



The Journal OF THE *House of Representatives*

Number 15

Monday, April 23, 2001

Messages from the Senate

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS/HB 1; CS/HB 279; and HBs 499 and 1003.

Faye W. Blanton, Secretary

The above bills were ordered enrolled.

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has acceded to the request of the House for the appointment of a conference committee on SB 2000 and SB 2002.

The President has appointed the following Senators as conferees on the part of the Senate: Senator Horne, Chair; Senator Rossin, At-Large Member; Subcommittee on Education: Senator Sullivan, Chair; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster; Subcommittee on General Government: Senator Clary, Chair; Senators Jones, King, Laurent and Lawson; Subcommittee on Health and Human Services: Senator Silver, Chair; Senators Mitchell, Peaden, Sanderson and Saunders; Subcommittee on Public Safety and Judiciary: Senator Cowin, Chair; Senators Burt, Dawson, Meek and Villalobos.

Faye W. Blanton, Secretary

First Reading by Publication

The Honorable Tom Feeney, Speaker

I am directed to inform the House of Representatives that the Senate has passed SB 410 and requests the concurrence of the House.

Faye W. Blanton, Secretary

By Senators Dawson and Pruitt—

SB 410—A bill to be entitled An act relating to school emergency preparedness; amending s. 230.23, F.S.; requiring the Department of Education to adopt rules for emergency drills which must be followed by each district school board; providing an effective date.

Referred to the Council for Lifelong Learning and Fiscal Responsibility Council.

Introduction and Reference

By the Committee on Fiscal Policy & Resources; Representative Wallace—

HB 1961—A bill to be entitled An act relating to tax on sales, use, and other transactions; creating s. 212.213, F.S.; providing that it is the policy of this state that only those items, services, and other

transactions deemed to be subject to said tax on July 1, 2001, shall be taxed under ch. 212, F.S., unless made subject to said tax by act of the Legislature; 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—

HM 1963—A memorial urging the Congress of the United States to reinstate the federal income tax deduction for sales taxes paid.

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—

HJR 1965—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of Section 26 of Article XII of the State Constitution relating to exemption from ad valorem taxation for certain tangible personal property.

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

Referred to the Calendar of the House.

By the Committee on Crime Prevention, Corrections & Safety; Representative Needelman—

HB 1967—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.161, F.S.; revising requirements for the department with respect to calculating credit allowed to a defendant for time served; revising requirements for certifying time served; reenacting s. 944.275, F.S., relating to gain-time to incorporate said amendment in a reference; amending s. 944.17, F.S.; changing references from "sheriff" to "custodian of the local jail"; amending s. 944.28, F.S.; providing for a disciplinary hearing officer rather than a disciplinary committee to determine forfeiture of gain-time; amending s. 944.35, F.S.; requiring that the department's inspector general review the use of force by department employees; providing for the inspector general to determine the appropriateness of the force used; amending s. 945.215, F.S.; revising provisions relating to use of funds for specified purposes at correctional facilities operated by the department; amending s. 948.09, F.S.; revising the amount of the surcharge paid to the department by offenders placed on community control; amending ss. 20.315, 39.806, 57.091, 112.531, 212.04, 229.565, 397.305, 413.051, 414.40, 435.04, 468.302, 496.404, 570.071, 766.314, 776.085, 921.0022, 921.187, 921.188, 943.045, 943.052, 943.085, 943.10, 943.11, 944.012, 944.02, 944.023, 944.026, 944.033, 944.08, 944.09, 944.095, 944.10, 944.11, 944.115, 944.14, 944.151, 944.17, 944.1905, 944.23, 944.24,

944.279, 944.28, 944.281, 944.291, 944.31, 944.32, 944.39, 944.402, 944.44, 944.45, 944.46, 944.47, 944.472, 944.516, 944.611, 944.613, 944.704, 944.711, 944.801, 944.803, 945.025, 945.0311, 945.043, 945.091, 945.27, 945.6031, 945.72, 946.002, 946.205, 946.25, 946.40, 946.504, 946.513, 947.1405, 947.172, 947.174, 947.1745, 948.03, 948.12, 948.51, 948.90, 951.23, 958.04, and 960.001, F.S.; redesignating state correctional institutions as state prisons; redesignating community correctional centers as work release centers; conforming provisions thereto; amending ss. 945.091 and 958.09, F.S.; correcting references to disciplinary committee; providing a directive to the Division of Statutory Revision; providing an effective date.

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

Referred to the Council for Healthy Communities.

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

HB 1969—A bill to be entitled An act relating to land acquisition and management; amending s. 253.034, F.S.; defining “conservation lands”; providing procedure for disposition of certain surplus conservation lands by the Board of Trustees of the Internal Improvement Trust Fund; revising procedure for evaluating and offering for sale of surplus lands; providing for disposition of proceeds from the sale of surplus nonconservation lands; exempting sale of Cross Florida Greenway lands from review by the Acquisition and Restoration Council; amending ss. 253.7821, 253.7825, 253.7827, 253.7828, and 259.035, F.S.; conforming references and cross references; deleting obsolete language; amending ss. 253.111 and 253.115, F.S.; exempting Greenway lands from certain public notice and hearing requirements prior to sale, lease, exchange, or grant of easement; amending s. 253.781, F.S.; renaming the Cross Florida Greenways State Recreation and Conservation Area; amending s. 253.7822, F.S.; providing for modification of the Greenway boundary; amending s. 253.7823, F.S.; providing for sale or exchange of surplus lands within the Greenway; providing for disposition of fees and proceeds; amending s. 253.7829, F.S.; revising requirements for management of Greenway lands and structures; amending s. 253.783, F.S.; deleting obsolete language relating to the disposition of surplus lands by the Department of Environmental Protection; amending s. 253.82, F.S.; revising conditions under which certain lands titled to the board of trustees may be declared surplus lands; revising appraisal requirements; providing rulemaking authority; creating s. 253.86, F.S.; providing for management and use of certain uplands; providing rulemaking authority of the Office of Coastal and Aquatic Managed Areas; providing for fees; providing a penalty; creating s. 259.0324, F.S.; creating the Citizenship Conservation and Education Program; providing legislative findings and definitions; providing requirements for participation; providing for use of funds from the Conservation and Recreation Lands Trust Fund as state matching funds; providing rulemaking authority; amending s. 259.105, F.S.; revising goals and performance measures of the Florida Forever Act; authorizing the Florida Communities Trust to develop certain goals and performance measures; providing rulemaking authority; amending s. 298.22, F.S.; authorizing boards of supervisors of water control districts to construct and manage resource-based recreational facilities; amending s. 369.255, F.S.; authorizing certain municipalities to create a funding mechanism for greenspace management and exotic plant control; 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 Natural Resources & Environmental Protection; Representative Harrington—

HB 1971—A bill to be entitled An act relating to water supply policy; amending s. 153.11, F.S.; authorizing county commissions to establish water and sewer rates and rate structures to encourage and promote water conservation and the use of reclaimed water; amending s. 163.3167, F.S.; requiring that each local government provide in its growth management plan for the long-term availability of water supplies for approved land development; amending s. 163.3177, F.S.;

directing local government comprehensive plans to coordinate with regional water supply plans; directing future land use plans to be based on data regarding the availability of sufficient water supplies for present and future growth; amending s. 163.3180, F.S.; providing a concurrency requirement for water supply availability; providing for assistance from water management districts and the Department of Community Affairs; amending s. 373.0361, F.S.; providing that incompatibility with a regional supply plan be considered in determining if a proposed use of water is consistent with the public interest; amending s. 373.236, F.S.; requiring consideration of the implementation of agricultural water conservation best management practices in determining permit duration for water use permits; amending s. 373.406, F.S.; providing an exemption from provisions regulating the management and storage of surface waters for implementation of such best management practices having minimal adverse impacts; creating s. 373.621, F.S.; recognizing the significance of agricultural water conservation; requiring consideration of the implementation of agricultural water conservation practices in water use permitting; amending s. 403.064, F.S.; requiring the reuse of reclaimed water when feasible; removing certain limitations on applicability; creating s. 570.080, F.S.; establishing an agricultural water conservation program; requiring water management districts to develop and finance public-private alternative water supply projects; creating the Water Supply Task Force; providing membership and duties; providing for technical advisory committees; providing for reimbursement for certain expenses; providing for an executive director and staff; requiring reports; providing for state agency assistance; providing for termination of the task force; providing an appropriation; 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 1973—A bill to be entitled An act relating to state debt; creating s. 215.98, F.S.; providing a declaration of public policy; requiring the Division of Bond Finance of the State Board of Administration to conduct an annual debt affordability analysis; requiring a report; specifying report requirements; amending s. 11.90, F.S.; providing additional powers and duties of the Legislative Budget Commission relating to the state's debt; 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 1975—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; updating references to the Internal Revenue Code; providing for retroactive effect; providing an effective date.

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

Referred to the Calendar of the House.

By the Fiscal Responsibility Council; Representative Lacasa—

HB 1977—A bill to be entitled An act relating to state planning and budgeting; amending s. 216.011, F.S.; modifying the definitions of “operating capital outlay” and “state agency”; amending s. 216.013, F.S.; removing the requirement for the Executive Office of the Governor to consider certain findings relating to information technology in its review of long-range program plans of executive agencies; requiring long-range program plans to be consistent with legislation implementing the General Appropriations Act; amending s. 216.023, F.S.; revising requirements of legislative budget requests relating to the total number of positions and to unit-cost data; requiring legislative budget requests to include an inventory of litigation requiring additional appropriations or changes in the law; providing for update of such inventory; amending

s. 216.0446, F.S.; correcting terminology; amending s. 216.081, F.S.; revising provisions requiring submission to the Governor of information on financial needs for the next fiscal year to remove applicability to the judicial branch; amending s. 216.151, F.S.; adding the judicial branch to entities the Executive Office of the Governor is required to study for budgeting and reorganizational purposes; amending s. 216.163, F.S.; revising requirements for the Governor's recommended budget to exclude recommendations of the Chief Justice of the Supreme Court, require the Governor to make such recommendations, and include the legislative budget request of the judicial branch; amending s. 216.177, F.S.; revising the manner in which requests regarding legislative intent on the General Appropriations Act are to be made; revising requirements relating to notice of action on appropriations to be taken by the Executive Office of the Governor or the Chief Justice of the Supreme Court; deleting an obsolete notice requirement; amending s. 216.181, F.S.; requiring budget amendments for the judicial branch to be approved by the Chief Justice of the Supreme Court and the Legislative Budget Commission; authorizing the Chief Justice to amend, without approval of the Legislative Budget Commission, judicial branch entity budgets to reflect transferred funds based on the approved plans for lump-sum appropriations; requiring approval of the Legislative Budget Commission for certain adjustments to approved salary rate; providing circumstances under which lump-sum bonuses may be provided; requiring quarterly reporting of positions filled, positions vacant, and the salary rate associated with each category; granting the Legislative Budget Commission authority to approve state trust fund appropriations in excess of \$1 million; creating s. 216.1815, F.S.; providing for an agency incentive and savings program; providing requirements; creating s. 216.1826, F.S.; providing for activity-based planning and budgeting; amending s. 216.192, F.S.; conforming provisions; amending s. 216.216, F.S.; providing restrictions on the expenditure of funds for court settlements negotiated by the state; amending s. 216.221, F.S.; providing requirements for the elimination of a deficit in a trust fund; amending s. 216.292, F.S.; conforming provisions; adding food products as an allowable fund transfer category; authorizing transfer of positions under certain circumstances; authorizing transfers of appropriations for operations from trust funds in excess of certain amounts under certain conditions; amending s. 11.90, F.S.; establishing the chair and vice chair of the Legislative Budget Commission each year; eliminating the election of such officers; amending ss. 27.345 and 27.3451, F.S.; revising references, to conform; amending s. 45.062, F.S.; requiring certain notification and reporting with respect to executive branch settlements; saving s. 215.20(3), F.S., relating to an additional trust fund service charge, from scheduled repeal; amending s. 284.385, F.S.; requiring assigned counsel to report to the covered department on the status of casualty claims or litigation; prohibiting compromise or settlement of a casualty claim without prior notification to the covered department; amending s. 376.15, F.S.; correcting a cross reference; providing an effective date.

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

Referred to the Calendar of the House.

By Representatives Richardson, Kendrick, Meadows, Ausley, Bendross-Mindingall, Cusack, Joyner, Smith, Peterman, Siplin, Holloway, Bullard, Lee, Brutus, and Jennings—

HR 9069—A resolution honoring Dr. Frederick S. Humphries, President of Florida Agricultural and Mechanical University.

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

By Representative Hogan—

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

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

Reference

HB 1947—Referred to the Council for Smarter Government.

HB 1949—Referred to the Fiscal Responsibility Council; and Council for Ready Infrastructure.

HB 1951—Referred to the Calendar of the House.

HB 1953—Referred to the Committee on Transportation & Economic Development Appropriations.

HB 1955—Referred to the Calendar of the House.

HB 1957—Referred to the Calendar of the House.

HB 1959—Referred to the Calendar of the House.

Additional Reference of Bills

CS/HB 85 was further referred to the Fiscal Responsibility Council.

First Reading of Council and Committee Substitutes by Publication

By the Committees on Colleges & Universities; Natural Resources & Environmental Protection; Representative Detert—

CS/CS/HB 111—A bill to be entitled An act relating to marine biotechnology research, training, and industry development; establishing the Florida Marine Biotechnology Research, Training, and Development Program; providing legislative intent; providing program focus and long-term goals; providing for administration of the program; requiring appointment of a steering committee; providing duties of the steering committee; providing an appropriation; providing for disbursement of funds; providing that chapter 287, F.S., applies to this act; requiring an annual report to the Legislature; providing for rules; providing for future repeal; providing an effective date.

By the Council for Healthy Communities; Representatives Hogan and Alexander—

CS/HB 475—A bill to be entitled An act relating to public health; amending ss. 39.201, 63.0423, 383.50, and 827.035, F.S.; expanding the type of personnel and facilities that may accept abandoned newborns; providing implied consent for treatment and transport and certain immunity from liability; amending s. 154.02, F.S.; specifying purposes for which reserve amounts must be maintained in the County Health Department Trust Fund; amending s. 232.465, F.S.; expanding the type of personnel that may supervise nonmedical school district personnel; providing technical corrections; amending s. 381.0056, F.S.; providing requirements for school health programs funded by health care districts or certain health care entities; amending s. 381.0059, F.S.; revising background screening requirements for school health service personnel; amending s. 381.026, F.S., relating to the Florida Patient's Bill of Rights and Responsibilities; replacing references to the term "physical handicap" with the term "handicap"; amending ss. 382.003, 382.004, 382.013, 382.016, and 382.0255, F.S.; modifying provisions relating to vital records; amending s. 383.14, F.S.; requiring postnatal tests and screenings for infant metabolic disorders to be performed by the State Public Health Laboratory; amending s. 383.402, F.S.; modifying the annual report date for child abuse death reviews; creating s. 391.037, F.S.; providing that the furnishing of medical services by state employees under specified conditions does not constitute a conflict of interest; amending s. 401.113, F.S.; providing for use of funds in the Emergency Medical Services Trust Fund for injury prevention programs; amending s. 401.27, F.S.; authorizing the Department of Health to define by rule the equivalent of cardiopulmonary resuscitation courses for emergency medical technicians and paramedics; exempting emergency medical services examination questions and answers from discovery; providing conditions for introduction in administrative proceedings; requiring the department to establish rules; repealing s. 404.056(2), F.S., relating to the Florida Coordinating Council on Radon Protection; amending s. 404.056, F.S.; deleting an obsolete environmental radiation soil-testing requirement; clarifying rulemaking authority; amending s. 499.012, F.S.; modifying provisions relating to a retail pharmacy wholesaler's permit to authorize transfer of certain prescription drugs between the permittee and a Modified Class II institutional pharmacy; amending s. 509.049, F.S.; revising

provisions related to food service employee training programs; providing for audits and revocation of training program approval; providing rulemaking authority; amending s. 742.10, F.S.; requiring a voluntary acknowledgment of paternity for a child born out of wedlock to be notarized; amending s. 743.0645, F.S., relating to consent to medical care or treatment of a minor; providing that a power of attorney to provide such consent includes the power to consent to surgical and general anesthesia services; repealing s. 71(1) of ch. 98-171, Laws of Florida; abrogating the repeal of provisions of law which require background screening of certain applicants for licensure, certification, or registration; providing effective dates.

By the Committee on Crime Prevention, Corrections & Safety; Representative Gannon—

CS/HB 735—A bill to be entitled An act relating to sex crimes; amending s. 794.022, F.S.; providing for certain rules of evidence applicable to the criminal prosecution of the crime of sexual battery to apply in any civil action brought under the Florida Civil Rights Act involving the perpetration or alleged perpetration of such crime; amending ss. 794.011, 796.07, 800.04, 825.1025, 827.071, and 847.001, F.S., relating to sexual battery, prostitution, lewd or lascivious offenses, sexual performance by a child, and obscene literature and other material; defining the terms “vaginal” and “vagina” for purposes of laws defining certain prohibited sexual activities; providing effective dates.

By the Committee on General Education; Representatives Harrell and Fiorentino—

CS/HB 1015—A bill to be entitled An act relating to learning disabilities in young children; creating s. 240.5311, F.S.; creating the Learning Gateway Project to provide grants to universities to establish a statewide consortium to address learning disabilities; providing for administration of the project; providing project functions; providing for regional Learning Gateway Centers and specifying services of the centers; requiring a report; requiring an appropriation; requiring the Department of Education to finalize all rules by a date certain to implement the Individuals with Disabilities Education Act; requiring the Department of Education to report by a specific date on needed rule authority to implement the Individuals with Disabilities Education Act; providing an effective date.

By the Committee on Information Technology; Representatives Jennings, Joyner, Brutus, Jordan, Gannon, Paul, Harrell, Ausley, and Hart—

CS/HB 1045—A bill to be entitled An act relating to workforce development through education and training in information technology; providing legislative findings and intent; creating the Digital Divide Council in the State Technology Office; specifying membership; providing for terms, filling vacancies, and compensation; providing for council meetings and officers; requiring the State Technology Office to provide administrative and technical support; providing powers and duties of the council; authorizing design and implementation of certain programs; providing program objectives and goals; requiring the council to monitor, review, and assess program performances; requiring reports; providing an appropriation; providing an effective date.

By the Committee on Insurance; Representative Gannon—

CS/HB 1101—A bill to be entitled An act relating to insurer rehabilitation and liquidation; amending s. 626.9541, F.S.; correcting a cross reference; amending s. 631.001, F.S.; providing construction and purposes; providing a short title; amending s. 631.011, F.S.; providing additional definitions; creating s. 631.025, F.S.; specifying application to certain persons and entities; amending s. 631.041, F.S.; limiting application of certain time restrictions; correcting a cross reference; creating s. 631.113, F.S.; providing for tolling certain time limitations in certain actions; amending s. 631.141, F.S.; vesting the Department of Insurance with certain rights as receiver; amending s. 631.154, F.S.; including certain costs and expenses of the department in costs and expenses entitled to be recovered by the receiver under certain circumstances; creating s. 631.156, F.S.; providing for investigations by

the department preliminary or incidental to receivership proceedings; providing department powers; authorizing the department to provide certain information in such investigations; granting the department certain discretionary powers; creating s. 631.157, F.S.; imposing liability on certain persons or entities for certain actions; specifying amounts of damages; providing construction; providing costs and expenses entitled to be recovered by the receiver under certain circumstances; providing a time certain for bringing certain actions; amending s. 631.193, F.S.; providing an additional limitation upon the operation of a release; creating s. 631.3995, F.S.; providing procedures and requirements for closing an estate; providing for deposit of certain assets into the Closed Estate Fund Trust Account; providing for uses of such account; providing for reopening certain proceedings; amending s. 631.54, F.S.; revising a definition; amending s. 631.57, F.S.; specifying additional criteria for absence of certain obligations or liabilities of an association; amending s. 631.60, F.S.; limiting certain causes of action against an association; specifying absence of creation of additional rights against the association; creating s. 817.2341, F.S.; providing criminal penalties for certain activities; providing an effective date.

By the Committee on Insurance; Representative Gannon—

CS/HB 1103—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for records of insurers subject to delinquency proceedings; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

By the Committee on Information Technology; Representatives Jennings, Joyner, Paul, Brutus, Jordan, Gannon, Harrell, Mack, Ausley, and Hart—

CS/HB 1109—A bill to be entitled An act relating to trust funds; creating the Digital Divide Trust Fund in the State Technology Office; providing for sources of moneys and purposes; providing for administration of the fund; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Council for Competitive Commerce; Representative Brown—

CS/HB 1219—A bill to be entitled An act relating to insurance agents; amending s. 624.318, F.S.; requiring maintenance of separate records relating to insurance products and transactions; amending s. 626.112, F.S.; describing activities which constitute the solicitation of insurance requiring licensure as an insurance agent; prohibiting certain referral payments or receipts of payments; amending s. 626.171, F.S.; revising agent application requirements; amending s. 626.181, F.S.; extending a period of eligibility for reappointment; creating s. 626.202, F.S.; requiring fingerprinting of certain persons; amending s. 626.431, F.S.; extending a period of eligibility for reappointment; amending s. 626.5715, F.S.; applying requirements of the Florida Insurance Code equally to all insurance transactions; creating s. 626.9531, F.S.; requiring identification of insurers, agents, and insurance contracts; amending s. 626.541, F.S.; revising requirements for notification of name and information change; amending s. 626.601, F.S.; deleting a limitation on a confidentiality provision; amending 626.611, F.S.; prohibiting the sale of certain unregistered securities; amending ss. 626.741, 626.792, and 626.835, F.S.; limiting authority of certain nonresident licenses; amending ss. 626.927 and 626.8427, F.S.; revising certain time provisions relating to licensure; amending s. 626.872, F.S.; clarifying a temporary license loss adjustment provision; amending s. 626.856, F.S.; revising a definition; amending s. 626.873, F.S.; clarifying application of certain adjuster provisions; amending s. 626.521, F.S.; revising certain information reporting requirements; amending ss. 648.315, 648.38, and 648.384, F.S.; extending a period of eligibility for reappointment; repealing s. 624.501(11) and (23), F.S., relating to appointment fees for vending machines and health care risk managers; providing an effective date.

By the Committee on Insurance; Representatives Spratt, Kilmer, Melvin, Kendrick, Bense, Stansel, Machek, Bean, Miller, Russell, Pickens, Attkisson, Richardson, Harrington, Brown, Gibson, and Bowen—

CS/HB 1227—A bill to be entitled An act relating to the state group health insurance and prescription drug programs; creating s. 110.1228,

F.S.; authorizing specified local governmental entities to apply for participation; providing eligibility requirements for enrollment; exempting the program from ss. 624.436-624.446, F.S., relating to multiple-employer welfare arrangements; authorizing the Department of Management Services to adopt rules; providing a declaration that the act fulfills important state interest; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Kravitz, Gardiner, Davis, Gibson, Alexander, Arza, Clarke, and Kyle—

CS/HB 1231—A bill to be entitled An act relating to property crimes; amending s. 812.014, F.S.; providing second-degree felony penalties for theft of certain emergency medical equipment; amending s. 812.015, F.S.; revising certain definitions; authorizing a merchant or merchant's employee to provide a business address for purposes of any investigation with respect to the offense of retail theft; providing a felony penalty for unlawfully possessing antishoplifting or inventory control device countermeasures; providing a third-degree felony penalty for certain commission of retail theft; providing a second-degree felony penalty for second or subsequent violations of such retail theft; creating s. 812.0155, F.S.; authorizing a court to suspend the driver's license of certain persons under certain circumstances; requiring a court to suspend the driver's license of such persons for second or subsequent offenses; providing for increased periods of suspension for second or subsequent adjudications; providing requirements of court for revoking, suspending, or withholding issuance of the driver's license of certain persons; providing construction; creating s. 812.017, F.S.; providing misdemeanor penalties for the use of a fraudulently obtained or false receipt to request a refund or obtain merchandise; creating s. 812.0195, F.S.; providing criminal penalties for dealing in stolen property by use of the Internet; creating s. 817.625, F.S.; providing definitions; providing a felony penalty for using a scanning device to access, read, obtain, memorize, or store information encoded on a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing a felony penalty for using a reencoder to place information onto a payment card without the permission of, and with intent to defraud, the authorized user of the payment card; providing an enhanced penalty for a second or subsequent violation of the act; subjecting certain violations to the Florida Contraband Forfeiture Act; amending ss. 831.07, 831.08, and 831.09, F.S.; prohibiting forging a check or draft or possessing or passing a forged check or draft; providing penalties; reenacting s. 831.10, F.S., relating to second conviction of uttering forged bills, to incorporate a reference; amending s. 831.11, F.S.; prohibiting bringing a forged or counterfeit check or draft into the state; providing a penalty; amending s. 831.12, F.S.; providing that connecting together checks or drafts to produce an additional check or draft constitutes the offense of forgery; creating s. 831.28, F.S.; providing a definition; making unlawful the counterfeiting of payment instruments with intent to defraud or possessing counterfeit payment instruments; providing a felony penalty; specifying acts that constitute prima facie evidence of intent to defraud; authorizing a law enforcement agency to produce or display a counterfeit payment instrument for training purposes; amending s. 832.05, F.S.; providing that prior passing of a worthless check or draft is not notice to the payee of insufficient funds to ensure payment of a subsequent check or draft; amending s. 877.26, F.S.; making unlawful the surreptitious observation, videotaping, or visual surveillance of customers in merchants' dressing rooms; providing construction; amending s. 921.0022, F.S.; conforming provisions of the Offense Severity Ranking Chart of the Criminal Punishment Code to changes made by the act; encouraging local law enforcement agencies to establish a task force on retail crime; providing direction on the composition, operation, and termination of such a task force; providing severability; providing an effective date.

By the Committee on Insurance; Representative Farkas—

CS/HB 1253—A bill to be entitled An act relating to health insurance; providing legislative intent; providing definitions; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; exempting approved health flex plans from certain licensing

requirements; providing criteria for eligibility to enroll in a health flex plan; requiring health flex plan providers to maintain certain records; providing requirements for denial, nonrenewal, or cancellation of coverage; specifying coverage under an approved health flex plan is not an entitlement; providing for civil actions against health plan entities by the Agency for Health Care Administration under certain circumstances; amending s. 627.6699, F.S.; revising certain definitions; requiring the Insurance Commissioner to appoint new health benefit plan committees under certain circumstances for certain purposes; revising certain coverage disclosure requirements for small employer carriers; including certain form filing, approval, and disapproval requirements and procedures relating to health maintenance organizations within certain small employer carrier proscriptions; providing certain notice requirements; restricting application of certain laws to limited benefit policies under certain circumstances; authorizing offering or delivering limited benefit policies or contracts to certain employers; providing an effective date.

By the Committee on Local Government & Veterans Affairs; Representative Diaz-Balart—

CS/HB 1255—A bill to be entitled An act relating to the Florida Building Code; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending ss. 553.36 and 553.415, F.S.; defining the term "factory-built school shelter"; providing for the Department of Community Affairs to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505 and 553.507, F.S.; conforming cross references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; defining the term "specific needs" for purposes of selection from available codes; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified buildings from certain standards of the code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; creating s. 553.8412, F.S.; providing for statewide outreach for training in the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products and methods or systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research certain issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending chs. 98-287, Laws of Florida, as amended by ch. 2000-141, Laws of Florida, 98-419, Laws of Florida, as amended by ch. 2000-141, Laws of Florida, and 2000-141, Laws of Florida; revising effective dates of certain provisions; requiring the Florida Building Commission to appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; requiring the Florida Building Commission to convene an ad hoc subcommittee to make recommendations regarding alternative plans review and inspection procedures; requiring a report; amending ss. 316.515 and 627.702, F.S.; revising cross references; repealing s. 553.77(2), F.S., relating to commission prescription of certain renewal fees; providing effective dates.

By the Committee on Education Innovation; Representatives Farkas and Harper—

CS/HB 1257—A bill to be entitled An act relating to in-school suspension; amending s. 228.041, F.S.; revising the definition of the

term “in-school suspension” to include an additional alternative program; creating s. 230.23155, F.S.; providing funding for the establishment of School-based Alternative to Suspension Programs (SASPs) within specified school districts; providing a process for applying to the Commissioner of Education for funds to establish and conduct a SASP; providing program requirements; requiring an annual report; providing for future repeal; providing an effective date.

By the Council for Ready Infrastructure; Representatives Dockery, Murman, Stansel, Spratt, Bowen, and Ross—

CS/HB 1263—A bill to be entitled An act relating to mining; amending s. 378.035, F.S.; reserving certain funds in the Nonmandatory Land Reclamation Trust Fund for use by the Department of Environmental Protection for reclaiming lands; authorizing the department to use funds from the trust fund for the purpose of closing certain abandoned phosphogypsum stack systems; limiting the period of operation of the program; requiring the Bureau of Mine Reclamation to review the sufficiency of the trust fund to support certain objectives and make reports; amending s. 378.601, F.S.; removing limitations on an exemption from required development of regional impact review for certain heavy mineral mining operations; amending s. 403.4154, F.S.; defining the terms “phosphogypsum stack system” and “process wastewater”; authorizing the Department of Environmental Protection to take action to abate or reduce any imminent hazard caused by a phosphogypsum stack system; requiring the department to recover moneys from the owner or operator of the system; providing for attorney’s fees and costs; authorizing the department to impose a lien for the recovery of such moneys; imposing certain fees upon an owner or operator who has not demonstrated financial responsibility; providing for the refund of the fee upon closure of the phosphogypsum stack; authorizing the department to expend moneys from the Nonmandatory Land Reclamation Trust Fund to close abandoned phosphogypsum stack systems; providing for a lien for the recovery of such moneys; amending s. 403.4155, F.S.; requiring the department to review certain rules and determine the adequacy of the rules; providing an appropriation; providing an effective date.

By the Committee on Education Innovation; Representatives Arza, Atwater, Kallinger, and Fiorentino—

CS/HB 1361—A bill to be entitled An act relating to charter schools; amending s. 228.056, F.S.; prohibiting a public school from using the word “charter” in its name unless it is currently operating under a charter that has been granted pursuant to this section; providing additional purposes of charter schools; requiring a public school to have been in operation for at least 2 years prior to application to convert to charter school status; requiring a school board to provide notice of denial to charter school applicant in writing; prohibiting a sponsor from charging a fee related to the consideration of a charter school application; prohibiting the consideration or approval of a charter school application from being contingent on the promise of future payment of any kind; clarifying provisions relating to appeals of denial of charter school applications; deleting provisions relating to failure to act in accordance with the recommendation of the State Board of Education regarding a charter school application; exempting a charter school from a sponsor’s policies; authorizing charter school cooperatives; deleting a cap on the number of newly created charter schools; authorizing students in a charter school-in-a-development or charter school-in-a-municipality as a condition of eligibility; authorizing students articulating from one charter school to another as a condition of eligibility; authorizing the establishment of reasonable academic, artistic, or other standards as a condition for eligibility; requiring the capacity of a charter school to be annually determined by the charter school’s governing body based on certain factors; allowing required financial records to follow accounting principles for not-for-profit organizations; requiring a charter to address the identification and acquisition of appropriate technologies; requiring a charter to address how a school board shall provide academic student performance data to charter schools; requiring a charter to address means for ensuring accountability; requiring a charter to address a description of delineated responsibilities needed to effectively manage the charter school;

requiring a charter to address procedures that identify risks and provide an approach to remove the impact of losses; requiring a charter to include a financial plan for the facilities to be used; requiring a charter to address the strategies used to recruit qualified staff; requiring the governing body to exercise continuing oversight over charter school operations; providing for appeal of a sponsor’s decision to terminate a charter; providing for a charter school governing board to request a waiver of statutes directly from the commissioner, rather than through the sponsor; providing for notice of receipt and final disposition of such request; stipulating that a charter school may not knowingly employ an individual whose certification has been revoked by this or any other state; requiring student enrollment report to be submitted in a certain format; prohibiting a sponsor from withholding an administrative fee from certain funds; requiring PECO maintenance funds to remain with a conversion charter school; authorizing the establishment of a charter school-in-a-development and a charter school-in-a-municipality; amending s. 228.0561, F.S.; deleting current capital outlay distribution methods; requiring the Department of Education to distribute capital outlay funds on a monthly basis; amending s. 228.058, F.S.; requiring public schools in a charter school district to vote by a time certain to convert to a charter school; amending s. 232.425, F.S.; authorizing charter school students to participate at the public school to which the student would be assigned in any interscholastic extracurricular activity of that school; providing an effective date.

By the Committee on Colleges & Universities; Representatives Bilirakis, Fiorentino, Farkas, Waters, Wallace, Crow, Justice, and Carassas—

CS/HB 1369—A bill to be entitled An act relating to postsecondary education; providing legislative intent; redesignating St. Petersburg Junior College as St. Petersburg College; requiring accreditation; providing mission; providing for students and fees; providing conditional authority to offer baccalaureate degree level programs; authorizing certain baccalaureate degree programs and a process for increasing their number; establishing a board of trustees and a coordinating board; providing for employment; providing for the acquisition of land, buildings, and equipment; authorizing the power of eminent domain; providing intent for state funding; requiring a cost study; providing an effective date.

By the Committee on Colleges & Universities; Representatives Fiorentino, Henriquez, McGriff, Heyman, Betancourt, Meador, Brutus, and Waters—

CS/HB 1375—A bill to be entitled An act relating to student financial assistance; creating s. 240.4061, F.S.; creating the Teach Florida Scholarship Loan Program; providing a purpose; defining eligible institutions and programs of study; authorizing summer term receipt of funds; authorizing part-time enrollment; specifying summer institutes to be developed by the Department of Education; providing eligibility criteria; providing for repayment of a scholarship loan; providing a definition; providing renewal and restoration requirements; setting a limit upon repayment authority; providing for an annual appropriation; authorizing the Department of Education to adopt rules; providing an effective date.

By the Council for Competitive Commerce; Representatives Dockery, Alexander, Spratt, Harrington, Machek, Pickens, Stansel, Gannon, Goodlette, Detert, Atwater, and Bean—

CS/HB 1389—A bill to be entitled An act relating to rural land conservation; creating the “Rural and Family Lands Protection Act”; providing a definition; creating s. 570.70, F.S.; providing legislative findings; creating s. 570.71, F.S.; providing for the purchase of rural land protection easements by the Department of Agriculture and Consumer Services; providing criteria; providing for conservation easements, resource conservation agreements, and agricultural protection agreements; prescribing allowable land uses; requiring rulemaking; providing for an application process; providing for an option to purchase property; directing the department to seek funds from federal sources; amending s. 201.15, F.S.; providing for the distribution of certain taxes to the department; creating s. 215.619, F.S.; providing for bonds; amending s. 570.207, F.S.; providing uses for funds from the Conservation and Recreation Lands Program Trust Fund; providing an effective date.

By the Council for Healthy Communities; Representatives Mealor and Kravitz—

CS/HB 1403—A bill to be entitled An act relating to health care; amending s. 456.031, F.S.; providing an alternative by which licensees may comply with a general requirement that they take domestic violence education courses; amending s. 456.033, F.S.; providing an alternative by which licensees may comply with a general requirement that they take AIDS/HIV education courses; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term “end-stage condition” with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; requiring specified health care providers, health care practitioners, and health care facilities to comply with patient requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; providing an effective date.

By the Council for Healthy Communities; Representatives Bowen, Spratt, and Heyman—

CS/HB 1425—A bill to be entitled An act relating to law enforcement; amending s. 943.031, F.S.; renaming the Florida Violent Crime Council as the Florida Violent Crime and Drug Control Council; revising membership; providing circumstances for additional meetings; prescribing the duties and responsibilities of the Florida Violent Crime and Drug Control Council; providing statutory limits on funding of investigative efforts by the council; authorizing the Victim and Witness Protection Review Committee to conduct meetings by teleconference under certain circumstances; amending s. 943.17, F.S.; conforming a reference; amending s. 943.042, F.S.; renaming the Violent Crime Emergency Account as the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account; revising provisions relating to use of emergency supplemental funds; clarifying limits on disbursement of funds for certain purposes; requiring the Department of Law Enforcement to adopt rules pertaining to certain investigations; requiring reports by recipient agencies; providing circumstances for limitation or termination of funding or return of funds by recipient agencies; amending s. 943.0585, F.S., relating to court-ordered expunction of certain criminal history records; adding sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.059, F.S., relating to court-ordered sealing of certain criminal history records; adding offenses relating to sexual offenses that require an offender to register with the state to the list of excluded offenses; amending s. 943.325, F.S.; permitting collection of approved biological specimens other than blood for purposes of DNA testing; permitting collection of specimens from certain persons who have never been incarcerated; limiting liability; authorizing use of force to collect specimens under certain circumstances; amending s. 760.40, F.S., to conform to changes made by s. 943.325, F.S.; creating s. 843.167, F.S.; prohibiting the interception of police communications for certain purposes; prohibiting disclosure of police communications; providing presumptions; providing penalties; amending s. 943.053, F.S.; providing clarification of the manner in which the Department of Law Enforcement determines the actual cost of producing criminal history information; creating s. 943.0582, F.S.; providing for prearrest, postarrest, or teen court diversion program expunction under certain circumstances; providing definitions; providing for retroactive effect; amending s. 985.3065, F.S.; providing for postarrest diversion programs; providing for expunction of certain records pursuant to s. 943.0582, F.S.; providing an effective date.

By the Council for Ready Infrastructure; Representative Ball—

CS/HB 1437—A bill to be entitled An act relating to public records exemptions; amending s. 119.07, F.S.; providing an exemption from public records requirements for technical information pertaining to trunking radio communication systems and mobile data communications systems used by governmental agencies; providing for future review and repeal; providing legislative findings of public necessity; providing an effective date.

By the Council for Ready Infrastructure; Representative Dockery—

CS/HB 1489—A bill to be entitled An act relating to funding for the Fish and Wildlife Conservation Commission; amending s. 327.73, F.S.; providing for dismissal of violations of boating safety identification card possession requirements under certain conditions; providing a fee; amending s. 328.72, F.S.; specifying source of the county portion of vessel registration fees; providing for the return of certain vessel registration fees to the vessel owner's county of Florida residence; amending s. 328.76, F.S.; clarifying provisions relating to distribution and uses of funds in the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.062, F.S., relating to issuance of license tags for harvesting tarpon; modifying date for tax collector's return of unissued tags; deleting provisions relating to transfer of tag fees to the Marine Resources Conservation Trust Fund within a specified period; amending s. 370.0603, F.S.; specifying the uses of designated funds deposited into the Marine Resources Conservation Trust Fund; renumbering and amending s. 370.0608, F.S.; providing for the deposit of licenses and fees into the Marine Resources Conservation Trust Fund; revising purposes for which licenses and fees may be used; renumbering and amending s. 370.0609, F.S.; providing for the expenditure of funds through grants and contracts to specified research institutions; amending s. 372.105, F.S.; revising provisions relating to sources and uses of funds in the Lifetime Fish and Wildlife Trust Fund; amending s. 372.106, F.S.; specifying distribution of certain funds in the Dedicated License Trust Fund; amending s. 372.16, F.S.; increasing the license fee for private game preserves and farms; amending s. 372.561, F.S.; revising provisions relating to issuance of recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life, and administrative costs and reporting related thereto; creating s. 372.562, F.S.; providing exemptions from recreational license and permit fees and requirements; amending s. 372.57, F.S.; revising and reorganizing provisions specifying fees and requirements for recreational licenses, permits, and authorization numbers, including hunting licenses, saltwater and freshwater fishing licenses, 5-year licenses, and lifetime licenses; creating an annual gold sportsman's license; increasing the fee for a nonresident Florida turkey permit; providing for pier licenses and recreational vessel licenses, and fees therefor; providing for snook permits and crawfish permits, and uses thereof; amending ss. 370.063, 372.571, 372.5712, 372.5715, 372.5717, 372.573, and 372.65, F.S.; correcting cross references; deleting obsolete language; amending s. 372.574, F.S.; revising subagent duties and reporting requirements; creating s. 372.579, F.S.; authorizing a processing fee for certain licenses and permits; requiring a report; providing rulemaking authority; amending s. 372.661, F.S.; increasing the license fee for a private hunting preserve; amending s. 372.711, F.S.; providing for dismissal of violations of license or permit possession requirements, under certain conditions; providing a fee; reenacting s. 372.83(1)(h), F.S.; reenacting a provision referencing penalties for violations of hunting, fishing, and trapping license requirements; amending s. 372.921, F.S.; including amphibians in provisions relating to exhibition of wildlife; increasing permit fees; providing rulemaking authority; amending s. 372.922, F.S.; requiring a permit for personal possession of wildlife by an exhibitor or seller; providing a fee exemption; amending s. 705.101, F.S.; including derelict vessels within the definition of “abandoned property”; amending ss. 212.06 and 215.20, F.S.; correcting cross references; repealing s. 370.0605, F.S., relating to saltwater fishing licenses and fees; repealing s. 370.0615, F.S., relating to lifetime saltwater fishing licenses; repealing s. 370.1111, F.S., relating to snook fishing permits; repealing s. 370.14(10) and (11), F.S., relating to recreational crawfish taking permits and issuance of a crawfish stamp; providing appropriations; providing an effective date.

By the Committee on Education Innovation; Representatives Carassas and Needelman—

CS/HB 1495—A bill to be entitled An act relating to school safety; creating the “Safe Passage Act”; creating s. 229.8349, F.S.; providing legislative findings and intent; providing for safety audits of school districts and safety and security programs, district plans and procedures, and safety and security practices; requiring a public review of audit recommendations; requiring an action plan to address audit

recommendations; providing for appeal of a school district failure to adopt or implement an action plan; providing for school safety hotlines; requiring reporting of offenses against school property or persons on school property; providing penalties for failure to report known or suspected threats; providing penalties for false reports of threats; providing immunity from liability for good-faith reporting of suspected threats; requiring a record of hotline calls and a review of the record; providing for rules; amending s. 235.06, F.S.; providing for the State Fire Marshal to adopt rules for firesafety in educational facilities; providing for firesafety inspections by personnel or the local fire control authority or the State Fire Marshal; providing responsibilities of local fire control authorities with respect to firesafety in educational facilities; amending s. 633.01, F.S.; prescribing duty of the State Fire Marshal to adopt rules relating to firesafety of occupants of educational facilities; providing an effective date.

By the Council for Lifelong Learning; Committee on Colleges & Universities; Representatives Lynn, Melvin, Waters, Wallace, Dockery, Lacasa, Murman, Maygarden, Johnson, Andrews, and Kilmer—

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

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

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

By the Committee on Local Government & Veterans Affairs; Representatives Dockery and Russell—

CS/HBs 1617 & 1487—A bill to be entitled An act relating to growth management; amending s. 163.3174, F.S.; requiring that local planning agencies include a representative of the district school board; repealing s. 163.3177(12), F.S., which provides requirements for a public school facilities element of a local government comprehensive plan adopted to implement a school concurrency program; amending s. 163.3177, F.S.; revising requirements for the future land use element and intergovernmental coordination element with respect to planning for schools; creating s. 163.31776, F.S.; providing legislative intent and findings; requiring that a local government comprehensive plan include a public educational facilities element; providing that the state land planning agency shall establish a schedule for adoption of such elements; exempting certain municipalities from adopting such elements; requiring local governments and the school board to enter into an interlocal agreement and providing requirements with respect thereto; providing requirements for such elements; providing requirements for future land use maps; specifying the process for adoption of such elements; specifying the effect of a local government's failure to enter into an interlocal agreement or transmit such element according to the adopted schedule and of a school board's failure to provide certain information or to enter into an interlocal agreement; creating s. 163.31777, F.S.; requiring that local governments consider public school facilities when considering certain comprehensive plan amendments and rezonings; requiring that the school board provide a

school capacity report; requiring denial of such amendments or rezoning requests under certain conditions; providing requirements for proportionate share mitigation of public school facility impacts; providing for development agreements with respect thereto; providing for certain credits; amending s. 163.3180, F.S.; providing requirements with respect to the public educational facilities element when school concurrency is imposed by local option; removing school concurrency requirements relating to intergovernmental coordination and exemption for certain municipalities; revising requirements relating to an interlocal agreement for school concurrency; amending s. 163.3184, F.S.; including requirements for plan amendments relating to the public educational facilities element in the process for adoption of comprehensive plan amendments; amending s. 163.3187, F.S.; providing that plan amendments to adopt such elements and future land use map amendments for school siting are not subject to the statutory limits on the frequency of plan amendments; amending s. 163.3191, F.S.; conforming language; creating s. 163.3198, F.S.; directing the state land planning agency to develop fiscal analysis models for determining the costs and revenues of proposed development; providing requirements with respect thereto; creating a commission to oversee such development; providing for field tests of the models developed; directing the commission to make recommendations to the Governor and Legislature regarding statewide implementation of a uniform model and other growth management issues; providing an appropriation; amending s. 235.002, F.S.; revising legislative intent and findings with respect to educational facilities; amending s. 235.15, F.S.; removing specific need assessment criteria for a school district's educational plant survey and providing that the survey shall be submitted as part of the district's educational facilities plan; revising provisions relating to certain deviation from space need standards; providing for review and validation of surveys by the Office of Educational Facilities; revising requirements relating to certifications necessary for expenditure of PECO funds; amending s. 235.175, F.S.; providing legislative purpose with respect to the district educational facilities plans; amending s. 235.18, F.S.; conforming language; amending s. 235.185, F.S.; providing definitions; providing requirements for preparation of an annual tentative educational facilities plan by each school district; providing requirements for the district's facilities 5-year work program; providing for submittal of the tentative plan to local governments for review and comment; providing for annual adoption of the plan; providing for execution of the plan; removing provisions relating to 10-year and 20-year work programs; amending s. 235.188, F.S.; conforming language; amending s. 235.19, F.S., relating to site planning and selection; providing that said section is superseded by an interlocal agreement between a school board and local government and the school board and local government plans under certain conditions; revising site selection requirements; removing a requirement that the Commissioner of Education prescribe recommended sizes for new educational facility sites; amending s. 235.193, F.S.; requiring school districts and local governments to enter into an interlocal agreement and providing requirements with respect thereto; specifying effect of failure to enter into the interlocal agreement; requiring the school board to provide a local government certain information when it is considering certain comprehensive plan amendment or rezoning applications; revising requirements relating to school board responsibilities in planning with local governments; revising requirements relating to location of educational facilities; revising a notice requirement regarding proposed use of property for an educational facility; providing for inclusion of an alternative process for proposed facility review in the required interlocal agreement; conforming language; repealing s. 235.194, F.S., which requires school boards to submit an annual general educational facilities report to local governments; amending ss. 235.218, 235.321, and 236.25, F.S.; conforming language; providing an effective date.

By the Committee on Insurance; Representative Waters—

CS/HB 1699—A bill to be entitled An act relating to public records; amending s. 624.319, F.S.; exempting workpapers relating to examinations and investigations of insurers from public records requirements; providing legislative findings; providing for future review and repeal; amending s. 627.351, F.S.; providing exemptions from the public records law for specified records of the Florida Windstorm Underwriting Association; providing for future review and repeal; providing findings of public necessity; providing an effective date.

By the Committee on Crime Prevention, Corrections & Safety; Representatives Melvin and Bean—

CS/HB 1765—A bill to be entitled An act relating to public protection; amending s. 944.605, F.S.; requiring that the state attorney and a victim's parent, guardian, next of kin, or lawful representative be notified under certain circumstances after the inmate who committed the crime is approved for community work release; amending s. 958.07, F.S.; authorizing the victim of a crime or the victim's parent, guardian, or next of kin to review the presentence investigation report under certain circumstances; amending s. 960.001, F.S.; requiring that a victim's parent, guardian, or representative be allowed to be informed, present, and heard in a criminal or juvenile proceeding; requiring that a crime victim or witness be informed of the address confidentiality program; requiring notice when an inmate is approved for community work release; requiring that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about the offense; prescribing standing of certain persons to assert a victim's rights; amending s. 921.143, F.S.; prescribing the right of the parent or guardian of a minor victim, or the lawful representative of any of them, to appear and make a statement at a sentencing hearing; amending s. 944.606, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, the lawful representative of any of them, or the next of kin of a homicide victim when a sexual offender is being released; amending s. 948.10, F.S.; requiring notification of the victim, the victim's parent or guardian when the victim is a minor, or the next of kin of a homicide victim when an offender is placed on community control; amending s. 960.28, F.S.; prohibiting a medical provider who performs an initial forensic examination from billing the parent or guardian of a minor victim for that examination; amending s. 949.07, F.S.; providing a compact for the supervision of adult offenders; authorizing and directing the Governor to enter into the compact on behalf of the state; providing purpose; providing definitions; providing for an Interstate Commission for Adult Offender Supervision; providing for governance of the commission; providing for a State Council for Interstate Adult Offender Supervision; providing for membership of the state council; providing for reimbursement for travel expenses; specifying powers and duties of the Interstate Commission; providing for organization and operation of the commission; providing activities of the commission; authorizing the commission to adopt rules; providing for oversight, enforcement, and resolution of disputes between compacting states; providing for financing the activities of the commission; providing for the effective date of the compact; providing for withdrawal, default, or termination of member states; providing for judicial enforcement; providing for severability and construction of the compact; providing that the compact binds the member states; amending s. 949.071, F.S.; redefining the term "state" for purposes of the compact; creating s. 949.072, F.S.; establishing the State Council for Interstate Adult Offender Supervision; providing for membership and duties; providing for reimbursement for travel and per diem expenses; amending s. 949.08, F.S.; providing certain limitations on the amount paid by the state under the compact; amending s. 949.09, F.S.; redesignating ss. 949.07-949.08, F.S., as the "Interstate Compact for Adult Offender Supervision"; providing an effective date.

By the Committees on Fiscal Policy & Resources; Utilities & Telecommunications; Representatives Ritter and Barreiro—

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

By the Council for Healthy Communities; Committee on Health Regulation; Representative Farkas—

CS/HB 1895—A bill to be entitled An act relating to health care regulation; amending s. 483.245, F.S.; prohibiting rebate or split-fee arrangements with dialysis facilities for patient referrals to clinical laboratories; providing penalties; amending s. 381.6021, F.S.;

prohibiting rules that establish standards and guidelines for organ and tissue procurement from allowing the pooling of human cells or tissue; amending s. 395.0197, F.S.; revising provisions relating to hospital and ambulatory surgical center internal risk management programs; modifying requirements for risk management and prevention education and training; restricting participation of unlicensed persons in surgical procedures; requiring ongoing evaluation of surgical procedures and protocols; eliminating an annual report summarizing facility incident reports and disciplinary actions; requiring the Agency for Health Care Administration to publish website summaries of adverse incident reports; requiring facility reporting of allegations of sexual misconduct by health care practitioners; providing certain civil liability for licensed risk managers; prohibiting intimidation of a risk manager; providing a penalty; amending s. 395.10972, F.S.; increasing membership on the Health Care Risk Management Advisory Council; amending s. 395.701, F.S.; limiting the financial information the agency may require to determine the amount of hospital annual assessments; amending s. 456.013, F.S.; providing a professional continuing education requirement relating to prevention of medical errors; amending s. 456.057, F.S.; providing for appointment of a records custodian under certain circumstances; amending s. 456.063, F.S.; requiring licensed health care practitioners to report to the Department of Health any allegations of sexual misconduct; amending s. 456.072, F.S.; providing additional grounds for disciplinary actions; clarifying a penalty involving restriction of professional practice or license; providing additional penalties; requiring assessment of costs related to investigation and prosecution; amending s. 456.073, F.S.; requiring the Department of Health to notify the patient or legal representative of the status of a disciplinary case; requiring the department to provide certain information to the complainant; providing time limitations on the filing of administrative complaints against licensees of the department; amending s. 456.074, F.S.; providing for an emergency order suspending the license of any practitioner for fraud; amending s. 456.077, F.S.; specifying violations for which the Department of Health or a regulatory board may issue citations; amending s. 456.081, F.S.; requiring the Department of Health and regulatory boards to maintain a website containing specified information; creating s. 458.3147, F.S.; providing automatic eligibility for admission to any medical school in the State University System for military academy students or graduates who qualify for the Medical Corps of the United States military; providing for waiver or refund of application fees; amending ss. 458.331 and 459.015, F.S.; conforming language and cross references to changes made by the act; amending ss. 465.019 and 465.0196, F.S.; requiring institutional pharmacies and special pharmacy permittees that use pharmacy technicians to have a written policy and procedures manual; directing the Department of Health and the Agency for Health Care Administration to review health care practitioner and facility reporting requirements; requiring a report to the Legislature; amending s. 468.1755, F.S.; providing an additional ground for disciplinary action against a nursing home administrator; reenacting ss. 468.1695(3) and 468.1735, F.S., to incorporate said amendment in references; reenacting s. 484.056(1)(a), F.S., relating to disciplinary action against hearing aid specialists, to incorporate the amendment to s. 456.072(1), in a reference; amending s. 766.101, F.S.; providing that a continuous quality improvement committee of a licensed pharmacy is a medical review committee for purposes of immunity from liability, and reenacting ss. 440.105(1)(a) and 626.989(6), F.S., to incorporate said amendment in references; amending s. 766.1115, F.S.; conforming language and cross references to changes made by the act; amending s. 456.047, F.S.; providing intent; revising and providing definitions; revising duties of the Department of Health relating to file maintenance; providing that primary source data verified by the department or its designee may be relied upon to meet accreditation purposes; amending s. 240.4075, F.S.; transferring the Nursing Student Loan Forgiveness Program from the Department of Education to the Department of Health; including public schools, family practice teaching hospitals, and specialty hospitals for children as eligible facilities under the program; exempting such facilities from the fund-matching requirements of the program; amending s. 240.4076, F.S.; transferring the nursing scholarship program from the Department of Education to the Department of Health; providing requirements under the program for students seeking to qualify for a nursing faculty position and receive

credit for work in such a position; including nursing homes, hospitals, public schools, colleges of nursing, and community college nursing programs as eligible facilities under the program; transferring powers, duties, functions, rules, records, personnel, property, and appropriations and other funds relating to the Nursing Student Loan Forgiveness Program and the nursing scholarship program from the Department of Education to the Department of Health; amending s. 464.005, F.S.; providing for future relocation of the headquarters of the Board of Nursing; amending s. 464.008, F.S.; revising education requirements for licensure by examination; amending s. 464.009, F.S.; revising requirements for licensure by endorsement; requiring submission of fingerprints for a criminal history check and a fee to cover the costs of such check; providing for an electronic applicant notification process; creating s. 464.0195, F.S.; creating the Florida Center for Nursing and providing its goals; creating s. 464.0196, F.S.; providing for a board of directors; providing for appointment of board members; providing for staggered terms; providing powers and duties; authorizing per diem and travel expenses; creating s. 464.0197, F.S.; declaring state budget support for the center; prohibiting the Board of Nursing from developing any rule relating to faculty/student clinical ratios until a specified time; requiring the Board of Nursing and the Department of Education to submit to the Legislature an implementation plan detailing the impact and cost of any such proposed rule change; amending s. 464.0205, F.S.; deleting the application and processing fee for applicants for a retired volunteer nurse certificate; requiring study by Office of Program Policy Analysis and Government Accountability of the feasibility of maintaining all of Medical Quality Assurance in one state agency; creating s. 456.0375, F.S.; requiring registration of certain clinics; providing requirements, including fees; providing rulemaking authority; requiring medical directors or clinic directors for such clinics and providing their duties and responsibilities; providing an appropriation; amending s. 456.031, F.S.; providing an alternative by which licensees under ch. 466, F.S., relating to dentistry, may comply with a general requirement that they take domestic-violence education courses; amending s. 456.033, F.S.; providing an alternative by which such licensees may comply with a general requirement that they take AIDS/HIV education courses; amending s. 627.419, F.S.; providing for appeals from certain adverse determinations relating to dental service claims; providing applicability; amending s. 468.302, F.S.; revising a provision relating to exemption from certification to use radiation on human beings; amending ss. 468.352, 468.355, 468.357, 468.358, and 468.359, F.S.; revising definitions and provisions relating to licensure and use of titles and abbreviations to correct and conform terminology with respect to respiratory therapists and respiratory care practitioners; amending ss. 468.1155 and 468.1215, F.S.; revising requirements for licensure to practice speech-language pathology or audiology and for certification of speech-language pathology or audiology assistants; amending s. 480.033, F.S.; correcting terminology in the definition of "massage"; amending s. 484.0445, F.S.; removing certain provisions relating to the training program for hearing aid specialists; amending s. 484.045, F.S.; revising requirements for licensure as a hearing aid specialist by examination; amending s. 490.012, F.S.; prohibiting the use of certain titles or descriptions relating to the practice of psychology or school psychology unless properly licensed; providing penalties; amending s. 490.014, F.S.; revising exemptions from regulation under ch. 490, F.S., relating to psychology; correcting a cross reference; amending s. 491.012, F.S.; revising prohibitions against unlicensed practice of clinical social work, marriage and family therapy, and mental health counseling to provide that practice by registered interns is lawful; amending s. 491.014, F.S.; revising exemptions from licensure under ch. 491, F.S., relating to clinical, counseling, and psychotherapy services, to prohibit the use by certain employees of titles, names, or descriptions protected by the chapter; amending ss. 458.319, 459.008, and 765.102, F.S.; conforming terminology relating to palliative care; amending s. 765.101, F.S.; redefining the term "end-stage condition" with respect to health care advance directives; creating s. 765.1025, F.S.; prescribing the content and suitability of palliative care; amending s. 765.1103, F.S.; revising provisions relating to compliance with requests for pain management and palliative care; amending s. 765.205, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by health care surrogates, persons who have durable powers of attorney for health care, and proxy decisionmakers; amending

s. 765.401, F.S.; prescribing the standards of decisionmaking to be used in certain circumstances by proxy decisionmakers; requiring the Department of Health to conduct an interim study on specialty certification and provide a report to the Legislature; amending s. 499.012, F.S.; authorizing transfer of prescription drugs between a retail pharmacy and a Modified Class II institutional pharmacy under a retail pharmacy wholesaler's permit; providing effective dates.

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

CS/HB 1921—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; revising certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems; amending s. 101.151, F.S.; providing general specifications for ballots; deleting provisions specific to certain elections and voting systems; requiring the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system; amending s. 101.5603, F.S.; revising definitions relating to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines; amending s. 101.5604, F.S.; requiring any electronic or electromechanical voting system used by a county to be a precinct tabulation system; amending s. 101.5606, F.S.; providing additional requirements for electronic or electromechanical voting systems; creating s. 101.56062, F.S.; establishing a loan program for counties to purchase voting equipment; providing the term of such loans; providing for a priority system based on county need; providing penalties for default or delinquent payments; providing for suspension of payment of principal and penalties under certain financial emergency conditions; providing rulemaking authority; amending s. 101.5607, F.S.; conforming a cross reference; amending s. 101.5608, F.S.; providing procedures to be followed after a vote tabulation device rejects a ballot; amending s. 101.5612, F.S.; providing standards and requirements for the testing of electronic or electromechanical voting systems; providing recordkeeping requirements; amending s. 101.5614, F.S.; removing references to the canvassing of returns at central or regional locations, to conform; revising requirements for the transmission of precinct returns; providing for adoption of security guidelines by rule; amending s. 101.292, F.S.; modifying the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines; amending s. 104.30, F.S.; prohibiting any unauthorized person from unlawfully possessing any voting system or component thereof; prohibiting any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof; providing penalties; removing references to voting machines, to conform; amending ss. 98.471, 100.071, 100.361, 101.21, 101.24, 101.34, 101.341, 101.43, 101.49, 101.58, 101.64, 101.71, 101.75, 102.012, 102.021, 102.141, 102.166, 103.101, and 138.05, F.S.; removing provisions relating to voting systems that use voting machines or paper ballots and revising references to conform to changes made by the act; repealing ss. 101.141, 101.181, 101.191, and 101.5609, F.S., relating to the specifications and form of ballots, to conform; repealing ss. 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, F.S., relating to voting systems that use voting machines or paper ballots, to conform; requiring the Division of Elections to provide the Governor and Legislature a progress report on the upgrading of county voting systems; providing that funding for implementation of the act shall be as provided for in the General Appropriations Act; providing effective dates.

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

CS/HB 1925—A bill to be entitled An act relating to elections; amending s. 97.021, F.S.; defining the terms "error in the vote tabulation" and "provisional ballot"; revising the definition of "primary election"; amending s. 100.061, F.S.; providing for a single primary

election, including the date for holding that election; providing that candidates receiving the highest number of votes in the primary election are declared nominated; providing a method for deciding tie votes; repealing s. 100.091, F.S., relating to the second primary election, to conform; repealing s. 100.096, F.S., relating to the holding of special elections in conjunction with the second primary election, to conform; amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S., relating to restrictions on changing party affiliation between primary elections, to conform; amending s. 99.063, F.S.; revising the date to designate a Lieutenant Governor running mate, to conform; amending s. 101.62, F.S.; revising the dates for mailing absentee ballots to absent electors overseas and eliminating advance absentee ballots, to conform; amending ss. 10.1008, 99.061, 99.095, 99.103, 100.071, 100.081, 100.111, 100.141, 101.141, 101.251, 101.252, 102.012, 103.021, 103.022, 103.091, 105.031, 105.041, 105.051, 106.07, and 106.29, F.S.; revising and deleting references, to conform; amending s. 106.08, F.S.; increasing campaign contribution limits; providing penalties; revising and deleting references to the primary elections, to conform; creating s. 98.0977, F.S.; providing for development of a statewide voter registration database; providing for update of information in the database; requiring quarterly progress reports to the Legislature until fully implemented; providing for an operational date; providing for an appropriation; creating s. 98.0979, F.S.; providing that voter registration information is public except for information made confidential by law; providing requirements for securing copies of any voter registration information; creating s. 101.048, F.S.; authorizing and providing requirements for provisional ballots, including the canvassing thereof; amending s. 101.045, F.S.; requiring verification of an elector's eligibility if the elector's name is not on the precinct register; authorizing the voting of a provisional ballot if eligibility cannot be determined; amending s. 101.5614, F.S., relating to the canvass of returns; providing for provisional ballots, to conform; providing a penalty for releasing the results of an election prior to the closing of the polls; amending s. 101.68, F.S.; allowing the processing of absentee ballots through electronic tabulating equipment prior to election day; prohibiting the release of the results of a canvassing or processing of absentee ballots prior to the closing of the polls; providing a penalty; amending s. 101.69, F.S.; allowing a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned; amending s. 102.111, F.S.; revising membership of the Elections Canvassing Commission; revising provisions for filling vacancies on the commission; amending s. 102.112, F.S.; revising the deadline for submission of county returns to the Department of State following the general election; eliminating reference to the second primary election; providing that late returns shall be ignored; providing an exception due to an emergency; eliminating provisions establishing fines for late reporting; amending s. 102.141, F.S.; clarifying canvassing procedures relating to election recounts; providing conditions under which a manual recount is required; amending s. 102.166, F.S.; modifying protest procedures and deadlines for requesting a manual recount; providing for the use of certain standards for determining voter intent; amending s. 102.167, F.S.; providing the form of protest of election returns with the Elections Canvassing Commission; amending s. 102.168, F.S.; providing that an unsuccessful candidate is the proper party to bring an election contest for certain elections; providing that any elector is the proper party to bring an election contest for elections involving a referendum; clarifying the circumstances under which a person may bring an election contest; providing that the Elections Canvassing Commission is a defendant in certain contested elections; removing certain authority of circuit judges to fashion orders relating to contests; amending s. 99.096, F.S.; providing conditions for automatic ballot access for minor party candidates without having to pay a filing fee or qualify by the alternative method, if otherwise qualified; amending s. 106.31, F.S.; providing legislative intent with respect to public campaign financing; amending s. 106.33, F.S.; prohibiting the use of contributions from individuals who are not state residents to meet the eligibility threshold for receiving election campaign financing; prohibiting participants from accepting contributions from political committees and committees of continuous existence; amending s. 106.35, F.S.; providing that certain contributions may not be used as qualifying matching contributions; providing a limit on the total funds available for distribution for election

campaign financing purposes; amending s. 106.355, F.S.; revising limits on the funding provided to participating candidates when nonparticipating candidates exceed the expenditure limits; repealing s. 98.0975, F.S., relating to list maintenance of the central voter file; providing severability; providing effective dates.

Reports of Councils and Standing Committees

Council Reports

Received April 17:

The Council for Competitive Commerce recommends the following pass:

HB 289
CS/HB 345
CS/HB 717
HB 733
CS/HB 747
HB 1681, with 2 amendments

The above bills were placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:

CS/HB 699
CS/HB 729
HB 1221
HB 1379
HB 1577
HB 1603

The above bills were placed on the Calendar.

Received April 18:

The Fiscal Responsibility Council recommends the following pass:

HJR 689, with 1 amendment
HB 1111
HB 1615, with 1 amendment

The above bills were placed on the Calendar.

The Council for Healthy Communities recommends the following pass:

HB 315
HB 375
HB 649
HB 1077
HB 1465
HB 1863

The above bills were placed on the Calendar.

The Fiscal Responsibility Council recommends the following pass:

HB 1513

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

Received April 19:

The Council for Healthy Communities recommends the following pass:

CS/HB 11
HB 259
HB 569
HB 1049
HB 1067
HB 1691
CS/HB 1765

The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:

CS/HB 281, with 1 amendment

CS/HB 463
HB 465
HB 1547, with 1 amendment
HB 1783
HB 1801

The above bills were placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:
CS/HB 9, with 1 amendment
CS/HB 239
CS/HB 687, with 1 amendment
CS/HB 949, with 1 amendment
HB 1059, with 1 amendment
HB 1239, with 1 amendment
HB 1421
HB 1875

The above bills were placed on the Calendar.

The Council for Competitive Commerce recommends council substitutes for the following:
HB 1219
HB 1389

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1219 and 1389 were laid on the table.

Received April 20:

The Council for Competitive Commerce recommends the following pass:
HB 363
HB 531, with 1 amendment
CS/HB 685
HB 1055
HB 1087, with 1 amendment
HB 1147
HB 1203
HB 1449, with 4 amendments
HB 1479
HB 1565
HB 1585
HB 1787

The above bills were placed on the Calendar.

The Council for Healthy Communities recommends the following pass:
CS/CS/HB 179, with 1 amendment
HB 235, with 1 amendment
HB 301, with 1 amendment
HB 421
HB 477, with 1 amendment
HB 737, with 1 amendment
HB 961
HB 985, with 1 amendment
CS/HB 1073, with 2 amendments
CS/HB 1145, with 1 amendment
HB 1153, with 1 amendment
HB 1349
CS/HB 1529
HB 1543
HB 1703
HB 1777, with 2 amendments
HB 1799, with 2 amendments
HB 1843, with 1 amendment
HB 1867, with 1 amendment
HB 1873, with 2 amendments

The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:
HB 1601

The above bill was placed on the Calendar.

The Council for Ready Infrastructure recommends council substitutes for the following:
HB 1263
HB 1437

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1263 and 1437 were laid on the table.

Received April 23:

The Council for Healthy Communities recommends the following pass:
CS/HB 365
CS/HB 605
CS/HBs 715 & 1355
HB 947
CS/HB 1253, with 1 amendment
HB 1415
HB 1429
HB 1885

The above bills were placed on the Calendar.

The Council for Lifelong Learning recommends the following pass:
CS/HB 1633
HB 1943

The above bills were placed on the Calendar.

The Procedural & Redistricting Council recommends the following pass:
HB 189, with 2 amendments
HB 329
HJR 571
HB 749
HB 1323
HB 1611
HB 1755
HB 1757

The above bills were placed on the Calendar.

The Council for Ready Infrastructure recommends the following pass:
CS/HB 161
CS/HB 987, with 2 amendments
HB 1043
HB 1491
HB 1635
HB 1669
HB 1845
HB 1905

The above bills were placed on the Calendar.

The Council for Smarter Government recommends the following pass:
HB 629
HB 869

The above bills were placed on the Calendar.

The Council for Healthy Communities recommends council substitutes for the following:
HB 475
HB 1403
HB 1425
HB 1895

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 475, 1403, 1425, and 1895 were laid on the table.

The Council for Lifelong Learning recommends a council substitute for the following:
CS/HB 1533

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, CS/HB 1533 was laid on the table.

The Procedural & Redistricting Council recommends council substitutes for the following:
HB 1921
HB 1925

The above council substitutes were placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HBs 1921 and 1925 were laid on the table.

The Council for Ready Infrastructure recommends a council substitute for the following:
HB 1489

The above council substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 1489 was laid on the table.

The Council for Ready Infrastructure recommends the following pass:
HB 1879, with 3 amendments
HB 1881

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

Committee Reports

Received April 17:

The Committee on Transportation & Economic Development Appropriations recommends the following pass:
CS/HB 67 (fiscal note attached)

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

The Committee on Colleges & Universities recommends a committee substitute for the following:
CS/HB 111

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, CS/HB 111 was laid on the table.

The Committee on General Education recommends a committee substitute for the following:
HB 1015

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1015 was laid on the table.

The Committee on Information Technology recommends committee substitutes for the following:
HB 1045
HB 1109

The above committee substitutes were referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HBs 1045 and 1109 were laid on the table.

The Committee on Insurance recommends a committee substitute for the following:
HB 1101

The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 1101 was laid on the table.

The Committee on Insurance recommends a committee substitute for the following:
HB 1103

The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1103 was laid on the table.

Received April 18:

The Committee on Criminal Justice Appropriations recommends the following pass:
HB 1687 (fiscal note attached)

The above bill was placed on the Calendar.

The Committee on Fiscal Policy & Resources recommends the following pass:
HB 927 (fiscal note attached)

The above bill was placed on the Calendar.

The Committee on Fiscal Policy & Resources recommends the following pass:
HB 103, with 1 amendment (fiscal note attached)
HB 213, with 1 amendment (fiscal note attached)
CS/HB 309, with 1 amendment (fiscal note attached)
CS/HB 337, with 1 amendment (fiscal note attached)

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

The Committee on General Government Appropriations recommends the following pass:
CS/HB 255, with 1 amendment (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
HB 1127 (fiscal note attached)
HJR 1451 (fiscal note attached)
HB 1551 (fiscal note attached)

The above bills were referred to the Fiscal Responsibility Council.

The Committee on Transportation & Economic Development Appropriations recommends the following pass:
HB 1241 (fiscal note attached)

The above bill was referred to the Fiscal Responsibility Council.

The Committee on Criminal Justice Appropriations recommends the following pass:
HB 301 (fiscal note attached)
CS/HB 1529 (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
HB 421 (fiscal note attached)
HB 961 (fiscal note attached)

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

The Committee on Health & Human Services Appropriations recommends the following pass:
CS/HB 605, with 2 amendments (fiscal note attached)
CS/HBs 715 & 1355, with 1 amendment (fiscal note attached)
HB 1885, with 3 amendments (fiscal note attached)

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

The Committee on Education Appropriations recommends the following pass:

CS/HB 1509, with 4 amendments (fiscal note attached)
CS/HB 1533, with 3 amendments (fiscal note attached)
CS/HB 1661, with 5 amendments (fiscal note attached)

The above bills were referred to the Council for Lifelong Learning.

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

CS/HB 523 (fiscal note attached)

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

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

HB 423, with 1 amendment (fiscal note attached)

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

The Committee on General Government Appropriations recommends the following pass:

CS/HB 161, with 1 amendment (fiscal note attached)
HB 1669, with 1 amendment (fiscal note attached)

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

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

CS/HB 987 (fiscal note attached)
HB 1905, with 2 amendments (fiscal note attached)

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

The Committee on Criminal Justice Appropriations recommends the following pass:

CS/HB 341 (fiscal note attached)
CS/HB 1131 (fiscal note attached)

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

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

CS/HB 973 (fiscal note attached)
CS/HB 1121, with 1 amendment (fiscal note attached)

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

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

HB 1433 (fiscal note attached)

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

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

HB 1765

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 1765 was laid on the table.

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

HB 1253

The above committee substitute was referred to the Council for Healthy Communities, subject to review under Rule 6.3, and, under the rule, HB 1253 was laid on the table.

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

HB 735

The above committee substitute was referred to the Council for Smarter Government, subject to review under Rule 6.3, and, under the rule, HB 735 was laid on the table.

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

CS/HB 135, with 1 amendment (fiscal note attached)

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

The Committee on Education Innovation recommends a committee substitute for the following:

HB 1257

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1257 was laid on the table.

The Committee on Education Innovation recommends a committee substitute for the following:

HB 1361

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 1361 was laid on the table.

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

HB 1227

The above committee substitute was referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HB 1227 was laid on the table.

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

HB 1699

The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1699 was laid on the table.

Received April 19:

The Committee on Colleges & Universities recommends a committee substitute for the following:

HB 1375

The above committee substitute was referred to the Committee on Education Appropriations, subject to review under Rule 6.3, and, under the rule, HB 1375 was laid on the table.

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

HB 1231

The above committee substitute was referred to the Committee on Judicial Oversight, subject to review under Rule 6.3, and, under the rule, HB 1231 was laid on the table.

Received April 20:

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

HB 843, with 1 amendment
 HB 879
 HB 1855, with 1 amendment
 HB 1857, with 1 amendment
 HB 1859
 HB 1887, with 2 amendments
 HB 1897, with 4 amendments
 HB 1899, with 1 amendment
 HB 1903

The above bills were placed on the Calendar.

The Committee on Business Regulation recommends the following pass:
 HB 1789

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

The Committee on Fiscal Policy & Resources recommends the following pass:
 HB 1523 (fiscal note attached)

The above bill was referred to the Fiscal Responsibility Council.

The Committee on Fiscal Policy & Resources recommends the following pass:
 HB 1439, with 1 amendment (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
 HB 1043, with 1 amendment (fiscal note attached)
 HB 1491, with 2 amendments (fiscal note attached)
 HB 1635, with 1 amendment (fiscal note attached)

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

The Committee on Fiscal Policy & Resources recommends the following pass:
 HJR 99 (fiscal note attached)
 CS/HB 199 (fiscal note attached)
 HB 349, with 3 amendments (fiscal note attached)
 HB 1469 (fiscal note attached)

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

The Committee on Juvenile Justice recommends the following pass:
 HB 1771, with 1 amendment

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

The Committee on Business Regulation recommends the following pass:
 HB 1471, with 1 amendment

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

The Committee on Local Government & Veterans Affairs recommends the following pass:
 CS/HB 79

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

The Committee on Local Government & Veterans Affairs recommends the following pass:
 HB 1563

The above bill was referred to the Committee on Transportation & Economic Development Appropriations.

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

HB 935
 HB 941
 HB 1849, with 1 amendment

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

The Committee on Colleges & Universities recommends a committee substitute for the following:
 HB 1369

The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1369 was laid on the table.

The Committee on Education Innovation recommends a committee substitute for the following:
 HB 1495

The above committee substitute was referred to the Committee on State Administration, subject to review under Rule 6.3, and, under the rule, HB 1495 was laid on the table.

Received April 23:

The Committee on Fiscal Policy & Resources recommends a committee substitute for the following:
 HB 1893 (fiscal note attached)

The above committee substitute was referred to the Committee on Council for Ready Infrastructure, subject to review under Rule 6.3, and, under the rule, HB 1893 was laid on the table.

The Committee on Insurance recommends the following pass:
 HB 773, with 2 amendments
 HB 1643, with 1 amendment

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

The Committee on Insurance recommends the following pass:
 HB 381, with 2 amendments
 HB 1373, with 1 amendment

The above bills were referred to the Committee on Health & Human Services Appropriations.

The Committee on Local Government & Veterans Affairs recommends committee substitutes for the following:
 HB 1255
 HBs 1617 & 1487

The above committee substitutes were referred to the Committee on Fiscal Policy & Resources, subject to review under Rule 6.3, and, under the rule, HBs 1255, 1617, and 1487 were laid on the table.

The Committee on Insurance recommends the following pass:
 HB 291, with 1 amendment

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

Enrolling Reports

HB 407 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 18, 2001.

John B. Phelps, Clerk

CS/CS/HB 107 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 23, 2001.

John B. Phelps, Clerk

Communications

The Governor advised that he had filed in the Office of the Secretary of State CS/HB 141, which will become law on April 18, 2001 without his signature.

The Honorable Katherine Harris
Secretary of State

April 17, 2001

Dear Secretary Harris:

I hereby transmit to you without my signature House Bill 141, an act relating to adoption.

Over the last few weeks, the Office of the Governor has been involved in an education process spanning countless hours of meetings with the entities and individuals most engaged in the debate over House Bill 141.

This bill has presented our state with the opportunity to address a subject that presents emotional and complex issues of public policy. One thing is clear to me—there are good people who passionately support this reform and good people who passionately oppose it. I have listened to all points of view. There are legislators for whom I have the greatest respect who voted for and against this bill. Adoptive parents are both proponents and opponents of the bill. It is also apparent that the faith community is divided over the impacts of House Bill 141. So, too, are our statewide newspaper editorial boards. The public debate, though difficult, has highlighted the need for reform on this important issue.

House Bill 141 begins with the premise that we should bring more certainty to Florida's adoption procedures and laws. This certainty is designed to provide greater finality once the adoption is approved, and to avoid circumstances where future challenges to the adoption disrupt the life of the child. In order to accomplish this goal, a goal that most everyone believes is worthy, certain rights and responsibilities must be clearly enumerated at the outset of the adoption process, and procedures followed.

Adoption laws in the state attempt to strike the appropriate balance between the rights and responsibilities of three parties with a vested interest in the outcome—the birth mother, the birth father, and the adoptive parents. The child's safety, well-being, and permanency must be the paramount concern of these parties and the state. House Bill 141 is no different in attempting to balance rights and responsibilities. Where it is different is that it spells out these rights and responsibilities in the law, which in turn provides some comfort as well as discomfort for all groups involved in the process.

House Bill 141 establishes a clear and distinct two-step process for private adoptions similar to the process that already exists for adoptions handled by the Department of Children and Families and licensed adoption agencies. It sets forth explicit and extensive disclosure, consent, notice and hearing requirements in adoption proceedings. It requires 48 hours before the birth mother may consent to an adoption in an effort to provide more finality to her decision, and it clarifies and updates the criteria for the finding of abandonment.

However, House Bill 141 does have its deficiencies. Foremost, in its effort to strike the appropriate balance between rights and responsibilities, there is a shortage of responsibility on behalf of the birth father that could be corrected by requiring some proactive conduct on his part. Furthermore, while House Bill 141 restates current law that provides a two-year statute of repose for challenging an adoption based on fraud, it is clear that this two-year window causes much concern among adoption practitioners, agencies and members of the faith community. I, too, believe the current statute of repose may be too long. And finally, there is language in the bill that is unclear. The notice provisions do not accurately track the substantive law in the bill, and there are certain word changes that have given rise to the concern that birth fathers' rights are being unduly expanded.

The standard procedure in Tallahassee is to pass during the next legislative session what insiders call a "glitch bill" that would seek to cure many of these defects. And, in fact, at least one of the sponsors of the bill has indicated his willingness to do the same in the event there is a need next year.

A better alternative exists. Yesterday, the House of Representatives passed House Bill 415 prepared by Rep. Johnnie Byrd and Rep. Evelyn Lynn that uses House Bill 141 as its base, but addresses many of the concerns raised above.

First, it provides for a Paternity Registry similar to those already in existence in the vast majority of states around the country. This registry imposes a duty on the birth father to take affirmative action if he wants to later raise a parental claim. The registry, which will be well publicized, also gives greater finality to adoptions by cutting off a birth father's ability to later claim a child on the basis that he was unaware of the child's birth.

Second, and most important, the current two-year statute of repose to challenge an adoption will be further reduced to one year. Only two years ago, challenges to adoptions based on fraud could have been brought within four years. With the passage of this later corrective adoption bill, Florida will have reduced the amount of time an adoption can be challenged by 75 percent.

Third, the bill provides for mutuality of obligations among the parties. Under House Bill 141, in cases of fraud or duress, the adoption entities are strictly liable for attorney's fees and costs of the challenging birth parent if that birth parent prevails. House Bill 415 provides more parity by requiring a "loser pays" system that will award attorney's fees and costs to the prevailing party in such a challenge.

Fourth, some of the publication requirements imposed in House Bill 141 have been scaled back to current practice in order to avoid higher adoption costs and public exposure to women who undertake this difficult decision.

And finally, many of the drafting problems with House Bill 141 are corrected in this later filed bill. Consistency is restored between the notice provisions and substantive law, and words are deleted that were causing adoption attorneys and other adoption entities some concern.

While House Bill 415 as a corrective measure will be portrayed by some as an elusive attempt to compromise, I believe it addresses many of the issues that were raised by those who opposed the adoption bill. In addition, I have received a commitment from the Senate sponsor of House Bill 141 that House Bill 415 will be favorably reported to and acted on in the Florida Senate. In fact, this commitment was a precondition to my allowing House Bill 141 to become law without signature. As the later enacted legislation, House Bill 415 will supercede and complement House Bill 141.

Of course, not all the concerns related to House Bill 141 are addressed in the later-filed legislation, but the legislative process rarely yields a work product on such a sensitive matter that satisfies everyone. That fact, in and of itself, should be no reason to stymie reform.

Our own United States Constitution was the product of a similar process. Amid resistance by some to sign the Constitution, our great founding father Ben Franklin said, "I cannot help expressing a wish that every member of the convention who may still have objections to it would with me on this occasion doubt a little of his own infallibility. . . ." because after all, Franklin was "not sure that it is not the best" product given the joint wisdom, passions, prejudices, and even errors of opinion of those who created the document. So it is the same with the adoption reform embodied in both House Bill 141 and House Bill 415, and that we must doubt a little of our own infallibility.

I look forward to receiving House Bill 415, and to turning our future thoughts to the means of having our new adoption laws well-administered.

Sincerely,
JEB BUSH
Governor

Recorded Votes

Rep. Bean:

Yeas—HR 9067

Rep. Gibson:

Yeas—Passage of CS/CS/HB 107 after concurrence in Senate Amendments 1 and 2

Rep. Heyman:

Yeas—CS/HB 409; motion to consider a late-filed amendment to Substitute Amendment 1 to HB 1083

Change from Yeas to Nays—Amendment 1 to Substitute Amendment 1 to HB 1083

Change from Nays to Yeas—HB 1083

Rep. Mahon:

Yeas—HR 9067

Rep. Maygarden:

Yeas—HB 1715

Rep. Meadows:

Change from Yeas to Nays—CS/HB 339

Change from Nays to Yeas—HB 45

Rep. Rich:

Change from Yeas to Nays—Prefile Amendment 61 to HB 1807

Disclosure of Interest

On April 16, 2001 the Florida House of Representatives voted on CS/HB 339, related to Certificate of Need and Open Heart Surgery. This bill has the potential to grant Martin Memorial Hospital an Open Heart Program.

Currently I am in negotiation with that hospital for their purchase of property located at 707 East Osceola Street of which I am a partial owner.

I requested an opinion on the potential conflict of interest in this matter from Mr. Tom Tedcastle, General Counsel to the Florida House of Representatives, on April 10, 2001. I was subsequently advised by the General Counsel that since the purchase of the property is not contingent on the passage of CS/HB 339 and I have no personal financial interest in the passage of the bill, I am required to vote on CS/HB 339.

In order to avoid any appearance of an ethical violation, I am hereby providing disclosure of Martin Memorial Medical System's potential benefit from CS/HB 339 and their possible purchase of said property.

Rep. Gayle B. Harrell
District 81

Cosponsors

HJR 49—McGriff
CS/HB 73—Dockery, Murman
CS/HB 79—Sobel
HB 189—Spratt
CS/HB 239—Slosberg
CS/HB 267—Andrews, Attkisson, Bendross-Mindingall, Betancourt, Farkas, Fiorentino, Harrington, Melvin, Prieguez, Wilson

HB 301—Bullard
CS/HB 341—Bullard
CS/HB 411—Haridopolos
HB 419—Heyman
CS/HB 427—Lerner
HB 449—Dockery, Kendrick, Murman
CS/CS/HB 453—Dockery, Murman
CS/HB 463—Detert, McGriff, Melvin
HB 465—Wiles
HB 489—Farkas, Paul
HB 553—Diaz de la Portilla
HB 559—Bendross-Mindingall, Berfield, Bilirakis, Carassas, Crow, Farkas, Fields, Henriquez, Joyner, Justice, Richardson, Wallace, Waters, Wilson
HB 593—Dockery
CS/HB 605—Fiorentino
CS/HB 617—Gannon, Heyman, McGriff, Romeo
HB 621—Atwater, Diaz de la Portilla, Gannon, Siplin, Weissman
HB 635—Fiorentino
HB 649—Detert
HB 651—Attkisson, Baxley, Detert, Johnson, Peterman
HB 701—Needelman
CS/HB 705—Murman
CS/HBs 715 & 1355—Fiorentino
HB 875—Negron
HB 947—Kottkamp
HB 953—Wishner
CS/HB 987—Diaz-Balart
HB 997—Fiorentino
HB 1047—Jordan
CS/HB 1073—Fiorentino, Sobel
HB 1089—Carassas
HB 1099—Bendross-Mindingall
CS/HB 1131—Bullard, Harper
CS/HM 1177—Green
CS/HB 1199—Dockery, Murman
HB 1221—Murman
HB 1225—Bean
HB 1237—Ritter
HB 1485—Argenziano, Bense, Ross
HB 1547—Wishner
HB 1555—Bendross-Mindingall, Harper, Harrington, Romeo, Siplin, Smith
HB 1595—Lerner
HB 1687—Bullard, Russell
HB 1799—Fiorentino, Green
HB 1879—Murman
HB 1881—Murman
HB 1889—Allen, Andrews, Atwater, Bean, Berfield, Bucher, Crow, Detert, Farkas, Flanagan, Gottlieb, Harper, Harrell, Hogan, Jennings, Joyner, Justice, Kallinger, Littlefield, Machek, Mayfield, McGriff, Meador, Ross, Slosberg, Stansel, Trovillion, Wishner
HB 1943—Brown, Byrd, Farkas, Haridopolos, Kyle, Melvin, Murman, Negron, Ross, Wallace
HR 9063—Crow

Withdrawals as Cosponsor

HB 921—Flanagan