revenue transmit a national medical support notice to an employee's employer under certain circumstances; amending s. 827.06, F.S.; providing for additional means of service of process; providing an effective date.

Referred to the Calendar of the House.

By Senator Lee—

SB 1334—A bill to be entitled An act relating to the official Florida Statutes; amending ss. 11.2421, 11.2422, 11.2424, and 11.2425, F.S.; adopting the Florida Statutes 2000, 2001, and 2002 and designating the portions thereof that are to constitute the official law of the state; providing that the Florida Statutes 2000 and 2001 shall be effective retroactively and that Florida Statutes 2002 shall be effective immediately upon publication; providing that general laws enacted during the November 1997 special session and the 1998, 1999, 2000, and

2001 sessions through the 2001 regular session that are not included in the Florida Statutes 2002 are repealed; providing that general laws enacted during the October 22-November 1, 2001, and November 27-December 6, 2001, special sessions and the 2002 regular session are not repealed by this adoption act; providing that this act does not affect civil lawsuits pending on the date laws are repealed or adopted by this act; providing that retroactive application shall apply only to the extent permitted by the Florida and United States Constitutions; providing effective dates.

Referred to the Calendar of the House.

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

CS for SB 1772—A bill to be entitled An act relating to damage or destruction of agricultural products or production systems; amending s. 604.60, F.S.; revising provisions that provide a cause of civil action for the knowing and willful damage or destruction of agricultural crops to include damage or destruction to agricultural production systems; providing for allowable damages; providing an exemption from liability; providing an effective date.

Referred to the Calendar of the House.

By Senator Geller—

SB 1794—A bill to be entitled An act relating to enterprise zones; amending s. 290.0065, F.S.; authorizing certain additional counties to apply to the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones or communities for certain purposes; amending s. 290.00675, F.S.; revising the criteria for the Office of Tourism, Trade, and Economic Development to amend the boundaries of certain enterprise zones; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Banking and Insurance and Senator Latvala—

CS for SB 1994—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting applicants for limited licenses for communication equipment property or communication equipment inland marine insurance from certain examination requirements; amending s. 626.321, F.S.; providing for the issuance of such limited licenses; amending s. 626.732, F.S.; exempting such limited licensees from certain education requirements; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Judiciary and Senator Laurent—

CS for SB 2124—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.301, F.S.; defining the term “nearby real property owner”; amending s. 376.3078, F.S.; providing additional findings; exempting certain real property owners and others from claims for property damage arising from contamination by drycleaning solvents; providing for retroactive application; amending s. 376.308, F.S.; revising provisions governing the statutory construction of immunity provisions; amending s. 376.313, F.S.; revising provisions governing remedies and actions for damages; amending s. 376.3079, F.S.; revising the definition of the term “third-party liability”; amending s. 376.30781, F.S.; conforming a statutory cross-reference; providing an effective date.

Referred to the Calendar of the House.

By the Committee on Regulated Industries and Senator Pruitt and others—

CS for SB 2238—A bill to be entitled An act relating to funeral and cemetery services; providing a short title; providing for transfer of all records, personnel, property, and unexpended balances of appropriations, allocations, or other funds for the administration of ch. 497, F.S., relating to funeral and cemetery services, from the Department of Banking and Finance to the Department of Business and

Professional Regulation; ending the terms of current members of the Board of Funeral Directors and Embalmers and of the Board of Funeral and Cemetery Services; providing for appointment and staggering of terms of members of the new Board of Funeral Directors and Cemeteries; preserving the validity of judicial and administrative proceedings pending at the time of such transfer and the validity of licenses and registrations in effect at the time of such transfer; amending ss. 20.165, 455.2226, 470.002, 470.003, 497.005, 497.105, 497.117, 497.201, 497.253, F.S.; revising terminology and references, to conform; providing for payment of fees and costs of legal counsel to be paid from the Professional Regulation Trust Fund, to conform; reducing the number of contiguous acres required for a cemetery; providing for application; amending s. 215.321, F.S., relating to the Regulatory Trust Fund, to remove deposit therein of funds received pursuant to ch. 497, F.S.; amending s. 470.017, F.S.; increasing college credit course requirements for registration as a direct disposer; amending s. 470.018, F.S.; increasing continuing education requirements for renewal of registration as a direct disposer; amending s. 470.0295, F.S.; eliminating an exception to the requirement that a licensed funeral director be present during the disinterment and reinterment of human remains; requiring a permit prior to the disinterment of human remains; amending s. 470.0355, F.S.; revising requirements for the identification of human remains; providing rulemaking authority; providing penalties and providing for civil actions; amending s. 497.103, F.S.; requiring the board to establish by rule reasonable times for access to cemeteries; amending s. 497.305, F.S.; prohibiting cemetery companies from restricting cemetery access to authorized installers of monuments and markers during the access times established by board rule; amending s. 497.325, F.S.; clarifying applicability of certain illegal tying arrangements to all entities owning and operating a cemetery; amending s. 497.333, F.S.; requiring each written contract provided to a customer to include a complete description of any grave space to be used for the interment of human remains; repealing s. 497.361(5), F.S., relating to requirements for delivery and deadlines for installation of monuments; amending s. 497.419, F.S.; providing that failure to install a monument within a specified period after interment constitutes breach of contract; authorizing extension of such period by written agreement; amending ss. 497.233, 497.429, F.S.; conforming cross-references; creating s. 497.442, F.S.; prohibiting the preneed sale of undeveloped cemetery property prior to the filing of a site plan for board approval; requiring site plans for undeveloped cemetery property to be completed by a professional surveyor and mapper; providing penalties; repealing s. 497.101, F.S., relating to the Board of Funeral and Cemetery Services, to conform; repealing s. 497.107, F.S., relating to the headquarters of the board, to conform; repealing s. 497.109, F.S., relating to organization and meetings of the board, to conform; requiring death certificates to include the location where the body is buried; providing effective dates.

Referred to the Committee on Business Regulation.

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 10:00 a.m., Tuesday, March 19. The motion was agreed to.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Betancourt:

Nays—March 15: 918

Rep. Bucher:

Yeas—March 13: 880; March 14: 893, 906

Nays—March 14: 897

Rep. Crow:

Yeas—March 15: 927

Rep. Farkas:

Yeas—March 15: 931

Rep. Feeney:

Yeas—March 14: 897, 914

Rep. Harper:

Yeas—March 14: 931

Rep. Harrington:

Yeas—March 15: 930

Rep. Kosmas:

Nays—March 15: 919, 931

Yeas to Nays—March 14: 889

Rep. Kyle:

Yeas—March 14: 897

Nays—March 14: 896

Rep. Mahon:

Nays—March 15: 924

Rep. Prieguez:

Yeas—March 14: 929

Rep. Ross:

Nays—March 15: 929, 931

Rep. Seiler:

Yeas—March 15: 928, 929, 930

Nays—March 15: 931

Rep. Slosberg:

Yeas to Nays—March 10: 848

Rep. Sobel:

Yeas—March 14: 889, 896, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915; March 15: 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930

Nays—March 14: 891, 893, 897; March 15: 917, 919, 931

Rep. Sorensen:

Yeas—March 14: 903, 904

Rep. Weissman:

Yeas—March 15: 930

Nays—March 15: 931

Prime Sponsors

CS/HB 1597—Heyman

Cosponsors

HB 141—Peterman

CS/HB 253—Lynn

CS/HB 491—Bense, Flanagan

CS/CS/CS/HB 519—Flanagan

HB 565—Fields, Wilson

CS/CS/HB 571—Mayfield

CS/HB 735—Wishner

CS/HB 747—Clarke, Gibson

CS/HB 795—Joyner

CS/HB 893—Gottlieb, Seiler

CS/CS/HB 1057—Benson

CS/HB 1163—Gottlieb

CS/HB 1295—Cusack, McGriff, Peterman, Romeo

CS/HB 1323—Gottlieb

CS/HB 1545—Davis

HB 1777—Henriquez

HB 1787—Bowen

CS/HB 1819—Heyman

HB 2017—Kilmer

Introduction and Reference

By the Committee on Local Government & Veterans Affairs; Representatives Ritter and Sorensen—

HB 2025—A bill to be entitled An act relating to annexation; requiring certain counties to establish a plan for the annexation of unincorporated areas and to annex such areas by one or more ordinances; requiring consultation; providing definitions; providing for public hearings; requiring certain notices and publication of notices; establishing certain criteria for annexations; authorizing referenda; requiring certain consent for certain annexations; providing for statutory construction; providing an effective date.

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

Referred to the Calendar of the House.

By the Committee on Fiscal Policy & Resources; Representative Wallace—

HB 2027—A bill to be entitled An act relating to the tax on sales, use, and other transactions; creating the Sales Tax Exemption Review Commission; providing for the appointment and organization of the commission; specifying duties; providing for reports; providing for the expiration of the act; providing an effective date.

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

Referred to the Calendar of the House.

By Representative Bense—

HR 9097—A resolution honoring the memory of Dave Thomas.

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

By Representative Peterman—

HR 9099—A resolution recognizing the late Ralph Maltsby and Ed Duffee.

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

Excused

Reps. Brutus, Justice, Lee; Rep. Siplin until 2:06 p.m.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 5:25 p.m., to reconvene at 10:00 a.m., Tuesday, March 19.