



# The Journal OF THE House of Representatives

FIFTH SPECIAL SESSION—"E" of 2000-2002

Number 2

Thursday, May 2, 2002

The House was called to order by the Speaker at 10:00 a.m.

## Prayer

The following prayer was offered by the Reverend Tenney Olsen, Senior Pastor of Harvest Outreach Center Church of Tallahassee:

Dear God, we bow our hearts before You this day on this special National Day of Prayer, the 51<sup>st</sup> consecutive observance of the National Day of Prayer, as established by Congress. As I've been granted this very special privilege today to offer a prayer on behalf of the Members of the House of Representatives, I ask You to touch them in a very special way. These are men and women whom You've called to care for the business of this beautiful state. I ask that You would guide them today with Your divine presence; grant them wisdom. May they be able to hear Your voice as they seek the well-being of the citizens of this great state and deal with so many difficult issues. May they be stewards of the trust that You have placed in their hands.

I ask that You would touch each one of them personally as well as their families and loved ones. Many have personal needs and challenges, yet they've taken the time to be here and to serve the people. I ask that You would bless them in a special way while they do so.

As we pray for this House today, we also want to remember our Senate, our Governor, and his Cabinet members, and the Justices of the Supreme Court. May today be a productive day as we work together to seek Your will and to serve Your people.

We ask especially today, on this National Day of Prayer, that we would recognize our need of You, and to keep Your hand upon our nation and to guide us. As our President, President Bush, has stated in his National Day of Prayer proclamation a few days ago, prayer has comforted us in sorrow and will help us and strengthen us for the journey. So we thank You, Lord, for Your blessing upon us today.

I pray this in Jesus' name. Amen.

The following Members were recorded present:

Session Vote Sequence: 1335

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

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

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

A quorum was present.

## Pledge

The Members, led by Kevin Flanagan and Stephanie Ritter, pledged allegiance to the Flag. Kevin Flanagan served at the invitation of his father, Rep. Flanagan. Stephanie Ritter served at the invitation of her mother, Rep. Ritter.

The following expanded proclamation was read:

### PROCLAMATION

State of Florida  
Executive Office of the Governor  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES

WHEREAS, the 2002 regular session of the Legislature of the State of Florida Legislature adjourned on March 22 without passing a General Appropriations Act for fiscal year 2002-2003; and

WHEREAS, the Legislature also adjourned without completing its consideration of other legislation important for efficient and safe operation of the state; and

WHEREAS, it is in the best interest of the people of the state of Florida that the legislature act expeditiously to complete its work to

provide appropriations for the upcoming fiscal year, and to complete its consideration of other legislation important for the efficient and safe operation of the state; and

WHEREAS, I have called a Special Session commencing at 1:00 p.m., Monday, April 29, 2002, and extending through 11:59 p.m., Monday, May 13, 2002; and

WHEREAS, it is prudent to expand the call for this Special Session;

NOW, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

The call to the Legislature of the State of Florida is expanded for the sole purpose of considering the following:

- A. Legislation dealing with the subject matter of the falsification of records of the Department of Children and Families and other state agencies relating to persons in the care or custody of the state.
- B. Legislation dealing with requiring a sound fiscal impact to be established and noted on the ballot for proposed constitutional amendments.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 1<sup>st</sup> day of May, 2002.

JEB BUSH  
Governor

ATTEST:

KATHERINE HARRIS  
Secretary of State

**Correction of the Journal**

The Journals of April 5, Special Session “D,” and May 1, Special Session “E,” were corrected and approved as corrected.

**Introduction and Reference**

Rep. Paul moved that **CS/HB 21-E** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote.

Rep. Fasano moved that **HB 23-E** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was not agreed to by the required constitutional two-thirds vote and **HB 23-E** was not admitted for introduction. The vote was:

Session Vote Sequence: 1336

Yeas—74

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

Hogan	Littlefield	Murman	Simmons
Johnson	Lynn	Needelman	Sorensen
Kallinger	Mack	Negron	Spratt
Kilmer	Mahon	Paul	Stansel
Kottkamp	Mayfield	Pickens	Trovillion
Kravitz	Maygarden	Prieguez	Wallace
Kyle	Mealor	Rubio	
Lacasa	Melvin	Russell	

Nays—41

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

Votes after roll call:

Yeas—Ross

Rep. Byrd moved that **HB 41-E** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote.

Rep. Byrd moved that **HB 67-E** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote.

Rep. Brummer moved that **HB 69-E** be admitted for introduction, the Speaker having ruled the measure was outside the purview of the Call.

The motion was agreed to by the required constitutional two-thirds vote.

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney* May 1, 2002  
*Speaker, House of Representatives*

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits as Special Orders for Thursday, May 2, 2002. Consideration of the House Bills on Special Orders shall include the Senate Companion Measures on the House Calendar.

- I. Consideration of the following bill(s):
  - SB 20-E—Villalobos  
Education
  - HB 43-E—Byrd  
Not-for-profit Corp./Confidentiality
  - HB 27-E—Lacasa  
Appropriations
  - HB 29-E—Lacasa  
Appropriations Implementing Bill
  - HB 5-E—Lacasa  
Miami-Dade Co. Home Rule Charter
  - HB 9-E—Wallace  
Job Creation & Worker Assistance Act
  - HB 49-E—Kilmer  
Economic Development
  - HB 65-E—Goodlette  
Constitution/Amendments/Initiatives

HB 15-E—Crow  
 Controlled Substances  
 (PENDING COMMITTEE ACTION AS A COMMITTEE  
 SUBSTITUTE)  
 HB 35-E—Crow  
 Public Records/Rx Recipient ID  
 HB 3-E—Alexander  
 Governmental Reorganization  
 HB 37-E—Diaz-Balart  
 Health Care/Health Flex Plans  
 HB 11-E—Lynn  
 Dale Hickam Excellent Teaching  
 SB 6-E—Sullivan  
 Dale Hickam Excellent Teaching

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

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

On motion by Rep. Byrd, by the required two-thirds vote, **HB 53-E**, **HB 55-E**, **HB 57-E**, and **HB 59-E** were added to the Special Order Calendar after HB 29-E.

On motion by Rep. Byrd, by the required two-thirds vote, **HB 71-E** was added to the Special Order Calendar after HB 37-E.

On motion by Rep. Byrd, by the required two-thirds vote, **CS/HB 21-E** was added to the Special Order Calendar after HB 3-E.

On motion by Rep. Byrd, by the required two-thirds vote, **HB 69-E** was added to the Special Order Calendar after HB 9-E.

On motion by Rep. Byrd, by the required two-thirds vote, **HB 41-E** and **HB 67-E** were added to the Special Order Calendar after HB 11-E.

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

## Special Orders

### Special Order Calendar

**SB 20-E**—A bill to be entitled An act relating to education and matters connected therewith; creating the “Florida K-20 Education Code”; creating ch. 1000, F.S., entitled “K-20 General Provisions,” consisting of part I relating to general provisions, part II relating to systemwide definitions, and part III relating to educational compacts; creating ch. 1001, F.S., entitled “K-20 Governance,” consisting of part I relating to state-level governance, part II relating to school district governance, part III relating to community colleges, and part IV relating to state universities; creating ch. 1002, F.S., entitled “Student and Parental Rights and Educational Choices,” consisting of part I relating to general provisions, part II relating to student and parental rights, part III relating to educational choice, and part IV relating to home education, private schools, and other education options; creating ch. 1003, F.S., entitled “Public K-12 Education,” consisting of part I relating to general provisions, part II relating to school attendance, part III relating to control of students, part IV relating to public K-12 educational instruction, part V relating to specialized instruction for certain public K-12 students, and part VI relating to pilot public K-12 education programs; creating ch. 1004, F.S., entitled “Public Postsecondary Education,” consisting of part I relating to general provisions, part II relating to state universities, part III relating to community colleges, and part IV relating to workforce development education; creating ch. 1005, F.S., entitled “Nonpublic Postsecondary Education,” consisting of part I relating to general provisions, part II relating to the Commission for Independent Education, and part III relating to licensure of nonpublic postsecondary educational institutions; creating ch. 1006, F.S., entitled “Support for Learning and Student Services,” consisting of part I relating to public K-12 education support for learning and student services and part II relating to postsecondary educational institutions; creating ch. 1007, F.S., entitled “Access and Articulation,” consisting of part I relating to general

provisions, part II relating to articulation, and part III relating to access to postsecondary education; creating ch. 1008, F.S., entitled “Assessment and Accountability,” consisting of part I relating to assessment, part II relating to accountability, and part III relating to the Council for Education Policy Research and Improvement; creating ch. 1009, F.S., entitled “Educational Scholarships, Fees, and Financial Assistance,” consisting of part I relating to general provisions, part II relating to postsecondary student fees, part III relating to financial assistance, part IV relating to prepaid college board programs, and part V relating to the Florida higher education loan authority; creating ch. 1010, F.S., entitled “Financial Matters,” consisting of part I relating to general accounting requirements, part II relating to financial reporting, part III relating to audit requirements and procedures, part IV relating to bonding, and part V relating to trust funds; creating ch. 1011, F.S., entitled “Planning and Budgeting,” consisting of part I relating to preparation, adoption, and implementation of budgets, part II relating to funding for school districts, part III relating to funding for workforce education, part IV relating to funding for community colleges, and part V relating to funding for state universities; creating ch. 1012, F.S., entitled “Personnel,” consisting of part I relating to general provisions, part II relating to K-20 personnel issues, part III relating to public schools personnel, part IV relating to public postsecondary educational institutions personnel, part V relating to professional development, and part VI relating to the interstate compact on qualifications of educational personnel; creating ch. 1013, F.S., entitled “Educational Facilities,” consisting of part I relating to functions of the Department of Education, part II relating to use and management of educational facilities, part III relating to planning and construction of educational facilities, and part IV relating to funding for educational facilities; reenacting and amending s. 20.15, F.S., relating to the Department of Education, to conform; amending ss. 11.061, 11.40, 11.45, 23.1225, 24.121, 39.0015, 39.407, 61.13015, 105.061, 110.1228, 110.123, 110.151, 110.181, 110.205, 112.1915, 112.313, 120.52, 120.55, 120.81, 121.051, 121.091, 145.131, 145.19, 153.77, 159.27, 163.3177, 163.3191, 195.096, 196.012, 196.031, 196.1983, 200.001, 200.065, 200.069, 201.24, 210.20, 212.04, 212.0602, 212.08, 213.053, 215.20, 215.82, 216.181, 216.301, 218.39, 220.183, 222.22, 250.115, 255.0515, 255.0516, 265.2861, 265.603, 267.173, 267.1732, 282.005, 282.103, 282.105, 282.106, 282.3031, 282.3063, 282.310, 284.34, 285.18, 287.042, 287.055, 287.064, 288.039, 288.8175, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 316.003, 316.027, 316.515, 316.6145, 316.615, 316.70, 316.72, 318.12, 318.14, 320.08058, 320.20, 320.38, 322.031, 322.091, 322.095, 322.21, 333.03, 364.508, 380.0651, 381.003, 381.005, 381.0056, 381.0302, 391.055, 393.0657, 394.4572, 394.495, 394.498, 395.602, 395.605, 397.405, 397.451, 397.951, 402.22, 402.302, 402.3057, 409.145, 409.1757, 409.2598, 409.9071, 409.908, 409.9122, 411.01, 411.203, 411.223, 414.1251, 440.16, 445.04, 445.0121, 445.024, 447.203, 447.301, 447.403, 450.081, 450.121, 458.3145, 458.324, 459.0125, 468.1115, 468.607, 468.723, 471.0035, 476.114, 476.144, 476.178, 477.0132, 477.019, 477.0201, 477.023, 480.033, 481.229, 488.01, 553.415, 559.902, 589.09, 627.733, 627.742, 627.912, 633.445, 633.50, 732.402, 784.081, 817.566, 817.567, 877.18, 921.187, 943.10, 943.22, 944.801, 948.03, 984.03, 984.05, 984.151, 984.19, 985.03, 985.04, 985.316, and 985.412, F.S.; conforming provisions and cross references; revising provisions relating to audits of the accounts and records of district school boards; providing purpose of this act; authorizing activities relating to the reorganization of the Department of Education and implementation of changes to the state system of education; repealing s. 187.201(1), F.S., relating to the education goals and policies of the State Comprehensive Plan; repealing s. 2 of ch. 2000-181, Laws of Florida, relating to the repeal of s. 236.081, F.S., effective June 30, 2004; repealing part I of ch. 243, F.S., relating to the educational institutions law, and ch. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 244, and 246, F.S., relating to public education general provisions, functions of state educational agencies, the district school system, personnel of the school system, compulsory school attendance and child welfare, courses of study and instructional aids, transportation of school children, educational facilities, finance and taxation of schools, financial accounts and expenditures for public schools, vocational, adult, and community education, postsecondary education, distance learning, specialized state educational institutions, educational compacts, and nonpublic postsecondary institutions; providing duties of the Division of Statutory

Revision; providing for review of ch. 1000-1013, F.S., during the 2003 Regular Session; requiring each district school board to develop a plan for a K-12 foreign language curriculum; amending s. 110.1099, F.S.; deleting a requirement that credit hours generated by state employee fee waivers be fundable credit hours; providing for severability; providing effective dates.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Richardson and Kosmas offered the following:

(Amendment Bar Code: 630831)

**Amendment 1**—On page 215, line 18 through page 218, line 10, remove: all of said lines

and insert: *calendar days after notification of the appeal. The State Board of Education shall by majority vote accept or reject the decision of the district school board no later than 60 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the district school board's denial of the charter application. The State Board of Education shall remand the application to the district school board with its written recommendation that the district school board approve or deny the application consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.*

*(c) The district school board must act upon the recommendation of the State Board of Education within 30 calendar days after it is received. The district school board may fail to act in accordance with the recommendation of the state board only for good cause. Good cause for failing to act in accordance with the state board's recommendation arises only if the district school board determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or contrary to the best interest of the pupils or the community. The district school board must articulate in written findings the specific reasons based upon good cause supporting its failure to act in accordance with the state board's recommendation. The district school board's action on the state board's recommendation is a final action subject to judicial review.*

(and redesignate subsequent paragraphs)

Rep. Richardson moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Melvin, the rules were waived and SB 20-E was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on the passage of SB 20-E. The vote was:

Session Vote Sequence: 1337

Yeas—76

The Chair	Baker	Berfield	Clarke
Alexander	Ball	Bilirakis	Crow
Allen	Barreiro	Bowen	Davis
Andrews	Baxley	Brown	Detert
Argenziano	Bean	Brummer	Diaz de la Portilla
Arza	Bennett	Byrd	Diaz-Balart
Attkisson	Bense	Cantens	Dockery
Atwater	Benson	Carassas	Evers

Farkas	Harrington	Lynn	Pickens
Fasano	Hogan	Mack	Prieguez
Fiorentino	Johnson	Mahon	Rubio
Flanagan	Kallinger	Mayfield	Russell
Garcia	Kendrick	Maygarden	Simmons
Gardiner	Kilmer	Mealor	Sorensen
Gibson	Kottkamp	Melvin	Spratt
Goodlette	Kravitz	Murman	Stansel
Green	Kyle	Needelman	Trovillion
Haridopolos	Lacasa	Negron	Wallace
Harrell	Littlefield	Paul	Waters

Nays—39

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

Votes after roll call:

Yeas—Ross

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

Introduction and Reference

By Representatives Byrd and Fasano—

**HB 41-E**—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; increasing that portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute to finance a cancer research facility at the University of South Florida; amending s. 210.201, F.S.; providing for the use of the transferred moneys; authorizing, rather than requiring, replacement of such moneys by tobacco settlement proceeds; providing an effective date.

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

By Representative Byrd—

**HB 67-E**—A bill to be entitled An act relating to boards of trustees of state universities; amending s. 766.112, F.S.; prescribing applicability of provisions relating to comparative fault with respect to medical malpractice to boards of trustees; amending s. 768.28, F.S.; providing for venue of actions brought against boards of trustees; providing for applicability of provisions relating to waiver of sovereign immunity to boards of trustees; amending s. 626.852, F.S.; providing for the inapplicability of certain provisions relating to insurance adjusters to employees and agents of boards of trustees; providing an effective date.

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

By Representatives Brummer and Johnson—

**HB 69-E**—A bill to be entitled An act relating to the Transportation Disadvantaged Program; amending s. 343.64, F.S.; prohibiting the Central Florida Regional Transportation Authority from serving as a community transportation coordinator; requiring the Commission for the Transportation Disadvantaged to evaluate performance of the authority as a community transportation coordinator; requiring a report to the Legislature; providing for the authority to continue as a community transportation coordinator upon certain findings by the Legislature; repealing section 1, SB 100, 2002 Regular Session, relating to the authority acting as a community transportation coordinator; providing an effective date.

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

By the Fiscal Responsibility Council; Representative Murman—

**HB 53-E**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement for local substance abuse and mental health programs; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department for assistance for needy families; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of specified hospital complexes and providing for the use of the proceeds; providing an effective date.

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

By the Fiscal Responsibility Council; Representative Johnson—

**HB 55-E**—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Education; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By the Fiscal Responsibility Council; Representative Johnson—

**HB 57-E**—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

By the Fiscal Responsibility Council; Representative Murman—

**HB 59-E**—A bill to be entitled An act relating to health care; amending s. 112.3187, F.S.; revising procedures and requirements relating to whistle-blower protection for reporting Medicaid fraud or abuse; amending s. 400.179, F.S.; providing an alternative to certain bond requirements for protection against nursing home Medicaid overpayments; providing for review and rulemaking authority of the Agency for Health Care Administration; providing for future repeal; requiring a report; creating s. 408.831, F.S.; authorizing the Agency for Health Care Administration to take action against a regulated entity under certain circumstances; reenacting s. 409.8132(4), F.S., to incorporate amendments to ss. 409.902, 409.907, 409.908, and 409.913, F.S., in references thereto; amending s. 409.8177, F.S.; requiring the agency to contract for evaluation of the Florida Kidcare program; amending s. 409.902, F.S.; requiring consent for release of medical records to the agency and the Medicaid Fraud Control Unit as a condition of Medicaid eligibility; amending s. 409.903, F.S.; revising eligibility for certain Medicaid mandatory medical assistance; amending s. 409.904, F.S.; revising eligibility standards for certain Medicaid optional medical assistance; amending s. 409.9065, F.S.; revising eligibility standards for the pharmaceutical expense assistance program; amending s. 409.907, F.S.; prescribing additional requirements with respect to Medicaid provider enrollment; requiring the agency to deny a provider's application under certain circumstances; amending s. 409.908, F.S.; requiring retroactive calculation of cost report if requirements for cost reporting are not met; revising provisions relating to rate adjustments to offset the cost of general and professional liability insurance for nursing homes; extending authorization for special Medicaid payments to qualified providers; providing for

intergovernmental transfer of payments; amending s. 409.911, F.S.; expanding application of definitions; amending s. 409.9116, F.S.; revising applicability of the disproportionate share/financial assistance program for rural hospitals; amending s. 409.91195, F.S.; granting interested parties opportunity to present public testimony before the Medicaid Pharmaceutical and Therapeutics Committee; amending s. 409.912, F.S.; providing requirements for contracts for Medicaid behavioral health care services; amending s. 409.9122, F.S.; revising procedures relating to assignment of a Medicaid recipient to a managed care plan or MediPass provider; granting agency discretion to renew contracts; amending s. 409.913, F.S.; requiring the agency and the Medicaid Fraud Control Unit to annually submit a joint report to the Legislature; defining the term "complaint" with respect to Medicaid fraud or abuse; specifying additional requirements for the Medicaid program integrity program and the Medicaid Fraud Control Unit; providing additional sanctions and disincentives which may be imposed; providing additional grounds for termination of a provider's participation in the Medicaid program; providing additional requirements for administrative hearings; providing additional grounds for withholding payments to a provider; authorizing the agency and the Medicaid Fraud Control Unit to review certain records; amending s. 409.920, F.S.; providing additional duties of the Attorney General with respect to Medicaid fraud control; amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids program; prescribing duties of the corporation in establishing local match requirements; revising composition of the board of directors; amending s. 383.19, F.S.; revising limitation on the establishment of regional perinatal intensive care centers; amending s. 393.063, F.S.; revising definition of the term "intermediate care facility for the developmentally disabled" for purposes of ch. 393, F.S.; amending ss. 400.965 and 400.968, F.S.; providing penalties for violation of pt. XI of ch. 400, F.S., relating to intermediate care facilities for developmentally disabled persons; requiring the Department of Children and Family Services to develop and implement a comprehensive redesign of the home and community-based services delivery system for persons with developmental disabilities; restricting certain release of funds; providing an implementation schedule; requiring the Agency for Health Care Administration to conduct a study of health care services provided to children who are medically fragile or dependent on medical technology; requiring the agency to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan or seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership and duties of the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; requiring the agency to make recommendations to the Legislature regarding limitations on certain Medicaid provider reimbursements; providing guidelines for the agency regarding distribution of disproportionate share funds during the 2002-2003 fiscal year; directing the Office of Program Policy Analysis and Government Accountability to perform a study of county contributions to Medicaid nursing home costs; requiring a report and recommendations; repealing s. 1, ch. 2001-377, Laws of Florida, relating to eligibility of specified persons for certain optional medical assistance; providing severability; providing effective dates.

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

By Representatives Murman and Detert—

**HB 71-E**—A bill to be entitled An act relating to the Department of Children and Family Services; creating s. 839.27, F.S.; providing definitions; specifying unlawful acts relating to records of investigations of abuse of a child, elderly person, or disabled adult; providing penalties; requiring imposition of sentence for violations; providing for certain disposal or archiving of records; providing for certain correcting and updating of records; providing an effective date.

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

By the Committee on State Administration; Representatives Paul and Flanagan—

**CS/HB 21-E**—A bill to be entitled An act relating to maintenance of official records; providing a process for removal from official records of specified armed forces military-separation forms upon the request of a veteran of the United States Armed Forces or a specified representative thereof; providing requirements with respect thereto; requiring the county recorder to provide specified written notice; providing an effective date.

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

## Continuation of Special Orders

### Continuation of Special Order Calendar

**HB 43-E**—A bill to be entitled An act relating to the confidentiality of information relating to the not-for-profit corporation which governs and operates the Florida Alzheimer's Center and Research Institute or its subsidiaries; providing exemptions from the public records and meetings provisions of the Florida Constitution and Florida law for certain records and meetings of the not-for-profit corporation governing and operating the Florida Alzheimer's Center and Research Institute and of certain records and meetings of subsidiaries of such not-for-profit corporation; providing a statement of public necessity for such exemptions; providing a contingent effective date.

—was read the second time by title.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 224155)

**Amendment 1 (with title amendment)**—  
Remove everything after the enacting clause

and insert:

Section 1. *The following information is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, and s. 24, Article I, of the State Constitution:*

1. *Identifying information regarding clients of programs created or funded through the Florida Alzheimer's Center and Research Institute which is held by the Institute, University of South Florida, State Board of Education or by persons who provide services to clients of programs created or funded through contracts with the Florida Alzheimer's Center and Research Institute;*

2. *Any medical or health records regarding patients that may be created or received by the Institute;*

3. *Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.02, Florida Statutes, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the Institute;*

4. *The identity of a donor or prospective donor to the Florida Alzheimer's Center and Research Institute who desires to remain anonymous and all information identifying such donor or prospective donor;*

5. *Any information received by the Institute in the performance of its duties and responsibilities which is otherwise confidential and exempt by law; and*

6. *Any information received by the Institute from a person from another state or nation or the federal government which is otherwise confidential or exempt pursuant to that state's or nation's laws or pursuant to federal law.*

*Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and*

*responsibilities shall have access to such information and shall otherwise keep such information confidential and exempt. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that is a public necessity that personal, medical, or health information about clients or patients that is created or received by the Florida Alzheimer's Center and Research Institute be made confidential and exempt from public disclosure because access to such personal, medical, or health information about clients or patients of the Florida Alzheimer's Center and Research Institute would be an unwarranted invasion of a client's or patient's right to privacy and that the misuse of such sensitive personal, medical, or health information could be detrimental to the health, safety, or welfare of the client or patient. The Legislature finds that it is a public necessity that information regarding materials that relate to methods of manufacture or production, potential trade secrets, potential patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted through the Florida Alzheimer's Center and Research Institute be made confidential and exempt from public disclosure because the disclosure of such information would impede the effective and efficient operation of the Florida Alzheimer's Center and Research Institute and would create an unfair competitive advantage for persons or entities receiving such information. The Legislature further finds that it is a public necessity that information regarding donors or prospective donors to the Florida Alzheimer's Center and Research Institute who wish to remain anonymous remain confidential and exempt from public disclosure because the disclosure of such information would have a chilling effect on the efforts of the Florida Alzheimer's Center and Research Institute to solicit such donations as the donors or prospective donors would be publicly identified against their wishes. Any information shared with the Institute by others not subject to this state's laws which is otherwise confidential or exempt must also not be disclosed because to do otherwise would discourage others from sharing needed information with the Institute which would impede the effective and efficient performance of the Institute.*

Section 3. This act shall take effect July 1, 2002, if HB 37-E or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

And the title is amended as follows:

On page 1, lines 3 through 16,  
remove: all of said lines

and insert: certain information held by the Florida Alzheimer's Center and Research Institute and others, creating an exemption from the public records provisions of the Florida Constitution and Florida law for certain information relating to clients and patients and donors as well as medical and health records, and certain proprietary and trade secret information; providing a statement of public necessity for such exemptions; providing for future repeal; providing a contingent effective date.

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

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

**HB 27-E**—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2002, and ending June 30, 2003, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Recessed

On motion by Rep. Goodlette, the House recessed at 11:54 a.m., to reconvene at 1:45 p.m. today.

Reconvened

The House was called to order by the Speaker at 1:45 p.m. A quorum was present [Session Vote Sequence: 1338].

The House returned to consideration of HB 27-E.

REPRESENTATIVE BALL IN THE CHAIR

REPRESENTATIVE MAYGARDEN IN THE CHAIR

THE SPEAKER IN THE CHAIR

Representative(s) Richardson offered the following:

(Amendment Bar Code: 990129)

Prefile Amendment 1—

In Section: 01 On Page: 001 Specific Appropriation: 1A DELETED INSERT

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Program: Education - Fixed Capital Outlay

1A In Section 01 On Page 001 Grants And Aids To Local Governments And Nonstate Entities - Fixed Capital Outlay Residential Charter Schools

From Educational Enhancement Trust Fund 5,000,000 0

DELETE the proviso immediately following Specific Appropriation 1A:

Funds provided in Specific Appropriation 1A are for planning, site acquisition and preparation, and partial construction of a residential charter high school aimed at providing educational services for 100 at-risk residential students. The Department of Education shall solicit proposals for the design, construction and operation of the facility. All proposals shall be available for review by the Legislative Budget Commission prior to selection of the vendor. The Commission may provide recommendations on any proposal to the Department.

Public Schools, Division Of Program: State Grants/K-12 Programs - FEFP

4 In Section 01 On Page 002 Aid To Local Governments Grants And Aids - District Lottery And School Recognition Program

From Educational Enhancement Trust Fund 306,925,000 311,925,000

Rep. Richardson moved the adoption of the amendment, which failed of adoption.

Representative(s) Frankel, Ryan, and Bendross-Mindingall offered the following:

(Amendment Bar Code: 990130)

Prefile Amendment 2—

In Section: 02 On Page: 020 Specific Appropriation: 106B DELETED INSERT

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Public Schools, Division Of Program: State Grants/K-12 Programs - FEFP

106B In Section 02 On Page 020 Aid To Local Governments Grants And Aids - Class Size Reduction

From General Revenue Fund 262,000,000

Immediately following Specific Appropriation 106B, INSERT:

Funds provided in Specific Appropriation 106B are contingent upon HB 61-E becoming law, specifying the nonapplication of certain provisions of the Internal Revenue Code under the Florida Income Tax code, eliminating application of the new federal depreciation provisions to the Florida Corporate Income Tax Code.

Rep. Frankel moved the adoption of the amendment.

Point of Order

Rep. Fasano raised a point of order, under Rule 12.5(a).

The Chair [Speaker Feeney], upon the recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, ruled the point well taken and the amendment out of order.

Prefile Amendments 3, 4, 5, and 6 were withdrawn.

Representative(s) Gelber, Henriquez, Bendross-Mindingall, and Gannon offered the following:

(Amendment Bar Code: 990135)

Prefile Amendment 7—

In Section: 02 On Page: 020 Specific Appropriation: 106B DELETED INSERT

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Grants/K-12 Programs - FEFP

106B In Section 02 On Page 020 Aid To Local Governments Teacher Salaries

From General Revenue Fund 262,000,000

Following Specific Appropriation 106B, INSERT:

Funds provided in Specific Appropriation 106B are contingent upon HB 61-E becoming law, specifying the nonapplication of certain provisions of the Internal Revenue Code under the Florida Income Tax Code, eliminating application of the new federal depreciation provisions to the Florida Corporate Income Tax Code.

Funds provided in Specific Appropriation 106B shall allocated by prorating the amount of the appropriation on each district's K-12 base funding.

Rep. Gelber moved the adoption of the amendment.

Point of Order

Rep. Fasano raised a point of order, under Rule 12.5(a).

The Chair [Speaker Feeney], upon the recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, ruled the point well taken and the amendment out of order.

Representative(s) Lynn offered the following:

(Amendment Bar Code: 990136)

In Section: 41 On Page: 392 Specific Appropriation: DELETE INSERT

**Prefile Amendment 8—**

In Section: 03 On Page: 078 Specific Appropriation: 411 DELETE INSERT

In Section 41 On Page 392

CHILDREN AND FAMILIES, DEPARTMENT OF Services  
Program: Substance Abuse Program  
Adult Substance Abuse Prevention, Evaluation And Treatment Services

INSERT A NEW SECTION 41:

SECTION 41. There is hereby appropriated \$10,921,380 from the Working Capital Fund to increase Specific Appropriation 210 - Adult Dental, Visual and Hearing Services.

Rep. Joyner moved the adoption of the amendment.

411 In Section 03 On Page 078  
Special Categories  
Substance Abuse Programs  
From General Revenue Fund 3,009,217 3,084,217

**Point of Order**

Rep. Fasano raised a point of order, under Rule 12.5(a).

The Chair [Speaker Feeney], upon recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, ruled the point well taken and the amendment out of order.

In Section 03, on Page 78, DELETE the following:

New Beginnings Program Renewal - Volusia..... 75,000

and insert in lieu thereof:

New Beginnings Program Renewal - Volusia..... 150,000

Administration  
Program: Support Services  
Assistant Secretary For Administration

**Motion**

Rep. Joyner moved to waive the rules to allow consideration of **Prefile Amendment 11**, the Chair's ruling notwithstanding, which was not agreed to by the required two-thirds vote. The vote was:

292 In Section 03 On Page 061  
Data Processing Services  
Children And Families Data Center  
From General Revenue Fund 39,988,381 39,913,381

Session Vote Sequence: 1339

**Yeas—40**

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

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

**Prefile Amendment 9** was withdrawn.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 990138)

**Prefile Amendment 10—**

In Section: 03 On Page: 103 Specific Appropriation: 617 DELETE INSERT

HEALTH, DEPARTMENT OF  
Program: Health Care Practitioner And Access  
Medical Quality Assurance

617 In Section 03 On Page 103  
Expenses

**Nays—74**

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

At the end of existing proviso language, following Specific Appropriation 617, INSERT:

From the funds in Specific Appropriation 617, \$50,000 in non-recurring Medical Quality Assurance Trust Funds is provided to contract with the Office of Legislative Services for a business case study on the feasibility of outsourcing the administrative, investigative, legal and prosecutorial functions of the Board of Dentistry.

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

Representative(s) Joyner offered the following:

(Amendment Bar Code: 990139)

**Prefile Amendment 11—**

Votes after roll call:

Nays—Argenziano, Prieguez  
Nays to Yeas—Henriquez

Representative(s) Ausley, Rich, and Gannon offered the following:

(Amendment Bar Code: 990140)

**Prefile Amendment 12—**

In Section: 41 On Page: 392 Specific Appropriation: DELETE INSERT



In Section 41 On Page 392

From General Revenue Fund 3,894,847 3,869,847

INSERT A NEW SECTION 41:

JUVENILE JUSTICE, DEPARTMENT OF
Program: Prevention And Victim Services
Delinquency Prevention And Diversion

SECTION 41. There is hereby appropriated \$30 million from the
Working Capital Fund to increase Specific Appropriation 349 - Services
to the Developmentally Disabled.

Rep. Ausley moved the adoption of the amendment.

In Section 04 On Page 159
1190 Special Categories
Legislative Initiatives To Reduce And
Prevent Juvenile Crime

Point of Order

Rep. Fasano raised a point of order, under Rule 12.5(a).

From General Revenue Fund 3,910,000 3,935,000

The Chair [Speaker Feeney], upon the recommendation of Rep.
Goodlette, Chair of the Committee on Rules, Ethics & Elections, ruled
the point well taken and the amendment out of order.

At the end of existing proviso language, following Specific
Appropriation 1190, INSERT:

Prefile Amendment 13 was withdrawn.

Youth Crime Prevention Initiative - Dade County..... 25,000

Representative(s) Barreiro offered the following:

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

(Amendment Bar Code: 990142)

Representative(s) Ausley offered the following:

Prefile Amendment 14—

(Amendment Bar Code: 990144)

In Section: 03 On Page: 057 Specific Appropriation: 261
DELETE INSERT

Prefile Amendment 16—

In Section: 06 On Page: 334 Specific Appropriation: 2818
DELETE INSERT

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Regulation
Health Facility And Practitioner
Regulation

MANAGEMENT SERVICES, DEPARTMENT OF
Workforce Programs
Program: Human Resource Management

In Section 03 On Page 057
261 Expenses

From General Revenue Fund 2,938,907 2,638,907

In Section 06 On Page 334
2818 Special Categories
Human Resources Services / Statewide
Contract

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Mental Health Program
Children's Mental Health Services

From State Personnel System Trust 30,000,000 0
Fund

In Section 03 On Page 074
387A Special Categories
Mental Health Programs

From General Revenue Fund 1,474,218 1,774,218

In Section 06 On Page 333

DELETE THE PROVISIO IMMEDIATELY PRECEEDING SPECIFIC APPROPRIATION 2810:

At the end of existing proviso language, following Specific
Appropriation 387A, INSERT:

Funds in Specific Appropriations 2810 through 2820 from the State
Personnel System Trust Fund are based upon a human resource services
assessment to state entities at \$335.36 per FTE and \$112.78 per OPS
position.

Functional Family Therapy Program - Dade County..... \$300,000

AND INSERT:

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

Funds in Specific Appropriations 2810 through 2820 from the State
Personnel System Trust Fund are based upon a personnel assessment of \$59
per position.

Representative(s) Brutus offered the following:

Rep. Ausley moved the adoption of the amendment, which failed of
adoption. The vote was:

(Amendment Bar Code: 990143)

Session Vote Sequence: 1340

Prefile Amendment 15—

In Section: 04 On Page: 117 Specific Appropriation: 752
DELETE INSERT

Yeas—41

CORRECTIONS, DEPARTMENT OF
Program: Security And Institutional
Operations
Specialty Correctional Institution
Operations

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

In Section 04 On Page 117
752 Fixed Capital Outlay
Major Repairs, Renovations And
Improvements To Major Institutions

Nays—72

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

Votes after roll call:

Nays—Brown

**Prefile Amendment 17** was withdrawn.

Representative(s) Gardiner offered the following:

(Amendment Bar Code: 990146)

**Prefile Amendment 18—**

In Section: 05 On Page: 222 Specific Appropriation: 1769  
 DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF  
 Program: Water Resource Management  
 Water Resource Protection And Restoration

1769 In Section 05 On Page 222  
 Grants And Aids To Local Governments And  
 Nonstate Entities - Fixed Capital Outlay  
 Statewide Restoration Projects

Immediately following Specific Appropriation 1769, DELETE:

Oyster Hammock Bay Restoration..... 1,634,833

and insert in lieu thereof:

Oyster Hammock Bay Restoration..... 1,384,833  
 Lake Conway Water and Navigation Control Project..... 250,000

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

Representative(s) Greenstein, Kosmas, and Ausley offered the following:

(Amendment Bar Code: 990147)

**Prefile Amendment 19—**

In Section: 30 On Page: 390 Specific Appropriation:  
 DELETE INSERT

In Section 30 On Page 390

DELETE:

SECTION 25. \$100 million of funds in the Debt Reserve Fund for Preservation 2000 and Florida Forever bonds is hereby appropriated to the Sinking Fund for the Preservation 2000 and the Florida Forever Program. The Division of Bond Finance shall purchase a surety bond to replace these funds. \$100 million is hereby transferred from the Land Acquisition Trust Fund to the General Revenue Fund.

Rep. Greenstein moved the adoption of the amendment.

On motion by Rep. Dockery, by the required two-thirds vote, the following late-filed substitute amendment to the general appropriations bill was considered.

Representative(s) Dockery, Goodlette, Greenstein, Berfield, Harrell, Byrd, Lacasa, Romeo, Justice, Clarke, Lynn, Argenziano, Green, Henriquez, Harrington, Needelman, and Fiorentino offered the following:

(Amendment Bar Code: 990159)

**Substitute Amendment 19—**

In Section: On Page: 390 Specific Appropriation:  
 DELETE INSERT

In Section On Page 390

Delete:

SECTION 25. \$100 million of funds in the Debt Reserve Fund for Preservation 2000 and Florida Forever bonds is hereby appropriated to the Sinking Fund for the Preservation 2000 and the Florida Forever Program. The Division of Bond Finance shall purchase a surety bond to replace these funds. \$100 million is hereby transferred from the Land Acquisition Trust Fund to the General Revenue Fund.

and insert in lieu thereof:

SECTION 25. \$100 million of funds in the Debt Reserve Fund for Preservation 2000 and Florida Forever bonds is hereby appropriated to the Sinking Fund for the Preservation 2000 and the Florida Forever Program. \$100 million is hereby transferred from the Land Acquisition Trust Fund to the General Revenue Fund. An additional \$150 million of funds in the Debt Reserve Fund for Preservation 2000 and Florida Forever bonds is hereby appropriated as follows: \$100 million to the Save Our Everglades Trust Fund for use in implementing the Comprehensive Everglades Restoration Project; \$25 million to the Department of Agriculture and Consumer Services Conservation and Recreation Lands Program Trust Fund for the purpose of implementing s. 570.71, Florida Statutes; and \$25 million to the Ecosystem Management and Restoration Trust Fund for water quality improvement and water restoration projects. From the \$100 million in funds appropriated to the Save Our Everglades Trust Fund, the Department of Environmental Protection is hereby authorized to distribute funds as necessary to implement approved Comprehensive Everglades Restoration Plan projects under s. 373.470, Florida Statutes or use said moneys to pay to the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to bonds issued under s. 215.619, Florida Statutes. The Division of Bond Finance shall purchase a surety bond to replace the \$250 million of funds in the Debt Reserve Fund that are appropriated herein.

Rep. Dockery moved the adoption of the substitute amendment, which was adopted.

**Prefile Amendment 20** was withdrawn.

Representative(s) Byrd offered the following:

(Amendment Bar Code: 990149)

**Prefile Amendment 21—**

In Section: 06 On Page: 323 Specific Appropriation:  
 DELETE INSERT

LEGISLATIVE BRANCH  
 Legislative Support Services

In Section 06 On Page 323  
 Lump Sum  
 Legislative Support Services

Immediately following Specific Appropriation 2701, INSERT:

From the funds provided in Specific Appropriation 2701, the Office of Legislative Services shall contract for a business case study of the feasibility of outsourcing the administrative, investigative, legal and prosecutorial functions and other tasks and services that are necessary to carry out the regulatory responsibilities of the Board of Dentistry; employing its own executive director and other staff; and obtaining authority over collections and expenditures of funds paid by professions regulated by the Board of Dentistry into the Medical Quality Assurance Trust Fund. This feasibility study must include a business plan and an assessment of the direct and indirect costs associated with outsourcing these functions. The Office of Legislative Services shall submit the completed study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2003.

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

Representative(s) Johnson offered the following:

(Amendment Bar Code: 990150)

Profile Amendment 22—

In Section: 05 On Page: 195 Specific Appropriation: 1523A DELETED INSERT

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Emergency Management
Emergency Planning

In Section 05 On Page 195
1523A Special Categories
Grants And Aids - Local Emergency
Management And Mitigation Initiatives
From General Revenue Fund 1,700,170 1,650,170

In existing proviso following Specific Appropriation 1523A, DELETED:

Orange County Sheriff Parcel Interception..... 1,550,170

and insert in lieu thereof:

Orange County Sheriff Parcel Interception..... 1,500,170

Program: Community Planning
Community Planning

In Section 05 On Page 192
1503A Special Categories
Coordinated School Planning Technical
Assistance
From General Revenue Fund 500,000 550,000

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

REPRESENTATIVE BALL IN THE CHAIR

Representative(s) Johnson offered the following:

(Amendment Bar Code: 990151)

Profile Amendment 23—

In Section: 06 On Page: 273 Specific Appropriation: 2235 DELETED INSERT

AGENCY FOR WORKFORCE INNOVATION
Program: School Readiness

In Section 06 On Page 273
2235 Special Categories
Partnership For School Readiness

DELETE the following proviso after Specific Appropriation 2235:

From funds in Specific Appropriation 2235, and pursuant to sections 407 and 409 of Public Law 104-193 and section 411.01(12), F.S., children from families that are receiving temporary cash assistance and are subject to federal work participation requirements, shall receive child care services prior to such services being provided to other children eligible for services under section 411.01(6), F.S.

and insert in lieu thereof:

From funds in Specific Appropriation 2235, and pursuant to sections 407 and 409 of Public Law 104-193 and section 411.01(12), F.S., children from families that are receiving temporary cash assistance and are subject to federal work participation requirements, shall receive school readiness services prior to such services being provided to other children eligible for services under section 411.01(6), F.S. As school readiness slots become available, the next priority shall be given to 4-year old children from families that meet the financial eligibility requirements of section 411.01(6), F.S.

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

Representative(s) Kottkamp offered the following:

(Amendment Bar Code: 990152)

Profile Amendment 24—

In Section: 05 On Page: 255 Specific Appropriation: 2102A DELETED INSERT

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Florida High Speed Rail Authority

In Section 05 On Page 255
2102A Fixed Capital Outlay
High Speed Rail Development

At the end of existing proviso language, following Specific Appropriation 2102A, INSERT:

From funds provided in Specific Appropriation 2102A, \$1,500,000 is provided for State Road 78 - Pine Island.

Rep. Kottkamp moved the adoption of the amendment, which failed of adoption.

Representative(s) Kosmas, Rich, Ausley, and Bendross-Mindingall offered the following:

(Amendment Bar Code: 990153)

Profile Amendment 25—

In Section: 41 On Page: 392 Specific Appropriation: DELETED INSERT

In Section 41 On Page 392

On Page 392, INSERT a new section 41 and renumber subsequent sections of the bill:

Section 41. \$41,400,000 is hereby transferred from the Budget Stabilization Fund to the General Revenue Fund.

AGENCY FOR WORKFORCE INNOVATION
Program: School Readiness

In Section 06 On Page 273
2235 Special Categories
Partnership For School Readiness

From General Revenue Fund 181,166,794 222,566,794

At the end of existing proviso language, following Specific Appropriation 2235, INSERT:

From the funds in Specific Appropriation 2235, \$41,400,000 in General Revenue shall be used to serve 16,000 additional 4 year olds in school readiness programs.

Rep. Kosmas moved the adoption of the amendment.

Point of Order

Rep. Fasano raised a point of order, under Rule 12.5(a).

The Chair [Rep. Ball ]upon the recommendation of Rep. Goodlette, Chair of the Committee on Rules, Ethics & Elections, ruled the point well taken and the amendment out of order.

Motion

Rep. Kosmas moved to waive the rules to allow consideration of Prefile Amendment 25, the Chair's ruling notwithstanding, which was not agreed to by the required two-thirds vote.

Prefile Amendments 26, 27, and 28 were withdrawn.

Rep. Wallace moved that late-filed Amendment 29 to the general appropriations bill be allowed for consideration, which was not agreed to by the required two-thirds vote.

On motion by Rep. Sorensen, by the required two-thirds vote the following late-filed amendment to the general appropriations bill was considered.

Representative(s) Sorensen offered the following:

(Amendment Bar Code: 990158)

Amendment 30—

In Section: 05 On Page: 221 Specific Appropriation: 1765A DELETE INSERT

ENVIRONMENTAL PROTECTION, DEPARTMENT OF Program: Water Resource Management Water Resource Protection And Restoration

1765A In Section 05 On Page 221 Fixed Capital Outlay Keys Wastewater Management Plan Implementation

Following Specific Appropriation 1765A, INSERT:

From the funds provided in Specific Appropriation 1765A, \$200,000 is appropriated to the Key Largo Wastewater Treatment District, contingent on matching funds in the amount of \$150,000 being provided by Monroe County.

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

On motion by Rep. Lacasa, the rules were waived and HB 27-E, as amended, was read the third time by title. On the passage the vote was:

Session Vote Sequence: 1341

Yeas—78

Table with 4 columns listing names of representatives who voted 'Yeas'.

Table with 4 columns listing names of representatives who voted 'Nays'.

Nays—39

Table with 4 columns listing names of representatives who voted 'Nays'.

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

Motion

On motion by Rep. Lacasa, the House requested the Senate to pass HB 27-E, or failing to pass, agree to the appointment of a conference committee.

Motion

On motion by Rep. Murman, staff of the Fiscal Responsibility Council was allowed to make technical corrections to the appropriations and implementing bills, as well as any conforming changes necessary to incorporate the amendments adopted today.

HB 29-E—A bill to be entitled An act implementing the 2002-2003 General Appropriations Act; providing legislative intent; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising calculation of additional full-time equivalent membership based on the Advanced International Certificate of Education Program; revising the basis of the quality assurance guarantee; amending s. 229.085, F.S.; exempting personnel employed to plan and administer grants or contracts for specific educational projects from requirements for positions in excess of those authorized; providing accounting requirements for the state universities for the 2002-2003 fiscal year; amending s. 236.081, F.S.; deferring application of a method for adjusting a school district's full-time equivalent membership; providing district school boards flexibility in the use of certain categorical appropriations for purposes of academic classroom instruction; amending s. 236.7011, F.S.; deferring application of a restriction on the expenditure of funds received from the indirect cost allowance on federal grants; providing limitation on state appropriations for Knott Data Center and Projects, Contracts, and Grants Programs; amending s. 240.4015, F.S.; extending the time initial award recipients have to complete certain examinations under the Florida Bright Futures Scholarship Testing Program; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement

grant program; amending s. 295.182, F.S.; authorizing contributions to the Florida World War II Veterans Memorial Matching Trust Fund from public bodies; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; authorizing the Department of Law Enforcement to use certain moneys to provide bonuses to employees for meritorious performance, subject to review; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 932.7055, F.S.; allowing municipal special law enforcement trust funds to be used to reimburse certain loans from municipalities; amending s. 375.041, F.S.; providing for use of moneys allocated to the Land Acquisition Trust Fund as provided in the General Appropriations Act; amending s. 403.709, F.S.; providing for use of moneys allocated to the Solid Waste Management Trust Fund as provided in the General Appropriations Act; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 581.1845, F.S.; revising eligibility for compensation of homeowners under the citrus canker eradication program; prescribing the amount of compensation for trees taken in the citrus canker eradication program; amending s. 373.470, F.S.; removing a requirement to deposit certain funds into the Save Our Everglades Trust Fund; amending s. 216.181, F.S.; allowing transfers of positions and funds among departments necessary for implementation of the office of Chief Financial Officer; requiring approval by the Legislative Budget Commission; amending s. 403.7095, F.S.; prescribing conditions on solid waste management and recycling grants; amending s. 215.981, F.S.; exempting certain citizen support organizations for the Department of Environmental Protection from the requirement to have an independent audit; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 403.1835, F.S.; authorizing a temporary moratorium in certain counties on reserve requirements for certain water pollution control loans; exempting thoroughbred permitholders from fine or suspension or revocation of license or permit for failure to meet performance and tax requirements; amending s. 110.152, F.S.; authorizing the Department of Management Services to make lump-sum payments for adoption benefits for state employees; amending s. 110.2035, F.S.; revising provisions governing the classification and compensation program for state employees; requiring the Department of Management Services to adopt rules, including emergency rules, necessary to implement such program; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; providing for a preferred brand name drug list to be used in the administration of such program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 163.3184, F.S.; prescribing standards for the state land planning agency to use when issuing notice of intent on a comprehensive plan or plan amendment; amending s. 252.373, F.S.; providing for use of certain funds of the Emergency Management, Preparedness, and Assistance Trust Fund for purposes of local disaster preparedness and as state match for federally approved Hazard Mitigation Grant Program projects; amending s. 288.063, F.S.;

providing that certain transportation projects may be designated and funded by the Legislature as necessary for economic development; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program; amending s. 125.35, F.S.; authorizing counties to lease certain property in empowerment zones for certain public purposes; amending s. 338.2216, F.S.; providing that certain positions under the Florida Turnpike Enterprise remain in the career service; amending s. 215.20, F.S.; appropriating the service charges on certain income and trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain income and trust funds from such appropriation; amending s. 18.10, F.S.; appropriating certain investment earnings to the General Revenue Fund; amending s. 18.125, F.S.; revising investment requirements for certain trust funds; amending ss. 14.2015, 240.4075, 385.207, 860.158, and 938.01, F.S., to conform; providing for future repeal or expiration of various provisions; providing for reversion of certain provisions; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2001-2002 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing severability; providing effective dates.

—was read the second time by title.

**Profile Amendment 1** was withdrawn.

Representative(s) Benson offered the following:

(Amendment Bar Code: 101291)

**Profile Amendment 2 (with title amendment)**—On page 35, line 16 of the bill

insert: Section 40. In order to implement Specific Appropriation 2746 of the 2002-2003 General Appropriations Act and other Specific Appropriations from the expense category as defined in paragraph (n) of subsection (1) of section 216.011, Florida Statutes, paragraph (b) of subsection (3) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(3)

(b) 1. The Department of Management Services may approve extensions of an existing lease of 5,000 square feet or more of space if such extensions are determined to be in the best interests of the state, but in no case shall the total of such extensions exceed 11 months. If at the end of the 11th month an agency still needs that space, it shall be procured by competitive bid in accordance with s. 255.249(4)(b). However, an agency that determines that it is in its best interest to remain in the space it currently occupies may negotiate a replacement lease with the lessor if an independent comparative market analysis demonstrates that the rates offered are within market rates for the space and the cost of the new lease does not exceed the cost of a comparable lease plus documented moving costs. A present-value analysis and the consumer price index shall be used in the calculation of lease costs. The term of the replacement lease may not exceed the base term of the expiring lease.

2. *For the 2002-2003 fiscal year only, and notwithstanding the provisions of paragraph (2)(c), the Department of Management Services may exempt the replacement lease from Rule 60H-1.007, Florida Administrative Code, if, upon complying with this paragraph, the cumulative cost of the new lease is at least 10 percent less than the cost of a comparable lease plus documented moving costs. This subparagraph expires July 1, 2003.*

And the title is amended as follows:

On page 5, line 3, after the semicolon

insert: amending s. 255.25, F.S.; exempting certain leases entered into by the state agencies from leasing requirements under specified circumstances;

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

Representative(s) Mahon offered the following:

(Amendment Bar Code: 101363)

**Profile Amendment 3 (with title amendment)**—On page 46, between lines 19 and 20, of the bill

insert:

Section 51. In order to implement Specific Appropriation 2075 of the 2002-2003 General Appropriations Act, subsection (10) of section 339.12, Florida Statutes, as created by section 83 of chapter 2002-20, Laws of Florida, is amended to read:

339.12 Aid and contributions by governmental entities for department projects; federal aid.—

(10) *Beginning with the 2003-2004 fiscal year*, any county with a population greater than 50,000 that levies the full 6 cents of local option fuel tax pursuant to ss. 206.41(1)(e) and 206.87(1)(c), or that dedicates 35 percent or more of its discretionary sales surtax, pursuant to s. 212.055, for improvements to the state transportation system or to local projects directly upgrading the state transportation system within the county's boundaries shall receive preference for receipt of any transportation grant for which the county applies. This subsection shall not apply to loans or nonhighway grant programs.

And the title is amended as follows:

On page 6, line 13, after the first semicolon

insert: amending s. 339.12, F.S.; deferring application of a provision granting preference to certain counties for transportation grants under specified circumstances;

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

Representative(s) Heyman, Bucher, Gelber, Lerner, Meadows, Wilson, Holloway, Jennings, Bullard, Cusack, Sobel, Richardson, Greenstein, Gannon, Romeo, Bendross-Mindingall, Henriquez, Justice, Rich, Stansel, Seiler, McGriff, Ryan, Slosberg and Lee offered the following:

(Amendment Bar Code: 184781)

**Profile Amendment 4 (with title amendment)**—On page 46, line 20 of the bill

insert:

Section 51. In order to implement the 2002-2003 General Appropriations Act and Specific Appropriations 1505 - 1569A thereof, subsection (13) is added to section 216.292, F.S., to read:

216.292 Appropriations nontransferable; exceptions—

(13) *For the 2002-2003 fiscal year only, and notwithstanding the other provisions of this section; s. 215.32(2)(d), establishing the working capital fund; s. 216.179, relating to reinstatement of vetoed appropriations; and s. 216.181, relating to limitations on budget amendments; local government spending for police, fire, rescue, and health services, water treatment, and public works for the 2002-2003 fiscal year may be increased in an amount up to the total of the Governor's vetoes of 2002-2003 appropriations from the General Revenue Fund. Such increase may be approved only by the Legislative Budget Commission pursuant to the request of the Department of Community Affairs filed with the Executive Office of the Governor. The provisions of this subsection are subject to the notice, review, and objection procedures set forth in s. 216.177. Counties and municipalities may apply to the Department of Community Affairs for reimbursement of costs that were incurred after the September 11, 2001, terrorist attack. Reimbursements may be provided for, but are not limited to, specialized training, extended hours of service, and capital improvements. Local governments must provide proof to the Department of Community Affairs that the costs for*

*which they are seeking reimbursement were not anticipated in their 2002-2003 budgets. This subsection shall not limit any increases to local government spending authorized by law. This subsection expires July 1, 2003.*

And the title is amended as follows:

On page 6, line 13, after the first semicolon

insert: amending s. 216.292, F.S.; allowing increases in local government spending in the amount of gubernatorial vetoes for the 2002-2003 fiscal year;

THE SPEAKER IN THE CHAIR

Rep. Heyman moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 1342

Yeas—42

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

Nays—73

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

Representative(s) Frankel offered the following:

(Amendment Bar Code: 102341)

**Profile Amendment 5 (with title amendment)**—On page 46, line 20 of the bill

insert:

Section 51. In order to implement specific appropriations 2195-2202 of the 2002-2003 General Appropriations Act, subsection (3) and paragraph (a) of subsection (5) of section 443.111, Florida Statutes, are amended to read:

443.111 Payment of benefits.—

(3)(a) WEEKLY BENEFIT AMOUNT.—An individual's "weekly benefit amount" shall be an amount equal to one twentieth-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32

or more than \$275. For claims with benefit years beginning January 1, 2000, through December 31, 2000, an additional 5 percent of the weekly benefit amount shall be added for the first 8 compensable weeks of benefits paid, not to exceed \$288. Such weekly benefit amount, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year.

(b) For fiscal year 2002-2003 only, and notwithstanding the requirements of paragraph (a), an individual's "weekly benefit amount" shall be an amount equal to one twentieth-sixth of the total wages for insured work paid during that quarter of the base period in which such total wages paid were the highest, but not less than \$32 or more than \$275. For claims with benefit years beginning October 1, 2002, through June 30, 2003, an additional amount equal to \$25 or 15 percent of the weekly benefit amount, whichever is greater, shall be added for each compensable week of benefits paid, not to exceed \$316. Such weekly benefit amount, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount shall be the maximum benefit amount applicable throughout the claimant's benefit year. This paragraph expires July 1, 2003.

(5) DURATION OF BENEFITS.—

(a)1.a. Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$7,150. For claims with benefit years beginning January 1, 2000, through December 31, 2000, an additional amount equal to 5 percent of the weekly benefit amount multiplied by 8 shall be added to the calculated total amount of benefits, the sum of which may not exceed \$7,254. However, such total amount of benefits, if not a multiple of \$1, shall be rounded downward to the nearest full dollar amount. Such benefits shall be payable at a weekly rate no greater than the weekly benefit amount.

b. For fiscal year 2002-2003 only, and notwithstanding the requirements of sub-subparagraph a., any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 25 percent of the total wages in the base period, not to exceed \$7,150. For claims with benefit years beginning October 1, 2002, through June 30, 2003, an additional amount equal to \$650 or 15 percent of the weekly benefit amount multiplied by 26, whichever is greater, shall be added to the calculated total amount of benefits, the sum of which may not exceed \$8,216. However, such total amount of benefits, if no a multiple of \$1, shall be rounded downward to the nearest full dollar amount. Such benefits shall be payable at a weekly rate not greater than the weekly benefit amount. This sub-subparagraph expires on July 1, 2003.

2. For the purposes of this subsection, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date on which the employing unit by whom such wages were paid has satisfied the conditions of this chapter with respect to becoming an employer.

And the title is amended as follows:

On page 6, line 13, after the first semicolon

insert: amending s. 443.111, F.S.; providing, for a limited time period, an increase in weekly unemployment compensation benefit amounts and the total amount of benefits;

Rep. Frankel moved the adoption of the amendment, which failed of adoption.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 762007)

**Profile Amendment 6 (with title amendment)**—On page 46, line 20 of the bill

insert:

Section 51. In order to implement Specific Appropriation 2235 of the 2002-2003 General Appropriations Act, subsection (13) is added to section 411.01, Florida Statutes to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.—

(13) Notwithstanding any other provision of this section to the contrary, and for fiscal year 2002-2003 only, the first children to be placed in the school readiness program shall be those from families receiving temporary cash assistance and subject to federal work requirements. As appropriate placements become available for the school readiness program, the next children to be placed shall be those who are 4 years old and are from families that meet the financial eligibility requirements of subsection (6). Subsequent placements shall be pursuant to the provisions of this section. This subsection expires July 1, 2003.

And the title is amended as follows:

On page 6, line 13

and insert: amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program;

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

Representative(s) Frankel offered the following:

(Amendment Bar Code: 895981)

**Profile Amendment 7 (with title amendment)**—On page 46, line 20 of the bill

insert:

Section 51. In order to implement specific appropriations 2195-2202 of the 2002-2003 General Appropriations Act, subsection (7) of section 443.036, Florida Statutes, is amended to read:

443.036 Definitions.—As used in this chapter, unless the context clearly requires otherwise:

(7) BASE PERIOD.—(a) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year.

(b) For the 2002-2003 fiscal year only, with respect to a benefit year commencing on or after October 1, 2002, if an individual is not monetarily eligible in his or her base period to qualify for benefits, the division must designate his or her base period to be the alternative base period. As used in this paragraph, the term "alternative base period" means the last four completed calendar quarters immediately preceding the first day of an individual's benefit year. Wages used in a base period to establish a monetarily eligible benefit year may not be applied to establish monetary eligibility in any succeeding benefit year. If information regarding wages for the calendar quarter or quarters immediately preceding the benefit year has not been input into the division's mainframe database from the regular quarterly reports of wage information or is otherwise unavailable, the division shall request such information from the employer. An employer must provide the requested wage information within 10 days after receiving a request from the division. An employer who fails to provide the requested wage information within the required time is subject to the penalty for delinquent reports in s. 443.141(1)(b). This paragraph expires July 1, 2003.

(c) For the 2002-2003 fiscal year only, for monetary determinations based upon the alternative base period under paragraph (b), if the division is unable to access the wage information through its mainframe database, the division may base the determination of eligibility for benefits on an affidavit submitted by the individual with respect to wages for those calendar quarters. The individual must furnish payroll information, if available, in support of the affidavit. A determination of benefits based upon an alternative base period shall be adjusted when

*the quarterly report of wage information from the employer is received, if that information causes a change in the determination. This paragraph expires July 1, 2003.*

And the title is amended as follows:

On page 6, line 13 after the first semicolon

and insert: amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information and providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility;

Rep. Frankel moved the adoption of the amendment, which failed of adoption.

On motion by Rep. Lacasa, the rules were waived and HB 29-E, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1343

Yeas—92

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

Nays—19

Ausley	Gottlieb	Justice	Slosberg
Bucher	Harper	Machek	Smith
Fields	Heyman	Meadows	Weissman
Frankel	Holloway	Romeo	Wishner
Gelber	Jennings	Seiler	

Votes after roll call:

Yeas—Sobel

Nays—Brutus, Joyner, McGriff, Peterman

Nays to Yeas—Fields, Harper, Machek, Seiler, Wishner

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

**HB 53-E**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement for local substance abuse and mental health programs; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department for assistance for needy families; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of specified

hospital complexes and providing for the use of the proceeds; providing an effective date.

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

Session Vote Sequence: 1344

Yeas—116

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

Nays—None

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

On motion by Rep. Johnson, the rules were waived by the required two-thirds vote and—

**HB 55-E**—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Education; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Session Vote Sequence: 1345

Yeas—116

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



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

Nays—None

Votes after roll call:

Yeas—Harrington

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

#### Reconsideration of HB 53-E

On motion by Rep. Murman, the House reconsidered the vote by which **HB 53-E** passed earlier today.

The question recurred on the passage of HB 53-E.

On motion by Rep. Murman, the House reconsidered the vote by which the House agreed to read HB 53-E a third time by title.

On motion by Rep. Murman, the rules were waived by the required two-thirds vote and—

**HB 53-E**—A bill to be entitled An act relating to the Department of Children and Family Services; amending s. 216.181, F.S.; providing for the use of funds by the department; amending s. 394.74, F.S.; prescribing a specified contract requirement for local substance abuse and mental health programs; amending s. 394.908, F.S.; revising provisions governing substance abuse and mental health funding equity; amending s. 414.035, F.S.; revising provisions authorizing expenditures by the department for assistance for needy families; amending s. 409.16745, F.S.; abrogating the repeal of the community partnership matching grant program; authorizing the sale of specified hospital complexes and providing for the use of the proceeds; providing an effective date.

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

Session Vote Sequence: 1346

Yeas—113

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

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

Nays—None

Votes after roll call:

Yeas—Harrington, Mayfield, Paul

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

On motion by Rep. Johnson, the rules were waived by the required two-thirds vote and—

**HB 57-E**—A bill to be entitled An act relating to trust funds; creating the Workers' Compensation Administration Trust Fund within the Department of Business and Professional Regulation; providing for purposes and sources of funds; providing for annual carryforward of fund balances; providing for future review and termination or re-creation of the trust fund; providing an effective date.

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

Session Vote Sequence: 1347

Yeas—117

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

Waters                      Wiles                      Wilson                      Wishner  
Weissman

Nays—None

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

On motion by Rep. Murman, the rules were waived by the required two-thirds vote and—

**HB 59-E**—A bill to be entitled An act relating to health care; amending s. 112.3187, F.S.; revising procedures and requirements relating to whistle-blower protection for reporting Medicaid fraud or abuse; amending s. 400.179, F.S.; providing an alternative to certain bond requirements for protection against nursing home Medicaid overpayments; providing for review and rulemaking authority of the Agency for Health Care Administration; providing for future repeal; requiring a report; creating s. 408.831, F.S.; authorizing the Agency for Health Care Administration to take action against a regulated entity under certain circumstances; reenacting s. 409.8132(4), F.S., to incorporate amendments to ss. 409.902, 409.907, 409.908, and 409.913, F.S., in references thereto; amending s. 409.8177, F.S.; requiring the agency to contract for evaluation of the Florida Kidcare program; amending s. 409.902, F.S.; requiring consent for release of medical records to the agency and the Medicaid Fraud Control Unit as a condition of Medicaid eligibility; amending s. 409.903, F.S.; revising eligibility for certain Medicaid mandatory medical assistance; amending s. 409.904, F.S.; revising eligibility standards for certain Medicaid optional medical assistance; amending s. 409.9065, F.S.; revising eligibility standards for the pharmaceutical expense assistance program; amending s. 409.907, F.S.; prescribing additional requirements with respect to Medicaid provider enrollment; requiring the agency to deny a provider's application under certain circumstances; amending s. 409.908, F.S.; requiring retroactive calculation of cost report if requirements for cost reporting are not met; revising provisions relating to rate adjustments to offset the cost of general and professional liability insurance for nursing homes; extending authorization for special Medicaid payments to qualified providers; providing for intergovernmental transfer of payments; amending s. 409.911, F.S.; expanding application of definitions; amending s. 409.9116, F.S.; revising applicability of the disproportionate share/financial assistance program for rural hospitals; amending s. 409.91195, F.S.; granting interested parties opportunity to present public testimony before the Medicaid Pharmaceutical and Therapeutics Committee; amending s. 409.912, F.S.; providing requirements for contracts for Medicaid behavioral health care services; amending s. 409.9122, F.S.; revising procedures relating to assignment of a Medicaid recipient to a managed care plan or MediPass provider; granting agency discretion to renew contracts; amending s. 409.913, F.S.; requiring the agency and the Medicaid Fraud Control Unit to annually submit a joint report to the Legislature; defining the term "complaint" with respect to Medicaid fraud or abuse; specifying additional requirements for the Medicaid program integrity program and the Medicaid Fraud Control Unit; providing additional sanctions and disincentives which may be imposed; providing additional grounds for termination of a provider's participation in the Medicaid program; providing additional requirements for administrative hearings; providing additional grounds for withholding payments to a provider; authorizing the agency and the Medicaid Fraud Control Unit to review certain records; amending s. 409.920, F.S.; providing additional duties of the Attorney General with respect to Medicaid fraud control; amending s. 624.91, F.S.; revising duties of the Florida Healthy Kids Corporation with respect to annual determination of participation in the Healthy Kids program; prescribing duties of the corporation in establishing local match requirements; revising composition of the board of directors; amending s. 383.19, F.S.; revising limitation on the establishment of regional perinatal intensive care centers; amending s. 393.063, F.S.; revising definition of the term "intermediate care facility for the developmentally disabled" for purposes of ch. 393, F.S.; amending ss. 400.965 and 400.968, F.S.; providing penalties for violation of pt. XI of ch. 400, F.S., relating to intermediate care facilities for developmentally disabled persons; requiring the Department of Children and Family Services to develop

and implement a comprehensive redesign of the home and community-based services delivery system for persons with developmental disabilities; restricting certain release of funds; providing an implementation schedule; requiring the Agency for Health Care Administration to conduct a study of health care services provided to children who are medically fragile or dependent on medical technology; requiring the agency to conduct a pilot program for a subacute pediatric transitional care center; requiring background screening of center personnel; requiring the agency to amend the Medicaid state plan or seek federal waivers as necessary; requiring the center to have an advisory board; providing for membership and duties of the advisory board; providing requirements for the admission, transfer, and discharge of a child to the center; requiring the agency to submit certain reports to the Legislature; requiring the agency to make recommendations to the Legislature regarding limitations on certain Medicaid provider reimbursements; providing guidelines for the agency regarding distribution of disproportionate share funds during the 2002-2003 fiscal year; directing the Office of Program Policy Analysis and Government Accountability to perform a study of county contributions to Medicaid nursing home costs; requiring a report and recommendations; repealing s. 1, ch. 2001-377, Laws of Florida, relating to eligibility of specified persons for certain optional medical assistance; providing severability; providing effective dates.

—was read the second time by title.

Representative(s) Goodlette and Murman offered the following:

(Amendment Bar Code: 404963)

**Amendment 1 (with title amendment)**—On page 7, between lines 16 and 17,

insert:

Section 2. Subsection (20) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.—Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(20) Maintain *general and professional* liability insurance coverage that is in force at all times.

Section 3. (1) *For the period beginning June 30, 2001, and ending June 30, 2005, the Agency for Health Care Administration shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with respect to nursing homes. The first report shall be submitted no later than December 30, 2002, and every six (6) months thereafter. The report shall identify facilities based on their ownership characteristics, size, business structure, for-profit or not-for-profit status; and any other characteristics the agency determines useful in analyzing the varied segments of the nursing home industry and shall report:*

(a) *The number of Notices of Intent to litigate received by each facility each month;*

(b) *The number of complaints on behalf of a resident or resident legal representative that were filed with the clerk of the court each month;*

(c) *The month in which the injury which is the basis for the suit occurred or was discovered or, if unavailable, the dates of residency of the resident involved beginning with the date of initial admission and latest discharge date;*

(d) *Information regarding deficiencies cited including information used to develop the Nursing Home Guide pursuant to s. 400.191 and applicable rules, a summary of data generated on nursing homes by Centers for Medicare and Medicaid Services Nursing Home Quality Information Project and information collected pursuant to s. 400.147(9) relating to litigation.*

(2) *Facilities subject to part II of Chapter 400 must submit the information necessary to compile this report each month on existing forms, as modified, provided by the agency.*

(3) *The agency shall delineate the available information on a monthly basis.*

Section 4. Subsection (9) of section 400.147, Florida Statutes, is amended to read:

400.147 Internal risk management and quality assurance program.—

(9) *By the 10th of each month, each facility subject to this section shall report ~~monthly~~ any notice received pursuant to s. 400.0233(2) ~~liability claim filed against it~~ and each initial complaint that was filed with the clerk of the court and served on the facility during the previous month by a resident, family member, guardian, conservator, or personal legal representative. The report must include the name of the resident, date of birth, social security number, the Medicaid identification number for Medicaid eligible persons, the date or dates of the incident leading to the claim or dates of residency, if applicable, and the type of injury or violation of rights alleged to have occurred. Each facility shall also submit a copy of the notices received pursuant to s. 400.0233(2) and complaints filed with the clerk of the court. This report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.*

Section 5. *In order to expedite the availability of general and professional liability insurance for nursing homes, the agency, subject to appropriations included in the General Appropriation Act, shall advance \$6 million for the purpose of capitalizing the risk retention group. The terms of repayment may not extend beyond 3 years from the date of funding. For purposes of this project, notwithstanding the provisions of s. 631.271, the agency's claim shall be considered a class 3 claim.*

And the title is amended as follows:

On page 1, line 6, after the first semicolon,

insert: amending s. 400.141, F.S.; requiring licensed nursing home facilities to maintain general and professional liability insurance coverage; requiring facilities to submit information to the Agency for Health Care Administration which shall provide reports regarding facilities' litigation, complaints, and deficiencies; amending s. 400.147, F.S.; revising reporting requirements under facility internal risk management and quality assurance programs; providing for funding to expedite the availability of nursing home liability insurance;

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

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

On motion by Rep. Murman, the rules were waived and HB 59-E, as amended, was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1348

Yeas—109

Alexander	Bowen	Farkas	Harrington
Allen	Brown	Fasano	Henriquez
Arza	Brummer	Fields	Heyman
Attkisson	Brutus	Flanagan	Hogan
Atwater	Bucher	Frankel	Holloway
Ausley	Bullard	Garcia	Jennings
Ball	Byrd	Gardiner	Johnson
Barreiro	Cantens	Gelber	Jordan
Baxley	Carassas	Gibson	Joyner
Bean	Clarke	Goodlette	Justice
Bendross-Mindingall	Crow	Gottlieb	Kallinger
Bennett	Cusack	Green	Kendrick
Bense	Detert	Greenstein	Kilmer
Benson	Diaz-Balart	Haridopolos	Kosmas
Berfield	Dockery	Harper	Kottkamp
Bilirakis	Evers	Harrell	Kravitz

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

Nays—1

Argenziano

Votes after roll call:

Yeas—Andrews, Baker, Davis, Fiorentino, Negron

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

**HB 5-E**—A bill to be entitled An act relating to the Miami-Dade County Home Rule Charter; amending the Miami-Dade County Home Rule Charter; providing additional powers of the Board of County Commissioners; specifying thirteen County Commission districts; requiring the Board to adopt certain reapportionment plan development procedures; providing for salaries of County Commissioners; providing for an acting County Mayor under certain circumstances; providing requirements; specifying powers and duties of the County Commission; creating the office of County Mayor; providing for election of the County Mayor; specifying powers and responsibilities of the County Mayor; limiting eligibility of the County Mayor under certain circumstances; providing for Deputy County Mayors; requiring the County Commission to annually appropriate funds to the Executive Office of the County Mayor for certain purposes; revising provisions for election and terms of County Commissioners; providing for nonpartisan election of a County Supervisor of Elections; providing for powers and duties of the County Supervisor of Elections; providing for disqualification of certain persons to vote or hold office; specifying term limits for County Mayor and County Commissioners; providing for a County Comptroller; providing for functions, qualifications, powers, and duties of the County Comptroller; specifying a term of office of the County Comptroller; specifying restrictions relating to the Office of the County Comptroller; providing for removal of the County Comptroller; revising the administrative organization and procedures of the county; specifying service offices associated with Deputy County Mayors; specifying departments within such service offices; providing for financial planning by the Executive Office of the County Mayor; providing requirements; providing for county civil service; providing for the Office of County Attorney; providing for demographic, policy, and planning functions; abolishing the office of County Manager and transferring to the County Mayor the powers, duties, functions, and responsibilities of the County Manager; revising certain other provisions to conform; providing severability for charter provisions; providing severability; providing for a referendum to be called by the Board of County Commissioners of Miami-Dade County; specifying the form of the ballot question on the referendum; providing for effect upon referendum approval; providing an effective date.

—was read the second time by title.

**Motion**

Rep. Heyman moved the previous question on the bill, which was agreed to.

On motion by Rep. Lacasa, the rules were waived and HB 5-E was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1349

**Special Rule 02-07**

Yeas—114

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

Nays—2

Diaz de la Portilla McGriff

Votes after roll call:

Nays to Yeas—McGriff

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

**Motion**

On motion by Rep. Lacasa, HBs 29-E, 53-E, and 59-E were included in the Conference on HB 27-E and the Message to the Senate thereto.

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

**Reports of Councils and Standing Committees**

**Report of the Procedural & Redistricting Council**

*The Honorable Tom Feeney*  
*Speaker, House of Representatives*

May 2, 2002

Dear Mr. Speaker:

Your Procedural & Redistricting Council herewith submits the following Special Rule report:

I. Special Rule 02-07 applies to the following:

- HB 37-E by Diaz-Balart and Fasano—relating to Health Care/Health Flex Plans
- SB 46-E by Saunders—relating to Health Care/Health Flex Plans

A quorum of the Council was present in person, and two-thirds of those present agreed to the above Report.

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

Bill(s): HB 37-E by Diaz-Balart and Fasano—relating to Health Care/Health Flex Plans  
SB 46-E by Saunders—relating to Health Care/Health Flex Plans

Summary: The Special Rule covers consideration of the bills on both second and third readings, and includes a closed condition for consideration of amendments.

Questions and Debate: During both second and third readings the procedures for questions and debate will be governed by the Rules of the House. All recognitions must go through the Speaker.

Amendments: \_\_\_\_\_ Open  
                   \_\_\_\_\_ Structured  
                     X   Closed

Technical amendments may be offered in the name of the Procedural & Redistricting Council.

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

Session Vote Sequence: 1350

Yeas—64

The Chair	Bowen	Goodlette	Negron
Alexander	Brown	Greenstein	Paul
Argenziano	Byrd	Haridopolos	Prieguez
Arza	Cantens	Harper	Ritter
Attkisson	Carassas	Harrell	Rubio
Atwater	Clarke	Johnson	Russell
Baker	Crow	Jordan	Seiler
Ball	Davis	Kallinger	Simmons
Barreiro	Detert	Kyle	Siplin
Baxley	Diaz-Balart	Lacasa	Slosberg
Bean	Evers	Littlefield	Smith
Bennett	Farkas	Lynn	Sobel
Bense	Fasano	Mack	Spratt
Benson	Flanagan	Mahon	Wallace
Berfield	Gardiner	Mealor	Waters
Bilirakis	Gibson	Murman	Wishner

Nays—48

Allen	Gelber	Kosmas	Pickens
Ausley	Gottlieb	Kravitz	Rich
Bendross-Mindingall	Green	Lee	Richardson
Brummer	Harrington	Lerner	Romeo
Brutus	Henriquez	Machek	Ross
Bucher	Heyman	Mayfield	Ryan
Bullard	Holloway	Maygarden	Sorensen
Cusack	Jennings	McGriff	Stansel
Diaz de la Portilla	Joyner	Meadows	Trovillion
Dockery	Justice	Melvin	Weissman
Fields	Kendrick	Needelman	Wiles
Frankel	Kilmer	Peterman	Wilson

Votes after roll call:

Yeas—Andrews  
Nays to Yeas—Brummer

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

**Messages from the Senate**

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has admitted for introduction and consideration by the required

Constitutional two-thirds vote and passed SB 46-E, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Saunders, Pruitt and Lee—

**SB 46-E**—A bill to be entitled An act relating to health care; providing legislative findings and legislative intent regarding health flex plans; defining terms; providing for a pilot program for health flex plans for certain uninsured persons; providing criteria; authorizing the Agency for Health Care Administration and the Department of Insurance to adopt rules; 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 that coverage under an approved health flex plan is not an entitlement; requiring a report with specified evaluation elements; providing for future repeal; establishing the Florida Alzheimer's Center and Research Institute at the University of South Florida; requiring the State Board of Education to enter into an agreement with a not-for-profit corporation for the governance and operation of the institute; providing that the corporation shall act as an instrumentality of the state; authorizing the creation of subsidiaries by the corporation; providing powers of the corporation; providing for a board of directors of the corporation and the appointment and terms of its membership; authorizing the State Board of Education to secure and provide liability protection; providing for an annual audit and report; providing for assumption of certain responsibilities of the corporation by the State Board of Education under certain circumstances; providing for administration of the institute; providing for disbursement and use of income; providing for reporting of activities; requiring the appointment of a council of scientific advisers; providing responsibilities and terms of the council; providing that the corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11), F.S.; amending s. 408.7057, F.S.; redesignating a program title; revising definitions; including preferred provider organizations and health insurers in the claim dispute resolution program; specifying timeframes for submission of supporting documentation necessary for dispute resolution; providing consequences for failure to comply; providing additional responsibilities for the agency relating to patterns of claim disputes; providing timeframes for review by the resolution organization; directing the agency to notify appropriate licensure and certification entities as part of violation of final orders; amending s. 626.88, F.S.; redefining the term "administrator," with respect to regulation of insurance administrators; creating s. 627.6131, F.S.; specifying payment-of-claims provisions applicable to certain health insurers; providing a definition; providing requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; specifying rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from an insured under certain circumstances; providing applicability; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 627.651, F.S.; conforming a cross-reference; amending s. 627.662, F.S.; specifying application of certain additional provisions to group, blanket, and franchise health insurance; amending s. 641.185, F.S.; specifying that health maintenance organization subscribers should receive prompt payment from the organization; amending s. 641.234, F.S.; specifying responsibility of a health maintenance organization for certain violations under certain circumstances; amending s. 641.30, F.S.; conforming a cross-reference; amending s. 641.3154, F.S.; modifying the circumstances under which a provider knows that an organization is liable for service reimbursement; amending s. 641.3155, F.S.; revising payment of claims provisions applicable to certain health maintenance organizations; providing a definition; providing

requirements and procedures for paying, denying, or contesting claims; providing criteria and limitations; requiring payment within specified periods; revising rate of interest charged on overdue payments; providing for electronic and nonelectronic transmission of claims; providing procedures for overpayment recovery; specifying timeframes for adjudication of claims, internally and externally; prohibiting action to collect payment from a subscriber under certain circumstances; prohibiting contractual modification of provisions of law; specifying circumstances for retroactive claim denial; specifying claim payment requirements; providing for billing review procedures; specifying claim content requirements; establishing a permissible error ratio, specifying its applicability, and providing for fines; providing specified exceptions from notice and acknowledgment requirements for pharmacy benefit manager claims; amending s. 641.51, F.S.; revising provisions governing examinations by ophthalmologists; amending s. 456.053, F.S., the "Patient Self-Referral Act of 1992"; redefining the term "referral" by revising the list of practices that constitute exceptions; amending s. 627.6699, F.S.; allowing carriers to separate the experience of small-employer groups having fewer than two employees; restricting application of certain laws to health plan policies under certain circumstances; providing for construction of laws enacted at the 2002 Regular Session in relation to this act; providing effective dates.

—was read the first time by title. On motion by Rep. Diaz-Balart, the rules were waived and the bill was read the second time by title and, under Rule 10.13(b), referred to the Engrossing Clerk.

Rep. Frankel moved to return to consideration of SB 46-E, which was not agreed to.

On motion by Rep. Goodlette, the House agreed to take up HB 69-E for consideration.

**HB 69-E**—A bill to be entitled An act relating to the Transportation Disadvantaged Program; amending s. 343.64, F.S.; prohibiting the Central Florida Regional Transportation Authority from serving as a community transportation coordinator; requiring the Commission for the Transportation Disadvantaged to evaluate performance of the authority as a community transportation coordinator; requiring a report to the Legislature; providing for the authority to continue as a community transportation coordinator upon certain findings by the Legislature; repealing section 1, SB 100, 2002 Regular Session, relating to the authority acting as a community transportation coordinator; providing an effective date.

—was read the second time by title and, on motion by Rep. Brummer, the bill was read the third time by title.

### Reconsideration

On motion by Rep. Brummer, the House reconsidered the vote by which the House agreed to read HB 69-E a third time by title.

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

Session Vote Sequence: 1351

Yeas—106

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

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

Nays—None

Votes after roll call:

Yeas—Bennett, Lerner, Ritter, Spratt, Waters

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

On motion by Rep. Goodlette, the House moved to the consideration of HB 3-E on Special Orders.

**HB 3-E**—A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Insurance and Financial Services; creating s. 20.121, F.S.; creating the Office of Chief Financial Officer; providing duties; providing for a Division of Financial Investigations; authorizing the Chief Financial Officer to process certain warrants created by the Comptroller; creating s. 20.131, F.S.; creating the Department of Insurance and Financial Services; providing for an executive director; providing for departmental structure; creating the Offices of Commissioner of Insurance and Commissioner of Financial Services; providing for subpoenas, sworn statements, and enforcement proceedings; providing rulemaking authority; providing for appointment and specifying qualifications for each commissioner; providing jurisdiction for each commissioner's office; providing jurisdiction of the Governor and Cabinet; authorizing the Department of Insurance and Financial Services to destroy certain records and correspondence under certain circumstances; authorizing the Department of Insurance and Financial Services to photograph, microfilm, or reproduce on film certain records and documents for certain purposes under certain circumstances; authorizing the Department of Insurance and Financial Services to disseminate certain information under certain circumstances; providing for effect of photographed, microfilmed, or reproduced records and documents; transferring certain programs, including employees and equipment, from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; requiring transferring agencies to prepare and submit inventories of certain property to the executive director of the Department of Insurance and Financial Services by a certain date; transferring certain trust funds from the Department of Banking and Finance and the Department of Insurance to the Office of Chief Financial Officer and the Department of Insurance and Financial Services; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Insurance and Financial Services; specifying that such rules become rules of the Office of Chief Financial Officer under certain circumstances; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the office of executive director of the Department of Insurance and Financial Services; providing for appointment of the executive director; providing for the executive director to serve as the head of the Office of Transition Management; creating the Office of Transition Management; specifying powers and duties thereof; requiring reports to the Governor and the Legislature; providing rules of construction; providing for assistance of certain legislative substantive committees by the Division of Statutory Revision for certain purposes; providing an effective date.

—was read the second time by title.

REPRESENTATIVE BALL IN THE CHAIR

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

Representative(s) Alexander and Flanagan offered the following:

(Amendment Bar Code: 232213)

**Amendment 1 (with title amendment)**—  
Remove: everything after the enacting clause,  
and insert:

Section 1. Effective January 7, 2003, subsection (3) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Department of *Financial Services* ~~Banking and Finance~~, the Department of Children and Family Services, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

- (a) The principal unit of the department is the “division.” Each division is headed by a “director.”
- (b) The principal unit of the division is the “bureau.” Each bureau is headed by a “chief.”
- (c) The principal unit of the bureau is the “section.” Each section is headed by an “administrator.”
- (d) If further subdivision is necessary, sections may be divided into “subsections,” which are headed by “supervisors.”

Section 2. Section 20.121, Florida Statutes, is created to read:

*20.121 Department of Financial Services.—There is created a Department of Financial Services.*

(1) *DEPARTMENT HEAD.—The head of the Department of Financial Services is the Chief Financial Officer.*

(2) *DIVISIONS.—The Department of Financial Services shall consist of the following divisions:*

(a) *The Division of Accounting and Auditing, which shall include the following bureau and office:*

- 1. *The Bureau of Unclaimed Property.*
- 2. *The Office of Fiscal Integrity which shall function as a criminal justice agency for purposes of ss. 943.045-943.08 and shall have a separate budget. The office may conduct investigations within or outside this state as the bureau deems necessary to aid in the enforcement of this section. If during an investigation the office has reason to believe that any criminal law of this state has or may have been violated, the office shall refer any records tending to show such violation to state or federal law enforcement or prosecutorial agencies and shall provide investigative assistance to those agencies as required.*

- (b) *The Division of State Fire Marshal.*
- (c) *The Division of Risk Management.*
- (d) *The Division of Treasury, which shall include a Bureau of Deferred Compensation responsible for administering the Government Employees Deferred Compensation Plan established under s. 112.215 for state employees.*
- (e) *The Division of Insurance Fraud.*
- (f) *The Division of Rehabilitation and Liquidation.*

(g) *The Division of Insurance Agents and Agency Services.*

(h) *The Division of Consumer Services, which shall include a Bureau of Funeral and Cemetery Services.*

(i) *The Division of Workers' Compensation.*

(j) *The Division of Administration.*

(k) *The Division of Legal Services.*

(l) *The Division of Information Systems.*

(m) *The Office of Insurance Consumer Advocate.*

(3) **FINANCIAL SERVICES COMMISSION.**—Effective January 7, 2003, there is created within the Department of Financial Services the Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, which shall for purposes of this section be referred to as the commission. Commission members shall serve as agency head of the Financial Services Commission. The commission shall be a separate budget entity and shall be exempt from the provisions of s. 20.052. Commission action shall be by majority vote consisting of at least three affirmative votes. The commission shall not be subject to control, supervision, or direction by the Department of Financial Services in any manner, including purchasing, transactions involving real or personal property, personnel, or budgetary matters.

(a) **STRUCTURE.**—The major structural unit of the commission is the office. Each office shall be headed by a director. The following offices are established:

1. *The Office of Insurance Regulation, which shall be responsible for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or chapter 636. The head of the Office of Insurance Regulation is the Director of the Office of Insurance Regulation.*

2. *The Office of Financial Institutions and Securities Regulation, which shall be responsible for all activities of the Financial Services Commission relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry. The head of the office is the Director of the Office of Financial Institutions and Securities Regulation. The Office of Financial Institutions and Securities Regulation shall include a Bureau of Financial Investigations, which shall function as a criminal justice agency for purposes of ss. 943.045-943.08 and shall have a separate budget. The bureau may conduct investigations within or outside this state as the bureau deems necessary to aid in the enforcement of this section. If, during an investigation, the office has reason to believe that any criminal law of this state has or may have been violated, the office shall refer any records tending to show such violation to state or federal law enforcement or prosecutorial agencies and shall provide investigative assistance to those agencies as required.*

(b) **ORGANIZATION.**—The commission shall establish by rule any additional organizational structure of the offices. It is the intent of the Legislature to provide the commission with the flexibility to organize the offices in any manner they determine appropriate to promote both efficiency and accountability.

(c) **POWERS.**—Commission members shall serve as the agency head for purposes of rulemaking under ss. 120.536-120.565 by the commission and all subunits of the commission. Each director is agency head for purposes of final agency action under chapter 120 for all areas within the regulatory authority delegated to the director's office.

(d) **APPOINTMENT AND QUALIFICATIONS OF DIRECTORS.**—The commission shall appoint or remove each director by a majority vote consisting of at least three affirmative votes, with both the Governor and the Chief Financial Officer on the prevailing side. The minimum qualifications of the directors are as follows:

1. *Prior to appointment as director, the director of the Office of Insurance Regulation must have had, within the previous 10 years, at least 5 years of responsible private sector experience working full-time in areas within the scope of the subject matter jurisdiction of the Office of Insurance Regulation or at least 5 years of experience as a senior examiner or other senior employee of a state or federal agency having regulatory responsibility over insurers or insurance agencies.*

2. *Prior to appointment as director, the director of the Office of Financial Institutions and Securities Regulation must have had, within the previous 10 years, at least 5 years of responsible private sector experience working full-time in areas within the subject matter jurisdiction of the Office of Financial Institutions and Securities Regulation or at least 5 years of experience as a senior examiner or other senior employee of a state or federal agency having regulatory responsibility over financial institutions, finance companies, or securities companies.*

(e) **ADMINISTRATIVE SUPPORT.**—The offices shall have a sufficient number of attorneys, examiners, investigators, other professional personnel to carry out their responsibilities and administrative personnel as determined annually in the appropriations process. The Department of Financial Services shall provide administrative and information systems support to the offices.

### Section 3. Transfers.—

(1) *The following programs, including the incumbent employees in the existing positions of such programs on January 6, 2003, and all property issued and assigned directly to such employees, are hereby transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes:*

(a) *From the Department of Banking and Finance to the Department of Financial Services:*

1. *The Financial Accountability for Public Funds Program.*
2. *The Comptroller and Cabinet Affairs Program.*
3. *The Bureau of Funeral and Cemetery Services.*

(b) *From the Department of Insurance to the Department of Financial Services:*

1. *The Treasury Program.*
2. *The State Fire Marshal Program.*
3. *The Risk Management Program.*
4. *The Office of Insurance Consumer Advocate.*
5. *The Division of Insurance Fraud.*
6. *The Division of Rehabilitation and Liquidation.*

7. *The Division of Agents and Agencies Services, except for those portions of the division that implement functions assigned to the Office of Insurance Regulation under s. 20.121(3)(a)1., Florida Statutes, as created by this act.*

8. *The Division of Insurance Consumer Services, which is renamed the Division of Consumer Services.*

9. *The Division of Legal Services, except for those positions whose responsibilities involve the functions assigned to the Office of Insurance Regulation.*

10. *The Division of Information Systems.*

11. *The Office of the Treasurer, the Administration Program, and the Office of the Chief of Staff of the Treasurer.*

(c) *From the Department of Banking and Finance to the Office of Financial Institutions and Securities Regulation, the Financial Institutions Regulatory Program.*

(d) *From the Department of Insurance to the Office of Insurance Regulation:*

1. *The Division of Insurer Services.*
2. *Those portions of the Division of Agents and Agency Services that implement functions assigned to the Office of Insurance Regulation under s. 20.121(3)(a)1., Florida Statutes, as created by this act.*
3. *Those positions within the Division of Legal Services that are not transferred to the Department of Financial Services under subparagraph (b)1.*

*For the purposes of this section, employees transferred from the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services or the Financial Services Commission shall not be considered new employees for the purpose of subjecting such employees to an employee probationary period.*

*(2) That portion of the Division of Workers' Compensation transferred pursuant to chapter 2002-194, Laws of Florida, to the Department of Insurance, including the incumbent employees in the existing positions of such division on January 6, 2003, and all property issued and assigned directly to such employees, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Insurance to the Department of Financial Services.*

*(3) The following trust funds are transferred:*

*(a) From the Department of Banking and Finance to the Department of Financial Services:*

1. *The Child Support Depository Trust Fund, FLAIR number 44-2-080.*
2. *The Child Support Clearing Trust Fund, FLAIR number 44-2-081.*
3. *The Collections Internal Revenue Clearing Trust Fund, FLAIR number 44-2-101.*
4. *The Consolidated Miscellaneous Deduction Clearing Trust Fund, FLAIR number 44-2-139.*
5. *The Consolidated Payment Trust Fund, FLAIR number 44-2-140.*
6. *The Electronic Funds Transfer Clearing Trust Fund, FLAIR number 44-2-188.*
7. *The Employee Refund Clearing Trust Fund, FLAIR number 44-2-194.*
8. *The Federal Tax Levy Clearing Trust Fund, FLAIR number 44-2-274.*
9. *The Federal Use of State Lands Trust Fund, FLAIR number 44-2-307.*
10. *The Florida Retirement Clearing Trust Fund, FLAIR number 44-2-323.*
11. *The Hospital Insurance Tax Clearing Trust Fund, FLAIR number 44-2-370.*
12. *The Miscellaneous Deductions Restoration Trust Fund, FLAIR number 44-2-577.*
13. *The Preneed Funeral Contract Consumer Protection Trust Fund, FLAIR number 44-2-536.*
14. *The Prison Industries Trust Fund, FLAIR number 44-2-385.*
15. *The Social Security Clearing Trust Fund, FLAIR number 44-2-643.*
16. *The Tobacco Settlement Clearing Trust Fund, FLAIR number 44-2-123.*
17. *The Trust Funds Trust Fund, FLAIR number 44-2-732.*
18. *The Unclaimed Property Trust Fund, FLAIR number 44-2-007.*
19. *The Working Capital Trust Fund, FLAIR number 44-2-792.*

*(b) From the Department of Insurance to the Department of Financial Services:*

1. *The Agents and Solicitors County Tax Trust Fund, FLAIR number 46-2-024.*
2. *The Florida Casualty Insurance Risk Management Trust Fund, FLAIR number 46-2-078.*
3. *The Government Employees Deferred Compensation Trust Fund, FLAIR number 46-2-155.*
4. *The Rehabilitation Administrative Expense Trust Fund, FLAIR number 46-2-582.*
5. *The Special Disability Trust Fund, FLAIR number 46-2-798.*
6. *The State Treasurer Escrow Trust Fund, FLAIR number 46-2-622.*
7. *The Treasurer's Administrative And Investment Trust Fund, FLAIR number 46-2-725.*
8. *The Treasury Cash Deposit Trust Fund, FLAIR number 46-2-720.*
9. *The Treasurer Investment Trust Fund, FLAIR number 46-2-728.*
10. *The Workers' Compensation Administration Trust Fund, FLAIR number 46-2-795.*

*(c) From the Department of Banking and Finance to the Office of Financial Institutions and Securities Regulation within the Department of Financial Services:*

1. *The Administrative Trust Fund, FLAIR number 44-2-021, except the moneys in fund account number 44-2-021003 are transferred from the Department of Banking and Finance to the Office of Chief Financial Officer.*
2. *The Anti-Fraud Trust Fund, FLAIR number 44-2-038.*
3. *The Comptroller's Federal Equitable Sharing Trust Fund, FLAIR number 44-2-719.*
4. *The Financial Institutions' Regulatory Trust Fund, FLAIR number 44-2-275.*
5. *The Mortgage Brokerage Guaranty Trust Fund, FLAIR number 44-2-485.*
6. *The Regulatory Trust Fund, FLAIR number 44-2-573.*
7. *The Securities Guaranty Fund, FLAIR number 44-2-626.*

*(d) From the Department of Insurance to the Department of Financial Services, the Insurance Commissioner's Regulatory Trust Fund, FLAIR number 46-2-393. There is created within the trust fund a subaccount for purposes of funding the Office of Insurance Regulation.*

*(4) The authority to make appointments to the Citizens Property Insurance Corporation shall remain with the Chief Financial Officer as provided in Committee Substitute for Senate Bill 1418 as enacted by the Legislature in the 2002 Regular Session.*

*(5) This section shall take effect January 7, 2003.*

*Section 4. (1) Effective January 7, 2003, the rules of the Department of Banking and Finance and of the Department of Insurance that were in effect on January 6, 2003, shall become rules of the Department of Financial Services or the Financial Services Commission as is appropriate to the corresponding regulatory or constitutional function and shall remain in effect until specifically amended or repealed in the manner provided by law.*

*Section 5. (1) This act shall not affect the validity of any judicial or administrative action involving the Department of Banking and Finance or the Department of Insurance pending on January 7, 2003, and the Department of Financial Services, or the Financial Services Commission, or the respective office, shall be substituted as a party in interest in any such action.*



(2) Notwithstanding subsection (1), if the action involves the constitutional functions of the Comptroller or Treasurer, the Chief Financial Officer shall instead be substituted as a party in interest.

Section 6. *Transitional provisions.—*

(1)(a) There is created the Committee of Transition Management. The committee shall function independently but shall for administrative purposes be treated as an office of the Executive Office of the Governor.

(b) The Governor, the Comptroller, the Treasurer, the chair of the House Fiscal Responsibility Council, and the chair of the Senate Appropriations Committee shall each appoint one member to the committee.

(c) The committee shall oversee the transition to the new Department of Financial Services and the new Financial Services Commission. The management duties of the office shall include, but not be limited to:

1. Providing a written report that specifies the placement of those positions that are transferred to the Chief Financial Officer, the Department of Financial Services, and the Offices of the Financial Services Commission under this act. The committee shall provide the report to the Governor, the Cabinet, the President of the Senate, the Speaker of the House of Representatives, the chair of the House Fiscal Responsibility Council, and the chair of the Senate Appropriations Committee.

2. Submitting to the Financial Services Commission a proposed organizational plan for the commission, which plan the commission may adopt by rule.

3. Providing written recommendations to the commission, the President of the Senate, and the Speaker of the House of Representatives, by no later than February 1, 2003, as to statutory changes that are necessary or desirable to facilitate the operations of the department.

(d) The Department of Banking and Finance, the Department of Insurance, the Office of the Comptroller, and the Office of the Treasurer shall fully cooperate with the Committee of Transition Management and shall promptly provide the office with any requested information.

Section 7. Notwithstanding the provisions of ss. 216.292 and 216.351, Florida Statutes, upon approval by the Legislative Budget Committee, the Executive Office of the Governor may transfer funds and positions between agencies to implement this act.

Section 8. *Conforming legislation.—*The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during 2002 and the creation by this act of the Department of Financial Services, the Office of Insurance Regulation, the Office of Financial Institutions and Securities Regulation, and the Chief Financial Officer. Therefore, in the interim between this act becoming a law and the 2003 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Statutory Revision shall provide the relevant substantive committees of the Senate and the House of Representatives with assistance, upon request, to enable such committees to prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2002 to the provisions of s. 20.121, Florida Statutes, as created by this act. It is specifically the intent of the Legislature that, until June 1, 2003, the statutory responsibility for appointments to commissions, boards, associations, councils, committees, or other collegial bodies now vested in the Comptroller, the Treasurer, the Insurance Commissioner, or the State Fire Marshal shall become the responsibility of the Chief Financial Officer.

Section 9. Effective July 1, 2002, subsection 1 of section 1. of chapter 2002-194, Laws of Florida, is amended to read:

Section 1. (1) All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds of the Division of Workers' Compensation are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Insurance, except as otherwise provided in this

subsection, as follows: the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to oversight of medical services in workers' compensation provider relations, dispute and complaint resolution, program evaluation, *data review and analysis data management*, and review of carrier medical bill payments *on issues which are jurisdictionally governed by the Agency for Health Care Administration, including, but not limited to, the duties in s. 440.13(3), (7), (8), (11)(a), (11)(c), (12), (13), and (14), Florida Statutes*, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Agency for Health Care Administration; the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to the rehabilitation and reemployment of injured workers are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Education; and the full-time equivalent positions and the associated funding for salaries, benefits, other capital outlay, and expenses related to the administration of child labor laws under chapter 450, Florida Statutes, are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, from the Department of Labor and Employment Security to the Department of Business and Professional Regulation. To the extent feasible, the positions transferred to the Department of Insurance will be reclassified to pay grades comparable to the positions established by the Department of Labor and Employment Security, based on the classification codes and specifications of the positions for work to be performed at the Department of Insurance. The number of positions the department establishes may not exceed the number of authorized positions and the salary and benefits that were authorized for the Division of Workers' Compensation within the Department of Labor and Employment Security prior to the transfer. The Department of Insurance is further authorized to reassign, reorganize, reclassify, or otherwise transfer positions to appropriate administrative subdivisions within the department and to establish such regional offices as are necessary to properly enforce and administer its responsibilities under the Florida Insurance Code and chapter 440, Florida Statutes. The department may also enter into contracts with public or private entities to administer its duties and responsibilities associated with the transfer of the Division of Workers' Compensation.

Section 10. Section 11.125, Florida Statutes, is created to read:

11.125 *Administrative services—*Notwithstanding any provision of law to the contrary, the President of the Senate on behalf of the Senate, or the Speaker of the House of Representatives on behalf of the House of Representatives, may contract with private entities for the provision of any administrative support service provided at the time of the contract to such house by the Office of Legislative Information Technology Services. Such contracts may provide for direct submittal of invoices to the Comptroller and the Department of Banking and Finance or their successors for payment of services provided.

Section 11. Effective July 1, 2002, Subsections (3) and (4), paragraph (b) of subsection (5), paragraph (a) of subsection (6), paragraphs (a), (c), (d), (e), (f), (g), and (h) of subsection (7), paragraph (a) of subsection (8), paragraphs (a) and (b) of subsection (9), paragraph (f) of subsection (10), and subsection (11) of section 288.99, Florida Statutes, are amended, paragraph (i) is added to subsection (7) of said section, and subsection (17) is added to said section, to read:

288.99 Certified Capital Company Act.—

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

(a) "Affiliate of an insurance company" means:

1. Any person directly or indirectly beneficially owning, whether through rights, options, convertible interests, or otherwise, controlling, or holding power to vote 15 ~~10~~ percent or more of the outstanding voting securities or other *voting* ownership interests of the insurance company;

2. Any person 15 ~~10~~ percent or more of whose outstanding voting securities or other *voting* ownership interest is directly or indirectly beneficially owned, whether through rights, options, convertible

interests, or otherwise, controlled, or held with power to vote by the insurance company;

3. Any person directly or indirectly controlling, controlled by, or under common control with the insurance company;

4. A partnership in which the insurance company is a general partner; or

5. Any person who is a principal, director, employee, or agent of the insurance company or an immediate family member of the principal, director, employee, or agent.

(b) "Certified capital" means an investment of cash by a certified investor in a certified capital company which fully funds the purchase price of either or both its equity interest in the certified capital company or a qualified debt instrument issued by the certified capital company.

(c) "Certified capital company" means a corporation, partnership, or limited liability company which:

1. Is certified by the department in accordance with this act.

2. Receives investments of certified capital *from two or more unaffiliated certified investors.*

3. Makes qualified investments as its primary activity.

(d) "Certified investor" means any insurance company subject to premium tax liability pursuant to s. 624.509 that ~~invests~~ ~~contributes~~ certified capital.

(e) "Department" means the Department of Banking and Finance.

(f) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(g) "Early stage technology business" means a qualified business that is:

1. Involved, at the time of the certified capital company's initial investment in such business, in activities related to developing initial product or service offerings, such as prototype development or the establishment of initial production or service processes; ~~The term includes a qualified business that is~~

2. Less than 2 years old and has, together with its affiliates, less than \$3 million in annual revenues for the fiscal year immediately preceding the initial investment by the certified capital company on a consolidated basis, as determined in accordance with generally accepted accounting principles; ~~The term also includes~~

3. The Florida Black Business Investment Board;

4. Any entity *that is* majority owned by the Florida Black Business Investment Board; or

5. Any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

(h) "Office" means the Office of Tourism, Trade, and Economic Development.

(i) "Premium tax liability" means any liability incurred by an insurance company under the provisions of s. 624.509 *and s. 624.5091.*

(j) "Principal" means an executive officer of a corporation, partner of a partnership, manager of a limited liability company, or any other person with equivalent executive functions.

(k) "Qualified business" means *the Digital Divide Trust Fund established under the State of Florida Technology Office* or a business that meets the following conditions *as evidenced by documentation required by department rule:*

1. The business is headquartered in this state and its principal business operations are located in this state *or at least 75 percent of the employees are employed in the state.*

2. At the time a certified capital company makes an initial investment in a business, the business *would qualify for investment*

~~under is a small business concern as defined in 13 C.F.R. s. 121.301(c) 121.201, "Size Standards Used to Define Small Business Concerns" of the United States Small Business Administration which is involved in manufacturing, processing or assembling products, conducting research and development, or providing services.~~

3. At the time a certified capital company makes an initial investment in a business, the business certifies in an affidavit that:

a. The business is unable to obtain conventional financing, which means that the business has failed in an attempt to obtain funding for a loan from a bank or other commercial lender or that the business cannot reasonably be expected to qualify for such financing under the standards of commercial lending;

b. The business plan for the business projects that the business is reasonably expected to achieve in excess of \$25 million in sales revenue within 5 years after the initial investment, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district;

c. The business will maintain its headquarters in this state for the next 10 years and any new manufacturing facility financed by a qualified investment will remain in this state for the next 10 years, or the business is located in a designated Front Porch community, enterprise zone, urban high crime area, rural job tax credit county, or nationally recognized historic district; and

d. The business has fewer than 200 employees and at least 75 percent of the employees are employed in this state. For purposes of this subsection, the term ~~"qualified business"~~ also includes the Florida Black Business Investment Board, any entity majority owned by the Florida Black Business Investment Board, or any entity in which the Florida Black Business Investment Board holds a majority voting interest on the board of directors.

4. *The term does not include:*

a. *Any business predominantly engaged in retail sales, real estate development, insurance, banking, lending, or oil and gas exploration.*

b. *Any business predominantly engaged in professional services provided by accountants, lawyers, or physicians.*

c. *Any company that has no historical revenues and either has no specific business plan or purpose or has indicated that its business plan is solely to engage in a merger or acquisition with any unidentified company or other entity.*

d. *Any company that has a strategic plan to grow through the acquisition of firms with substantially similar business which would result in the planned net loss of Florida-based jobs over a 12-month period after the acquisition as determined by the department.*

~~A business predominantly engaged in retail sales, real estate development, insurance, banking, lending, oil and gas exploration, or engaged in professional services provided by accountants, lawyers, or physicians does not constitute a qualified business.~~

(l) "Qualified debt instrument" means a debt instrument, or a hybrid of a debt instrument, issued by a certified capital company, at par value or a premium, with an original maturity date of at least 5 years after the date of issuance, a repayment schedule which is no faster than a level principal amortization over a 5-year period, and interest, distribution, or payment features which are not related to the profitability of the certified capital company or the performance of the certified capital company's investment portfolio.

(m) "Qualified distribution" means any distribution or payment ~~by~~ ~~to~~ ~~equity holders~~ of a certified capital company for:

1. *Reasonable costs and expenses, including, but not limited to, professional fees, of forming and, syndicating the certified capital company, if no such costs or expenses are paid to a certified investor, except as provided in subparagraph (4)(f)2., and the total cash, cash equivalents, and other current assets permitted by sub-subparagraph*

(5)(b)3.g. that can be converted into cash within 5 business days available to the certified capital company at the time of receipt of certified capital from certified investors, after deducting the costs and expenses of forming and syndicating the certified capital company, including any payments made over time for obligations incurred at the time of receipt of certified capital but excluding other future qualified distributions and payments made under paragraph (9)(a), are an amount equal to or greater than 50 percent of the total certified capital allocated to the certified capital pursuant to subsection (7);

2. Reasonable costs of managing; and operating the certified capital company, not exceeding 5 percent of the certified capital in any single year, including an annual management fee in an amount that does not exceed 2.5 percent of the certified capital of the certified capital company; ~~plus~~

3. Reasonable and necessary fees in accordance with industry custom for professional services, including, but not limited to, legal and accounting services, related to the operation of the certified capital company; or-

4.2. Any projected increase in federal or state taxes, including penalties and interest related to state and federal income taxes, of the equity owners of a certified capital company resulting from the earnings or other tax liability of the certified capital company to the extent that the increase is related to the ownership, management, or operation of a certified capital company.

(n)1. "Qualified investment" means the investment of cash by a certified capital company in a qualified business for the purchase of any debt, equity, or hybrid security of any nature and description ~~whatsoever~~, including a debt instrument or security that ~~which~~ has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants.

2. The term does not include:

a. Any investment made after the effective date of this act the contractual terms of which require the repayment of any portion of the principal in instances, other than default as determined by department rule, within 12 months following the initial investment by the certified capital company unless such investment has a repayment schedule no faster than a level principal amortization of at least 2 years;

b. Any "follow-on" or "add-on" investment except for the amount by which the new investment is in addition to the amount of the certified capital company's initial investment returned to it other than in the form of interest, dividends, or other types of profit participation or distributions; or

c. Any investment in a qualified business or affiliate of a qualified business that exceeds 15 percent of certified capital.

(o) "Program One" means the \$150 million in premium tax credits issued under this section in 1999, the allocation of such credits under this section, and the regulation of certified capital companies and investments made by them hereunder.

(p) "Program Two" means the \$150 million in premium tax credits to be issued under subsection (17), the allocation of such credits under this section, and the regulation of certified capital companies and investments made by them hereunder.

(4) CERTIFICATION; GROUNDS FOR DENIAL OR DECERTIFICATION.—

(a) To operate as a certified capital company, a corporation, partnership, or limited liability company must be certified by the department pursuant to this act.

(b) An applicant for certification as a certified capital company must file a verified application with the department on or before December 1, 1998, a date determined in rules adopted pursuant to subsection (17) in the case of applicants for Program Two, in a form which the department may prescribe by rule. The applicant shall submit a nonrefundable application fee of \$7,500 to the department. The applicant shall provide:

1. The name of the applicant and the address of its principal office and each office in this state.

2. The applicant's form and place of organization and the relevant organizational documents, bylaws, and amendments or restatements of such documents, bylaws, or amendments.

3. Evidence from the Department of State that the applicant is registered with the Department of State as required by law, maintains an active status with the Department of State, and has not been dissolved or had its registration revoked, canceled, or withdrawn.

4. The applicant's proposed method of doing business.

5. The applicant's financial condition and history, including an audit report on the financial statements prepared in accordance with generally accepted accounting principles. *The applicant must have, at the time of application for certification, an equity capitalization of at least \$500,000 in the form of cash or cash equivalents. The applicant must maintain this equity capitalization until the applicant receives an allocation of certified capital pursuant to this act showing net capital of not less than \$500,000 within 90 days after the date the application is submitted to the department.* If the date of the application is more than 90 days after preparation of the applicant's fiscal year-end financial statements, the applicant may file financial statements reviewed by an independent certified public accountant for the period subsequent to the audit report, together with the audited financial statement for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file a financial statement reviewed by an independent certified public accountant.

6. Copies of any offering materials used or proposed to be used by the applicant in soliciting investments of certified capital from certified investors.

(c) Within 60 days after receipt of a verified application ~~On December 31, 1998~~, the department shall grant or deny certification as a certified capital company. If the department denies certification within the time period specified, the department shall inform the applicant of the grounds for the denial. If the department has not granted or denied certification within the time specified, the application shall be deemed approved. The department shall approve the application if the department finds that:

1. The applicant satisfies the requirements of paragraph (b).

2. No evidence exists that the applicant has committed any act specified in paragraph (d).

3. At least two of the principals have a minimum of 5 years of experience making venture capital investments out of private equity funds, with not less than \$20 million being provided by third-party investors for investment in the early stage of operating businesses. At least one full-time manager or principal of the certified capital company who has such experience must be primarily located in an office of the certified capital company which is based in this state.

4. The applicant's proposed method of doing business and raising certified capital as described in its offering materials and other materials submitted to the department conforms with the requirements of this section.

(d) The department may deny certification or decertify a certified capital company if the grounds for decertification are not removed or corrected within 90 days after the notice of such grounds is received by the certified capital company. The department may deny certification or decertify a certified capital company if the certified capital company fails to maintain common stock or paid in capital ~~a net worth~~ of at least \$500,000, or if the department determines that the applicant, or any principal or director of the certified capital company, has:

1. Violated any provision of this section;

2. Made a material misrepresentation or false statement or concealed any essential or material fact from any person during the application process or with respect to information and reports required of certified capital companies under this section;

3. Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or any other country or government, including a fraudulent act in connection with the operation of a certified capital company, or in connection with the performance of fiduciary duties in another capacity;

4. Been adjudicated liable in a civil action on grounds of fraud, embezzlement, misrepresentation, or deceit; or

5.a. Been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a material violation of any federal or state securities or commodities law or any rule or regulation adopted under such law, or any rule or regulation of any national securities, commodities, or options exchange, or national securities, commodities, or options association; or

b. Been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries.

~~(e) The certified capital company shall file a copy of its certification with the office by January 31, 1999.~~

~~(e)(f)~~ Any offering material involving the sale of securities of the certified capital company shall include the following statement: "By authorizing the formation of a certified capital company, the State of Florida does not endorse the quality of management or the potential for earnings of such company and is not liable for damages or losses to a certified investor in the company. Use of the word 'certified' in an offering does not constitute a recommendation or endorsement of the investment by the State of Florida. Investments in a certified capital company prior to the time such company is certified are not eligible for premium tax credits. If applicable provisions of law are violated, the state may require forfeiture of unused premium tax credits and repayment of used premium tax credits by the certified investor."

~~(f)1.(g)~~ No insurance company or any affiliate of an insurance company shall, directly or indirectly, *own, whether through rights, options, convertible interests, or otherwise, 15 percent or more of the voting equity interests of or manage or control the direction of investments of a certified capital company.* This prohibition does not preclude a certified investor, insurance company, or any other party from exercising its legal rights and remedies, which may include interim management of a certified capital company, if a certified capital company is in default of its obligations under law or its contractual obligations to such certified investor, insurance company, or other party. *Nothing in this subparagraph shall limit an insurance company's ownership of nonvoting equity interests in a certified capital company.*

2. *A certified capital company may obtain a guaranty, indemnity, bond, insurance policy or other payment undertaking in favor of all of the certified investors of the certified capital company and its affiliates; provided that the entity from which such guaranty, indemnity, bond, insurance policy or other payment undertaking is obtained may not be a certified investor of, or be affiliated with more than one certified investor of, the certified capital company.*

~~(g)(h)~~ On or before December 31 of each year, each certified capital company shall pay to the department an annual, nonrefundable renewal certification fee of \$5,000. *If a certified capital company fails to pay its renewal fee by the specified deadline, the company must pay a late fee of \$5,000 in addition to the renewal fee on or by January 31 of each year in order to continue its certification in the program. On or before April 30 of each year, each certified capital company shall file audited financial statements with the department. No renewal fees shall be required within 6 months after the date of initial certification.*

~~(h)(i)~~ The department shall administer and provide for the enforcement of certification requirements for certified capital companies as provided in this act. The department may adopt any rules necessary to carry out its duties, obligations, and powers related to certification, renewal of certification, or decertification of certified capital companies

and may perform any other acts necessary for the proper administration and enforcement of such duties, obligations, and powers.

~~(i)(j)~~ Decertification of a certified capital company under this subsection does not affect the ability of certified investors in such certified capital company from claiming future premium tax credits earned as a result of an investment in the certified capital company during the period in which it was duly certified.

(5) INVESTMENTS BY CERTIFIED CAPITAL COMPANIES.—

(b) All capital not invested in qualified investments by the certified capital company:

1. Must be held in a financial institution as defined by s. 655.005(1)(h) or held by a broker-dealer registered under s. 517.12, *except as set forth in sub-subparagraph 3.g.*

2. Must not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company, *except for an investment permitted by sub-subparagraph 3.g., provided repayment terms do not permit the obligor to directly or indirectly manage or control the investment decisions of the certified capital company.*

3. Must be invested only in:

a. Any United States Treasury obligations;

b. Certificates of deposit or other obligations, maturing within 3 years after acquisition of such certificates or obligations, issued by any financial institution or trust company incorporated under the laws of the United States;

c. Marketable obligations, maturing within ~~10~~ 5 years or less after the acquisition of such obligations, which are rated "A" or better by any nationally recognized credit rating agency;

d. Mortgage-backed securities, with an average life of 5 years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;

e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States Government; are not private-label issues; are in book-entry form; and do not include the classes of interest only, principal only, residual, or zero; ~~or~~

f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in sub-subparagraphs a.-d.; *or*

*g. Obligations that are issued by an insurance company that is not a certified investor of the certified capital company making the investment, that has provided a guaranty indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by subparagraph (3)(m)1. or an affiliate of such insurance company as defined by subparagraph (3)(a)3. that is not a certified investor of the certified capital company making the investment, provided that such obligations are:*

(I) *Issued or guaranteed as to principal by an entity whose senior debt is rated "AA" or better by Standard & Poor's Ratings Group or such other nationally recognized credit rating agency as the department may by rule determine.*

(II) *Not subordinated to other unsecured indebtedness of the issuer or the guarantor.*

(III) *Invested by such issuing entity in accordance with sub-subparagraphs 3.a.-f.*

(IV) *Readily convertible into cash within 5 business days for the purpose of making a qualified investment unless such obligations are held to provide a guaranty, indemnity bond, insurance policy, or other payment undertaking in favor of the certified capital company's certified investors as permitted by subparagraph (3)(m)1.*

(6) PREMIUM TAX CREDIT; AMOUNT; LIMITATIONS.—

(a) Any certified investor who makes an investment of certified capital shall earn a vested credit against premium tax liability equal to 100 percent of the certified capital invested by the certified investor. Certified investors shall be entitled to use no more than 10 percentage points of the vested premium tax credit *earned under a particular program*, including any carryforward credits *from such program* under this act, per year beginning with premium tax filings for calendar year 2000 *for credits earned under Program One*. Any premium tax credits not used by certified investors in any single year may be carried forward and applied against the premium tax liabilities of such investors for subsequent calendar years. ~~The carryforward credit may be applied against subsequent premium tax filings through calendar year 2017.~~

(7) ANNUAL TAX CREDIT; MAXIMUM AMOUNT; ALLOCATION PROCESS.—

(a) The total amount of tax credits which may be allocated by the office shall not exceed \$150 million *with respect to Program One and \$150 million with respect to Program Two*. The total amount of tax credits which may be used by certified investors under this act shall not exceed \$15 million annually *with respect to credits earned under Program One and \$15 million annually with respect to credits earned under Program Two*.

(c) Each certified capital company must apply to the office for an allocation of premium tax credits for potential certified investors ~~by March 15, 1999~~, on a form developed by the office with the cooperation of the Department of Revenue. The form shall be accompanied by an affidavit from each potential certified investor confirming that the potential certified investor has agreed to make an investment of certified capital in a certified capital company up to a specified amount, subject only to the receipt of a premium tax credit allocation pursuant to this subsection. *No certified capital company shall submit premium tax allocation claims on behalf of certified investors that in the aggregate would exceed the total dollar amount appropriated by the Legislature for the specific program*. No allocation shall be made to the potential investors of a certified capital company *under Program Two* unless such certified capital company has filed premium tax allocation claims ~~that would result in an allocation to the potential investors in such certified capital company~~ of not less than \$15 million in the aggregate.

(d) ~~On or before April 1, 1999~~, The office shall inform each certified capital company of its share of total premium tax credits available for allocation to each of its potential investors.

(e) If a certified capital company does not receive certified capital equaling the amount of premium tax credits allocated to a potential certified investor for which the investor filed a premium tax allocation claim within 10 business days after the investor received a notice of allocation, the certified capital company shall notify the office by overnight common carrier delivery service of the company's failure to receive the capital. That portion of the premium tax credits allocated to the certified capital company shall be forfeited. If the office must make a pro rata allocation under paragraph (f), the office shall reallocate such available credits among the other certified capital companies on the same pro rata basis as the initial allocation.

(f) If the total amount of capital committed by all certified investors to certified capital companies in premium tax allocation claims *under Program Two* exceeds the aggregate cap on the amount of credits that may be awarded *under Program Two*, the premium tax credits that may be allowed to any one certified investor *under Program Two* shall be allocated using the following ratio:

$$A/B = X / > \$150,000,000$$

where the letter "A" represents the total amount of certified capital certified investors have agreed to invest in any one certified capital company *under Program Two*, the letter "B" represents the aggregate amount of certified capital that all certified investors have agreed to invest in all certified capital companies *under Program Two*, the letter "X" is the numerator and represents the total amount of premium tax credits and certified capital that may be allocated to a certified capital company *on a date determined by rule adopted by the department pursuant to subsection (17) in calendar year 1999*, and \$150 million is the denominator and represents the total amount of premium tax

credits and certified capital that may be allocated to all certified investors *under Program Two* ~~in calendar year 1999~~. Any such premium tax credits are not first available for utilization until annual filings are made in 2001 for calendar year 2000 *in the case of Program One*, and the tax credits may be used at a rate not to exceed 10 percent annually *per program*.

(g) The maximum amount of certified capital for which premium tax allocation claims may be filed on behalf of any certified investor and its affiliates by one or more certified *capital* companies may not exceed \$15 million *for Program One and \$22.5 million for Program Two*.

(h) To the extent that less than \$150 million in certified capital is raised in connection with the procedure set forth in paragraphs (c)-(g), the department may adopt rules to allow a subsequent allocation of the remaining premium tax credits authorized under this section.

(i) *The office shall issue a certification letter for each certified investor, showing the amount invested in the certified capital company under each program. The applicable certified capital company shall attest to the validity of the certification letter.*

(8) ANNUAL TAX CREDIT; CLAIM PROCESS.—

(a) On an annual basis, on or before ~~January~~ ~~December~~ 31, each certified capital company shall file with the department and the office, in consultation with the department, on a form prescribed by the office, for each calendar year:

1. The total dollar amount the certified capital company received from certified investors, the identity of the certified investors, and the amount received from each certified investor during the *immediately preceding* calendar year.

2. The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business *during the immediately preceding calendar year*.

3. For informational purposes only, the total number of permanent, full-time jobs either created or retained by the qualified business during the *immediately preceding* calendar year, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate, and any additional capital invested in qualified businesses from sources other than certified capital companies.

(9) REQUIREMENT FOR 100 PERCENT INVESTMENT; STATE PARTICIPATION.—

(a) A certified capital company may make qualified distributions at any time. In order to make a distribution to its equity holders, other than a qualified distribution *from funds related to a particular program*, a certified capital company must have invested an amount cumulatively equal to 100 percent of its certified capital *raised under such program* in qualified investments. Payments to debt holders of a certified capital company, however, may be made without restriction with respect to repayments of principal and interest on indebtedness owed to them by a certified capital company, including indebtedness of the certified capital company on which certified investors earned premium tax credits. A debt holder that is also a certified investor or equity holder of a certified capital company may receive payments with respect to such debt without restrictions.

(b) Cumulative distributions from a certified capital company *from funds related to a particular program* to its certified investors and equity holders *under such program*, other than qualified distributions, in excess of the certified capital company's original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program* may be audited by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company, if the department directs such audit be conducted. The audit shall determine whether aggregate cumulative distributions from the *funds related to a particular program made by the certified capital company* to all certified investors and equity holders *under such program*, other than qualified distributions, have equaled the sum of the certified capital company's

original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program*. If at the time of any such distribution made by the certified capital company, such distribution taken together with all other such distributions *from the funds related to such program* made by the certified capital company, other than qualified distributions, exceeds in the aggregate the sum of the certified capital company's original certified capital *raised under such program* and any additional capital contributions to the certified capital company *with respect to such program*, as determined by the audit, the certified capital company shall pay to the Department of Revenue 10 percent of the portion of such distribution in excess of such amount. Payments to the Department of Revenue by a certified capital company pursuant to this paragraph shall not exceed the aggregate amount of tax credits used by all certified investors in such certified capital company *for such program*.

(10) DECERTIFICATION.—

(f) Decertification of a certified capital company for failure to meet all requirements for continued certification under paragraph (5)(a) *with respect to the certified capital raised under a particular program* may cause the recapture of premium tax credits previously claimed by such company *under such program* and the forfeiture of future premium tax credits to be claimed by certified investors *under such program* with respect to such certified capital company, as follows:

1. Decertification of a certified capital company within 3 years after its certification date *with respect to a particular program* shall cause the recapture of all premium tax credits *earned under such program* and previously claimed by such company and the forfeiture of all future premium tax credits *earned under such program* which are to be claimed by certified investors with respect to such company.

2. When a certified capital company meets all requirements for continued certification under subparagraph (5)(a)1. *with respect to certified capital raised under a particular program* and subsequently fails to meet the requirements for continued certification under the provisions of subparagraph (5)(a)2. *with respect to certified capital raised under such program*, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 3 years after the certification date of the certified capital company *with respect to such program* shall not be subject to recapture or forfeiture; however, all premium tax credits *earned under such program* that have been or will be taken by certified investors after the third anniversary of the certification date of the certified capital company *for such program* shall be subject to recapture or forfeiture.

3. When a certified capital company meets all requirements for continued certification under subparagraphs (5)(a)1. and 2. *with respect to a particular program* and subsequently fails to meet the requirements for continued certification under the subparagraph (5)(a)3. *with respect to such program*, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 4 years after the certification date of the certified capital company *with respect to such program* shall not be subject to recapture or forfeiture; however, all premium tax credits *earned under such program* that have been or will be taken by certified investors after the fourth anniversary of the certification date of the certified capital company *with respect to such program* shall be subject to recapture and forfeiture.

4. If a certified capital company has met all requirements for continued certification under paragraph (5)(a) *with respect to certified capital raised under a particular program*, but such company is subsequently decertified, those premium tax credits *earned under such program* which have been or will be taken by certified investors within 5 years after the certification date of such company *with respect to such program* shall not be subject to recapture or forfeiture. Those premium tax credits *earned under such program* to be taken subsequent to the 5th year of certification *with respect to such program* shall be subject to forfeiture only if the certified capital company is decertified within 5 years after its certification date *with respect to such program*.

5. If a certified capital company has invested an amount cumulatively equal to 100 percent of its certified capital *raised under a particular program* in qualified investments, all premium tax credits

claimed or to be claimed by its certified investors *under such program* shall not be subject to recapture or forfeiture.

(11) TRANSFERABILITY.—*The premium tax credit established pursuant to this act may be transferred or sold. The Department of Revenue shall adopt rules to facilitate the transfer or sale of such premium tax credits. A transfer or sale shall not affect the time schedule for taking the premium tax credit as provided in this act. Any premium tax credits recaptured shall be the liability of the taxpayer who actually claimed the premium tax credits. The claim of a transferee of a certified investor's unused premium tax credit shall be permitted in the same manner and subject to the same provisions and limitations of this act as the original certified investor. The term "transferee" means any person who:*

~~(a) Through the voluntary sale, assignment, or other transfer of the business or control of the business of the certified investor, including the sale or other transfer of stock or assets by merger, consolidation, or dissolution, succeeds to all or substantially all of the business and property of the certified investor;~~

~~(b) Becomes by operation of law or otherwise the parent company of the certified investor;~~

~~(c) Directly or indirectly owns, whether through rights, options, convertible interests, or otherwise, controls, or holds power to vote 10 percent or more of the outstanding voting securities or other ownership interest of the certified investor;~~

~~(d) Is a subsidiary of the certified investor or 10 percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, whether through rights, options, convertible interests, or otherwise, by the certified investor; or~~

~~(e) Directly or indirectly controls, is controlled by, or is under the common control with the certified investor.~~

Section 12. *Except as otherwise specifically provided in this act, the provisions of this act shall apply only to "Program Two" as defined in s. 288.99(3), Florida Statutes, as amended by this act.*

(17) *Notwithstanding the limitations set forth in paragraph (7)(a), in the first fiscal year in which the total insurance premium tax collections as determined by the Revenue Estimating Conference exceed collections for fiscal year 2000-2001 by more than the total amount of tax credits issued pursuant to this section which were used by certified investors in that year, the office may allocate to certified investors in accordance with paragraph (7)(a) tax credits for Program Two. The department shall establish, by rule, a date and procedures by which certified capital companies must file applications for allocations of such additional premium tax credits, which date shall be no later than 180 days from the date of determination by the Revenue Estimating Conference. With respect to new certified capital invested and premium tax credits earned pursuant to this subsection, the schedule specified in subparagraphs (5)(a)1.-4. is satisfied by investments by December 31 of the 2nd, 3rd, 4th, and 5th calendar year, respectively, after the date established by the department for applications of additional premium tax credits. The department shall adopt rules by which an entity not already certified as a certified capital company may apply for certification as a certified capital company for participation in this additional allocation. The insurance premium tax credit authorized by Program Two may not be used by certified investors until the annual return due March 1, 2004, and may be used on all subsequent returns and estimated payments; however, notwithstanding the provisions of s. 624.5092(2)(b), the installments of taxes due and payable on April 15, 2004, and June 15, 2004, shall be based on the net tax due in 2003 not taking into account credits granted pursuant to this section for Program Two.*

Section 13. Subsection (20) is added to section 517.12, Florida Statutes, to read:

517.12 Registration of dealers, associated persons, investment advisers, and branch offices.—

(20) *The registration requirements of this section do not apply to individuals licensed under s. 626.041 or its successor statute, or s.*

626.051 or its successor statute, for the sale of a security as defined in s. 517.021(19)(g), if the individual is directly authorized by the issuer to offer or sell the security on behalf of the issuer and the issuer is a federally chartered savings bank subject to regulation by the Federal Deposit Insurance Corporation.

Section 14. Subsection (21) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(21) To declare an emergency when one exists in any matter pertaining to agriculture; to make, adopt, and promulgate rules and issue orders which will be effective during the term of the emergency; and to issue or require to be issued food safety information, pertaining to the emergency, that is based on reliable scientific facts and reliable scientific data. *When the Commissioner of Agriculture has declared an agricultural emergency, no county or municipal ordinance relating to any action intended to end the emergency shall be enforced within a county or municipality with respect to such action taken by the Department of Agriculture and Consumer Services during the agricultural emergency.*

Section 15. Paragraph (b) of subsection (4), paragraph (a) of subsection (5), and paragraphs (a) and (c) of subsection (6) of section 624.91, Florida Statutes, as amended by section 20 of chapter 2001-377, Laws of Florida, are amended to read:

624.91 The Florida Healthy Kids Corporation Act.—

(4) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall phase in a program to:

1. Organize school children groups to facilitate the provision of comprehensive health insurance coverage to children;

2. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses;

3. Establish the administrative and accounting procedures for the operation of the corporation;

4. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children; provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians;

5. Establish eligibility criteria which children must meet in order to participate in the program;

6. Establish procedures under which applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation;

7. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or insurance administrator to provide administrative services to the corporation;

8. Establish enrollment criteria which shall include penalties or waiting periods of not fewer than 60 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums;

9. If a space is available, establish a special open enrollment period of 30 days' duration for any child who is enrolled in Medicaid or Medikids if such child loses Medicaid or Medikids eligibility and becomes eligible for the Florida Healthy Kids program;

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such

standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The selection of health plans shall be based primarily on quality criteria established by the board. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded;

11. Develop and implement a plan to publicize the Florida Healthy Kids Corporation, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program;

12. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation;

13. As appropriate, enter into contracts with local school boards or other agencies to provide onsite information, enrollment, and other services necessary to the operation of the corporation;

14. Provide a report *annually on an annual basis* to the Governor, *Chief Financial Officer Insurance Commissioner*, Commissioner of Education, Senate President, Speaker of the House of Representatives, and Minority Leaders of the Senate and the House of Representatives;

15. Each fiscal year, establish a maximum number of participants by county, on a statewide basis, who may enroll in the program without the benefit of local matching funds. Thereafter, the corporation may establish local matching requirements for supplemental participation in the program. The corporation may vary local matching requirements and enrollment by county depending on factors which may influence the generation of local match, including, but not limited to, population density, per capita income, existing local tax effort, and other factors. The corporation also may accept in-kind match in lieu of cash for the local match requirement to the extent allowed by Title XXI of the Social Security Act; and

16. Establish eligibility criteria, premium and cost-sharing requirements, and benefit packages which conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.820; and

17. Notwithstanding the requirements of subparagraph 15. to the contrary, establish a local matching requirement of \$0.00 for the Title XXI program in each county of the state for the 2001-2002 fiscal year. This subparagraph shall take effect upon becoming a law and shall operate retroactively to July 1, 2001. This subparagraph expires July 1, 2002.

(5) BOARD OF DIRECTORS.—

(a) The Florida Healthy Kids Corporation shall operate subject to the supervision and approval of a board of directors chaired by the *Chief Financial Officer Insurance Commissioner* or her or his designee, and composed of *14* ~~12~~ other members selected for 3-year terms of office as follows:

1. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Administrators;

2. One member appointed by the Commissioner of Education from among three persons nominated by the Florida Association of School Boards;

3. One member appointed by the Commissioner of Education from the Office of School Health Programs of the Florida Department of Education;

4. One member appointed by the Governor from among three members nominated by the Florida Pediatric Society;

5. One member, appointed by the Governor, who represents the Children's Medical Services Program;

6. One member appointed by the *Chief Financial Officer Insurance Commissioner* from among three members nominated by the Florida Hospital Association;

7. Two members, appointed by the *Chief Financial Officer Insurance Commissioner*, who are representatives of authorized health care insurers or health maintenance organizations;

8. One member, appointed by the *Chief Financial Officer Insurance Commissioner*, who represents the Institute for Child Health Policy;

9. One member, appointed by the Governor, from among three members nominated by the Florida Academy of Family Physicians;

10. One member, appointed by the Governor, who represents the Agency for Health Care Administration; ~~and~~

11. *One member, appointed by the Chief Financial Officer, from among three members nominated by the Florida Association of Counties, representing rural counties;*

12. *One member, appointed by the Governor, from among three members nominated by the Florida Association of Counties, representing urban counties; and*

13. ~~14.~~ The State Health Officer or her or his designee.

(6) LICENSING NOT REQUIRED; FISCAL OPERATION.—

(a) The corporation shall not be deemed an insurer. The officers, directors, and employees of the corporation shall not be deemed to be agents of an insurer. Neither the corporation nor any officer, director, or employee of the corporation is subject to the licensing requirements of the insurance code or the rules of the Department of *Financial Services Insurance*. However, any marketing representative utilized and compensated by the corporation must be appointed as a representative of the insurers or health services providers with which the corporation contracts.

(c) The Department of *Financial Services Insurance* shall supervise any liquidation or dissolution of the corporation and shall have, with respect to such liquidation or dissolution, all power granted to it pursuant to the insurance code.

Section 16. Sections 633.801, 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, and 633.821, Florida Statutes, are created to read:

633.801 *Short title.*—Sections 633.801-633.821 may be cited as the “Florida Firefighters Occupational Safety and Health Act.”

633.802 *Definitions.*—Unless the context clearly requires otherwise, the following definitions shall apply to ss. 633.801-633.821:

(1) “Department” means the Department of Insurance.

(2) “Division” means the Division of State Fire Marshal of the department.

(3) “Firefighter employee” means any person engaged in any employment, public or private, as a firefighter under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, responding to or assisting with fire or medical emergencies, whether or not the firefighter is on duty, except those appointed under s. 590.02(1)(d).

(4) “Firefighter employer” means the state and all political subdivisions of this state, all public and quasi-public corporations in this state, and every person carrying on any employment for this state, political subdivisions of this state, and public and quasi-public corporations in this state which employs firefighters, except those appointed under s. 590.02(1)(d).

(5) “Firefighter employment” or “employment” means any service performed by a firefighter employee for the firefighter employer.

(6) “Firefighter place of employment” or “place of employment” means the physical location at which the firefighter is employed.

633.803 *Legislative intent.*—It is the intent of the Legislature to enhance firefighter occupational safety and health in the state through the implementation and maintenance of policies, procedures, practices, rules, and standards that reduce the incidence of firefighter employee accidents, firefighter employee occupational diseases, and firefighter employee fatalities compensable under chapter 440 or otherwise. The Legislature further intends that the division develop a means by which the division can identify individual firefighter employers with a high frequency or severity of work-related injuries, conduct safety inspections of those firefighter employers, and assist those firefighter employers in the development and implementation of firefighter employee safety and health programs. In addition, it is the intent of the Legislature that the division administer the provisions of ss. 633.801-633.821; provide assistance to firefighter employers, firefighter employees, and insurers; and enforce the policies, rules, and standards set forth in ss. 633.801-633.821.

633.804 *Safety inspections and consultations; rules.*—The division shall adopt rules governing the manner, means, and frequency of firefighter employer and firefighter employee safety inspections and consultations by all insurers and self-insurers.

633.805 *Division to make study of firefighter employee occupational diseases.*—The division shall make a continuous study of firefighter employee occupational diseases and the ways and means for their control and prevention and shall adopt rules necessary for such control and prevention. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health.

633.806 *Investigations by the division; refusal to admit; penalty.*—

(1) The division shall make studies and investigations with respect to safety provisions and the causes of firefighter employee injuries in firefighter employee places of employment and shall make such recommendations to the Legislature and firefighter employers and insurers as the division considers proper as to the best means of preventing firefighter injuries. In making such studies and investigations, the division may cooperate with any agency of the United States charged with the duty of enforcing any law securing safety against injury in any place of firefighter employment covered by ss. 633.801-633.821 or any agency or department of the state engaged in enforcing any law to ensure safety for firefighter employees.

(2) The division by rule may adopt procedures for conducting investigations of firefighter employers under ss. 633.801-633.821.

633.807 *Safety; firefighter employer responsibilities.*—Every firefighter employer shall furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms “safe” and “safety,” as applied to any employment or place of firefighter employment, mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

633.808 *Division authority.*—The division shall:

(1) Investigate and prescribe by rule what safety devices, safeguards, or other means of protection must be adopted for the prevention of accidents in every firefighter employee place of employment or at any fire scene; determine what suitable devices, safeguards, or other means of protection for the prevention of occupational diseases must be adopted or followed in any or all such firefighter places of employment or at any fire scene; and adopt reasonable rules for the prevention of accidents, the safety, protection, and security of firefighter employees engaged in interior firefighting, and the prevention of occupational diseases.



(2) Ascertain, fix, and order such reasonable standards and rules for the construction, repair, and maintenance of firefighter employee places of employment as shall render them safe. Such rules and standards shall be adopted in accordance with chapter 120.

(3) Assist firefighter employers in the development and implementation of firefighter employee safety training programs by contracting with professional safety organizations.

(4) Adopt rules prescribing recordkeeping responsibilities for firefighter employers, which may include maintaining a log and summary of occupational injuries, diseases, and illnesses, for producing on request a notice of injury and firefighter employee accident investigation records, and prescribing a retention schedule for such records.

633.809 Firefighter employers whose firefighter employees have a high frequency of work-related injuries.—The division shall develop a means by which the division may identify individual firefighter employers whose firefighter employees have a high frequency or severity of work-related injuries. The division shall carry out safety inspections of the facilities and operations of those firefighter employers in order to assist them in reducing the frequency and severity of work-related injuries. The division shall develop safety and health programs for those firefighter employers. Insurers shall distribute such safety and health programs to the firefighter employers so identified by the division. Those firefighter employers identified by the division as having a high frequency or severity of work-related injuries shall implement a safety and health program developed by the division. The division shall carry out safety inspections of those firefighter employers so identified to ensure compliance with the safety and health program and to assist such firefighter employers in reducing the number of work-related injuries. The division may not assess penalties as a result of such inspections, except as provided by s. 633.813. Copies of any report made as the result of such an inspection shall be provided to the firefighter employer and its insurer. Firefighter employers may submit their own safety and health programs to the division for approval in lieu of using the safety and health program developed by the division. The division shall promptly review the program submitted and approve or disapprove the program within 60 days or such program shall be deemed approved. Upon approval by the division, the program shall be implemented by the firefighter employer. If the program is not approved or if a program is not submitted, the firefighter employer shall implement the program developed by the division. The division shall adopt rules setting forth the criteria for safety and health programs, as such rules relate to this section.

633.810 Workplace safety committees and safety coordinators.—

(1) In order to promote health and safety in firefighter employee places of employment in this state:

(a) Each firefighter employer of 20 or more firefighter employees shall establish and administer a workplace safety committee in accordance with rules adopted under this section.

(b) Each firefighter employer of fewer than 20 firefighter employees identified by the division as having high frequency or high severity of work-related injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator who shall establish and administer workplace safety activities in accordance with rules adopted under this section.

(2) The division shall adopt rules:

(a) Prescribing the membership of the workplace safety committees so as to ensure an equal number of firefighter employee representatives who are volunteers or are elected by their peers and firefighter employer representatives, and specifying the frequency of meetings.

(b) Requiring firefighter employers to make adequate records of each meeting and to file and to maintain the records subject to inspection by the division.

(c) Prescribing the duties and functions of the workplace safety committee and workplace safety coordinator, which include, but are not limited to:

1. Establishing procedures for workplace safety inspections by the committee.

2. Establishing procedures for investigating all workplace accidents, safety-related incidents, illnesses, and deaths.

3. Evaluating accident prevention and illness prevention programs.

4. Prescribing guidelines for the training of safety committee members.

(3) The composition, selection, and function of workplace safety committees shall be a mandatory topic of negotiations with any certified collective bargaining agent for firefighter employers that operate under a collective bargaining agreement. Firefighter employers that operate under a collective bargaining agreement that contains provisions regulating the formation and operation of workplace safety committees that meet or exceed the minimum requirements contained in this section, or firefighter employers who otherwise have existing workplace safety committees that meet or exceed the minimum requirements established by this section, are in compliance with this section.

(4) Firefighter employees shall be compensated their regular hourly wage while engaged in workplace safety committee or workplace safety coordinator training, meetings, or other duties prescribed under this section.

633.811 Firefighter employer penalties.—If any firefighter employer violates or fails or refuses to comply with ss. 633.801-633.821, or with any rule adopted by the division under such sections in accordance with chapter 120 for the prevention of injuries, accidents, or occupational diseases or with any lawful order of the division in connection with ss. 633.801-633.821, or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by division rule under ss. 633.801-633.821 for the prevention of accidents or occupational diseases, the division may assess against the firefighter employer a civil penalty of not less than \$100 nor more than \$5,000 for each day the violation, omission, failure, or refusal continues after the firefighter employer has been given written notice of such violation, omission, failure, or refusal. The total penalty for each violation shall not exceed \$50,000. The division shall adopt rules requiring penalties commensurate with the frequency or severity of safety violations. A hearing shall be held in the county in which the violation, omission, failure, or refusal is alleged to have occurred, unless otherwise agreed to by the firefighter employer and authorized by the division. All penalties assessed and collected under this section shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

633.812 Division cooperation with Federal Government; exemption from requirements for private firefighter employers.—

(1) The division shall cooperate with the Federal Government so that duplicate inspections will be avoided while at the same time ensuring safe firefighter employee places of employment for the citizens of this state.

(2) Except as provided in this section, a private firefighter employer is not subject to the requirements of the division if:

(a) The private firefighter employer is subject to the federal regulations in 29 C.F.R. ss. 1910 and 1926.

(b) The private firefighter employer has adopted and implemented a written safety program that conforms to the requirements of 29 C.F.R. ss. 1910 and 1926.

(c) A private firefighter employer with 20 or more full-time firefighter employees shall include provisions for a safety committee in the safety program. The safety committee shall include firefighter employee representation and shall meet at least once each calendar quarter. The private firefighter employer shall make adequate records of each meeting and maintain the records subject to inspections under subsection (3). The safety committee shall, if appropriate, make recommendations regarding improvements to the safety program and corrections of hazards affecting workplace safety.

(d) The private firefighter employer provides the division with a written statement that certifies compliance with this subsection.

(3) *The division may enter at any reasonable time any place of private firefighter employment for the purpose of verifying the accuracy of the written certification. If the division determines that the private firefighter employer has not complied with the requirements of subsection (2), the private firefighter employer shall be subject to the rules of the division until the private firefighter employer complies with subsection (2) and recertifies that fact to the division.*

(4) *This section shall not restrict the division's performance of any duties pursuant to a written contract between the division and the federal Occupational Safety and Health Administration.*

**633.813 Failure to implement a safety and health program; cancellations.**—*If a firefighter employer that is found by the division to have a high frequency or severity of work-related injuries fails to implement a safety and health program, the insurer or self-insurer's fund that is providing coverage for the firefighter employer may cancel the contract for insurance with the firefighter employer. In the alternative, the insurer or fund may terminate any discount or deviation granted to the firefighter employer for the remainder of the term of the policy. If the contract is canceled or the discount or deviation is terminated, the insurer shall make such reports as are required by law.*

**633.814 Expenses of administration.**—*The amounts that are needed to administer ss. 633.801-633.821 shall be disbursed from the Insurance Commissioner's Regulatory Trust Fund.*

**633.815 Refusal to admit; penalty.**—*The division and authorized representatives of the division may enter and inspect any firefighter place of employment at any reasonable time for the purpose of investigating compliance with ss. 633.801-633.821 and conducting inspections for the proper enforcement of ss. 633.801-633.821. A firefighter employer who refuses to admit any member of the division or authorized representative of the division to any place of employment or to allow investigation and inspection pursuant to this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

**633.816 Firefighter employee rights and responsibilities.**—

(1) *Each firefighter employee of a firefighter employer covered under ss. 633.801-633.821 shall comply with rules adopted by the division and with reasonable workplace safety and health standards, rules, policies, procedures, and work practices established by the firefighter employer and the workplace safety committee. A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.*

(2) *A firefighter employer may not discharge, threaten to discharge, cause to be discharged, intimidate, coerce, otherwise discipline, or in any manner discriminate against a firefighter employee for any of the following reasons:*

(a) *The firefighter employee has testified or is about to testify, on her or his own behalf or on behalf of others, in any proceeding instituted under ss. 633.801-633.821;*

(b) *The firefighter employee has exercised any other right afforded under ss. 633.801-633.821; or*

(c) *The firefighter employee is engaged in activities relating to the workplace safety committee.*

(3) *No pay, position, seniority, or other benefit may be lost for exercising any right under, or for seeking compliance with any requirement of, ss. 633.801-633.821.*

**633.817 Compliance.**—*Failure of a firefighter employer or an insurer to comply with ss. 633.801-633.821, or with any rules adopted under ss. 633.801-633.821, constitutes grounds for the division to seek remedies, including injunctive relief, by making appropriate filings with the circuit court.*

**633.818 False statements to insurers.**—*A firefighter employer who knowingly and willfully falsifies or conceals a material fact, who makes a false, fictitious, or fraudulent statement or representation, or who makes or uses any false document knowing the document to contain any false, fictitious, or fraudulent entry or statement to an insurer of workers'*

*compensation insurance under ss. 633.801-633.821 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.*

**633.819 Matters within jurisdiction of the division; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.**—*A person may not, in any matter within the jurisdiction of the division, knowingly and willfully falsify or conceal a material fact; make any false, fictitious, or fraudulent statement or representation; or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The statute of limitations for prosecution of an act committed in violation of this section is 5 years after the date the act was committed or, if not discovered within 30 days after the act was committed, 5 years after the date the act was discovered.*

**633.820 Volunteer firefighters.**—*Sections 633.803-633.821 apply to volunteer firefighters and volunteer fire departments.*

**633.821 Workplace safety.**—

(1) *The division shall assist in making the firefighter employee place of employment a safer place to work and decreasing the frequency and severity of on-the-job injuries in such workplace.*

(2) *The division shall have the authority to adopt rules for the purpose of ensuring safe working conditions for all firefighter employees by authorizing the enforcement of effective standards, by assisting and encouraging firefighter employers to maintain safe working conditions, and by providing for education and training in the field of safety. Specifically, the division may by rule adopt all or any part of subparts C through T and subpart Z of 29 C.F.R. s. 1910, as revised April 8, 1998; the National Fire Protection Association, Inc., Standard 1500, paragraph 5-7 (Personal Alert Safety System) (1992 edition); and ANSI A 10.4-1990.*

(3) *With respect to 29 C.F.R. s. 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. s. 1910.134(g)(4):*

(a) *Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).*

(b) *If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional 6 months within which to implement such provision. Such county, municipality, or special district shall notify the division that the 6-month extension to implement such provision is in effect in such county, municipality, or special district within 30 days after its decision to extend the time for the additional 6 months. The decision to extend the time for implementation shall be made prior to April 1, 2002.*

(c) *If, after the extension granted in paragraph (b), the county, municipality, or special district, after having worked with and cooperated fully with the division and the Firefighters Employment, Standards, and Training Council, is still unable to implement such provisions without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. s. 1910.134(g)(4). However, each year thereafter the division shall review each such county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds. If the division determines that any county, municipality, or special district has the ability to implement such provision without adding additional personnel to its firefighting staff or expending significant additional funds, the division shall require*

such county, municipality, or special district to implement such provision. Such requirement by the division under this paragraph constitutes final agency action subject to chapter 120.

(4) The provisions of chapter 440 that pertain to workplace safety apply to the division.

(5) The division may adopt any rule necessary to implement, interpret, and make specific the provisions of this section, provided the division may not adopt by rule any other standard or standards of the Occupational Safety and Health Administration or the National Fire Protection Association relating solely to ss. 633.801-633.821 and firefighter employment safety without specific legislative authority.

Section 17. Section 633.31, Florida Statutes, is amended to read:

633.31 Firefighters *Employment, Standards, and Training Council.*—

(1) There is created within the Department of Insurance a Firefighters *Employment, Standards, and Training Council* of 13 ~~nine~~ members ~~appointed by the State Fire Marshal~~. Two members shall be fire chiefs *appointed by the Florida Fire Chiefs Association*, two members shall be firefighters who are not officers, *appointed by the Florida Professional Firefighters Association*, two members shall be firefighter officers who are not fire chiefs, *appointed by the State Fire Marshal*, *one member appointed by the Florida League of Cities*, *one member appointed by the Florida Association of Special Districts*, *one member appointed by the Florida Fire Marshal's Association*, and *one member appointed by the State Fire Marshal*, and one member shall be a director or instructor of a state-certified firefighting training facility *appointed by the State Fire Marshal*. To be eligible for appointment as a fire chief member, firefighter officer member, firefighter member, or a director or instructor of a state-certified firefighting facility, a person shall have had at least 4 years' experience in the firefighting profession. The remaining member, *who shall be appointed by the State Fire Marshal*, ~~two members~~ shall not be a member or representative members of the firefighting profession or of any local government. Members shall serve only as long as they continue to meet the criteria under which they were appointed, or unless a member has failed to appear at three consecutive and properly noticed meetings unless excused by the chair.

(2) ~~Initially, the State Fire Marshal shall appoint three members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and two members for terms of 1 year. Thereafter, Members shall be appointed for 4-year terms and in no event shall a member serve more than two consecutive terms. Any vacancy shall be filled in the manner of the original appointment for the remaining time of the term.~~

(3) The State Fire Marshal, in making her or his appointments, shall take into consideration representation by geography, population, and other relevant factors, in order that the membership on the council will be apportioned to give representation to the state at large rather than to a particular area.

(4) Membership on the council shall not disqualify a member from holding any other public office or being employed by a public entity, except that no member of the Legislature shall serve on the council.

Section 18. Subsections (4) and (5) of section 633.33, Florida Statutes, are amended to read:

633.33 Special powers; firefighter training.—The council shall have special powers in connection with the employment and training of firefighters to:

(4) Consult and cooperate with any employing agency, university, college, community college, the Florida State Fire College, or other educational institution concerning the employment and safety of firefighters, including, but not limited to, the safety of firefighters while at the scene of a fire or the scene of an incident related to the provision of emergency services to which a firefighter responds, and the development of firefighter training schools and programs of courses of instruction, including, but not limited to, education and training in the

areas of firefighter employment, fire science, fire technology, fire administration, and all allied and supporting fields.

(5) Make or support studies on any aspect of firefighting employment, education, and training or recruitment.

Section 19. Paragraph (c) of subsection (3) of section 383.3362, Florida Statutes, is amended to read:

383.3362 Sudden Infant Death Syndrome.—

(3) TRAINING.—

(c) The Department of Health, in consultation with the Emergency Medical Services Advisory Council, the Firefighters *Employment, Standards, and Training Council*, and the Criminal Justice Standards and Training Commission, shall develop and adopt, by rule, curriculum that, at a minimum, includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance.

Section 20. Subsection (4) of section 633.30, Florida Statutes, is amended to read:

633.30 Standards for firefighting; definitions.—As used in this chapter:

(4) "Council" means the Firefighters *Employment, Standards, and Training Council*.

Section 21. Subsection (4) of section 633.32, Florida Statutes, is amended to read:

633.32 Organization; meetings; quorum; compensation; seal.—

(4) The council may adopt a seal for its use containing the words "Firefighters *Employment, Standards, and Training Council*."

Section 22. *The Legislature determines and declares that this act fulfills an important state interest.*

Section 23. Effective June 30, 2002, paragraphs (a) and (c) of subsection (1) and subsections (4), (5), (6), (7), (8), and (9) of section 163.05, Florida Statutes, are amended to read:

163.05 Small County Technical Assistance Program.—

(1) Among small counties, the Legislature finds that:

(a) The percentage of the population of small counties residing in the unincorporated areas is relatively high based on the *United States Decennial Census of 2000* and increased substantially between 1980 and 1990.

(c) Fiscal shortfalls persist even though 12 ~~13~~ of the small counties levied the maximum ad valorem millage authorized in their jurisdictions in 2001 ~~1990~~ and an additional 15 ~~13~~ small counties levied between 8 and 10 mills.

(4) The *Commissioner of Agriculture* ~~Comptroller~~ shall enter into contracts with program providers who shall:

(a) Be a foundation that meets the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code with a governing board which includes in its membership county commissioners and professional staff of the county ~~public agency or private, nonprofit corporation, association, or entity.~~

(b) Have substantial and documented experience working closely with county governments in providing both educational and technical assistance.

(c)~~(b)~~ Use existing resources, services, and information that are available from state or local agencies, universities, or the private sector.

(d)~~(e)~~ Seek and accept funding from any public or private source.

~~(d) Annually submit information to assist the Legislative Committee on Intergovernmental Relations in preparing a performance review that will include an analysis of the effectiveness of the program.~~

(e) Assist small counties in developing alternative revenue sources.

(f) Provide assistance to small counties in the areas *such as* of financial management, accounting, investing, purchasing, planning and budgeting, debt issuance, public management, management systems, computers and information technology, *economic and community development*, and public safety management.

(g) Provide for an annual independent financial audit of the program.

(h) In each county served, conduct a needs assessment upon which the assistance provided for that county will be designed.

~~(5)(a) The Commissioner of Agriculture Comptroller shall issue a request for proposals to provide assistance to small counties. The request for proposals shall be required no more frequently than every third year beginning with fiscal year 2004-2005. All contracts in existence on the effective date of this act between the Comptroller and any other party with respect to the Small County Technical Assistance Program may be accepted by the Commissioner of Agriculture as the party in interest and said contracts shall remain in full force and effect according to their terms. At the request of the Comptroller, the Legislative Committee on Intergovernmental Relations shall assist in the preparation of the request for proposals.~~

(b) The Commissioner of Agriculture Comptroller shall review each contract proposal submitted.

~~(e) The Legislative Committee on Intergovernmental Relations shall review each contract proposal and submit to the Comptroller, in writing, advisory comments and recommendations, citing with specificity the reasons for its recommendations.~~

~~(c)(d) The Commissioner of Agriculture Comptroller and the council shall consider the following factors in reviewing contract proposals:~~

1. The demonstrated capacity of the provider to conduct needs assessments and implement the program as proposed.

2. The number of small counties to be served under the proposal.

3. The cost of the program as specified in a proposed budget.

4. The short-term and long-term benefits of the assistance to small counties.

5. The form and extent to which existing resources, services, and information that are available from state and local agencies, universities, and the private sector will be used by the provider under the contract.

~~(6) A decision of the Commissioner of Agriculture Comptroller to award a contract under this section is final and shall be in writing with a copy provided to the Legislative Committee on Intergovernmental Relations.~~

~~(7) The Comptroller may enter into contracts and agreements with other state and local agencies and with any person, association, corporation, or entity other than the program providers, for the purpose of administering this section.~~

~~(7)(8) The Commissioner of Agriculture Comptroller shall provide fiscal oversight to ensure that funds expended for the program are used in accordance with the contracts entered into pursuant to subsection (4) and shall conduct a performance review of the program as may be necessary to ensure that the goals and objectives of the program are being met.~~

~~(9) The Legislative Committee on Intergovernmental Relations shall annually conduct a performance review of the program. The findings of the review shall be presented in a report submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Comptroller by January 15 of each year.~~

Section 24. *Effective June 30, 2002, Specific Appropriation 2252 in the 2002-2003 General Appropriations Act is hereby repealed and an identical amount is hereby appropriated to the Department of Agriculture and Consumer Services from the General Revenue Fund for the purposes of this act.*

Section 25. Except as otherwise provided herein, this act shall take effect upon becoming a law.

And the title is amended as follows:

remove: the entire title,

and insert: A bill to be entitled An act relating to governmental reorganization; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; deleting reference to the Department of Banking and Finance and substituting the Department of Financial Services; creating s. 20.121, F.S.; creating the Department of Financial Services; specifying the Chief Financial Officer as the head of the department; providing for departmental structure; creating the Financial Services Commission; providing commission composition, structure, and powers; establishing the Office of Insurance Regulation and the Office of Financial Institutions and Securities Regulation within the commission; providing powers, duties, and responsibilities of such offices; requiring the commission to establish certain additional organizational structure of such offices; providing for appointment and specifying qualifications of directors of such offices; providing for administrative support for such offices; transferring certain programs, including employees and equipment, from the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services, the Office of Insurance Regulation, and the Office of Financial Institutions and Securities Regulation; transferring certain trust funds from the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services, the Office of Insurance Regulation, and the Office of Financial Institutions and Securities Regulation; specifying that certain statutory appointment responsibilities vested by law in certain officers are the responsibility of the Chief Financial Officer; specifying that rules of the Department of Banking and Finance and the Department of Insurance become rules of the Department of Financial Services or the Financial Services Commission; providing for preservation of validity of judicial or administrative actions involving such departments; providing for substitution of certain parties in interest in such actions; creating the Committee of Transition Management; providing for independent function; providing for treatment for administrative purposes as an office of the Executive Office of the Governor; providing for appointment of committee members; specifying powers and duties of the committee; requiring certain reports, proposed organizational plans, and written recommendations to the Financial Services Commission and the Legislature; providing additional legislative intent relating to statutory responsibility for certain appointments becoming the responsibility of the Chief Financial Officer or the Financial Services Commission; providing for conforming legislation; providing for assistance of certain legislative substantive committees by the Division of Statutory Revision for certain purposes; amending s. 1, ch. 2002-194, Laws of Florida; providing an exception to a transfer provided for in said act; creating s. 11.125, F.S.; authorizing the President of the Senate or the Speaker of the House of Representatives to contract with private entities for certain administrative services under certain circumstances; amending s. 288.99, F.S.; redefining the terms "early stage technology business" and "qualified distribution"; defining the terms "Program One" and "Program Two"; revising procedures and dates for certification and decertification under Program One and Program Two; revising the process for earning premium tax credits; providing a limitation on tax credits under Program Two; providing for distributions under both programs; requiring the Department of Revenue to adopt certain rules; providing for additional premium; providing for additional allocations of certain insurance premium tax credits under certain circumstances; authorizing the Department of Revenue to adopt rules; amending s. 517.12, Florida Statutes; exempting general lines insurance agents and life insurance agents from registration requirements relating to sales of certain securities in certain circumstances; amending s. 570.07, F.S.; specifying emergency powers of the Commissioner of Agriculture; amending s. 624.91, F.S.; revising provisions of the Florida Healthy Kids Corporation Act, to conform; creating ss. 633.801, 633.802, 633.803,

633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, and 633.821, F.S.; providing a short title; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal of the Department of Insurance to adopt rules related to firefighter safety inspections; requiring the division to conduct a study of firefighter occupational diseases; authorizing representatives of the division to enter and inspect any place of firefighter employment; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing a penalty for the failure to implement a safety and health program and cancellations; providing for expenses of administration; providing penalties for refusal to admit division; specifying firefighter employee rights and responsibilities; providing division remedies for failure to comply; providing penalties for firefighter employers who make false statements to the division or to an insurer; providing criminal penalties for false, malicious, or fraudulent statements and representatives; specifying applicability to volunteer firefighters and fire departments; providing for workplace safety and to authorize the division to adopt rules including federal standards for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name of and expanding and diversifying the Firefighters Standards and Training Council; amending s. 633.33, F.S.; providing additional duties of the council; amending ss. 383.3362, 633.330, and 633.32, F.S.; conforming language; providing a declaration of important state interest; amending s. 163.05, F.S.; revising legislative findings; providing criteria for contracts between the Commissioner of Agriculture and program providers; deleting responsibilities of the Comptroller and the Legislative Committee on Intergovernmental Relations; authorizing the Commissioner of Agriculture to award contracts to provide assistance to small counties; requiring the Commissioner of Agriculture to provide fiscal oversight and performance reviews; providing an appropriation; providing effective dates.

Rep. Alexander moved the adoption of the amendment.

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 891085)

**Amendment 1 to Amendment 1**—On page 2, line 5, remove: Section

and insert: Effective January 7, 2003, section

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

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 070629)

**Amendment 2 to Amendment 1**—On page 7, line 24, remove: 1

and insert: 9

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

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 761053)

**Amendment 3 to Amendment 1 (with title amendment)**—On page 15, line 22, through page 16, line 3, remove: all of said lines

And the title is amended as follows:

On page 70, lines 16-21, of the amendment remove: all of said lines

and insert: provided for in said act; amending s. 288.99, F.S.;

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

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

Representative(s) Alexander offered the following:

(Amendment Bar Code: 283371)

**Amendment 4 to Amendment 1**—On page 41, line 13, remove: *The*

and insert: *Subject to approval of the Chief Financial Officer, the*

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

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

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

On motion by Rep. Goodlette, the House moved to the consideration of HB 65-E on Special Orders.

**HB 65-E**—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending ss. 100.371 and 101.161, F.S.; requiring the Revenue Estimating Conference to provide an analysis of the estimated fiscal impact to state or local governments resulting from any constitutional amendment proposed by initiative; authorizing the Revenue Estimating Conference to solicit information regarding a proposed initiative amendment; providing for a decision in the event of a tie vote among members of the Revenue Estimating Conference; requiring that a summary analysis of the estimated fiscal impact be included on the ballot following the ballot title and substance of the initiative; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

#### THE SPEAKER IN THE CHAIR

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

On motion by Rep. Goodlette, the House moved to the consideration of CS/HB 21-E on Special Orders.

On motion by Rep. Paul, the rules were waived by the required two-thirds vote and—

**CS/HB 21-E**—A bill to be entitled An act relating to maintenance of official records; providing a process for removal from official records of specified armed forces military-separation forms upon the request of a veteran of the United States Armed Forces or a specified representative thereof; providing requirements with respect thereto; requiring the county recorder to provide specified written notice; providing an effective date.

—was read the second time by title.

Rep. Paul moved that **SB 24-E**, in Messages from the Senate, be admitted for introduction, the Speaker having ruled the measure was outside the purview of the call.

The motion was agreed to by the required constitutional two-thirds vote and—

## Messages from the Senate

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has admitted for introduction and consideration by the required Constitutional two-thirds vote and passed SB 24-E, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By Senators Brown-Waite and Cowin—

**SB 24-E**—A bill to be entitled An act relating to military-separation forms; providing process for removal from official records of armed forces military-separation forms; providing exceptions; providing an effective date.

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

On motion by Rep. Paul, the rules were waived and SB 24-E was substituted for CS/HB 21-E. Under Rule 5.15, the House bill was laid on the table.

Representative(s) Paul offered the following:

(Amendment Bar Code: 512087)

**Amendment 1 (with title amendment)**—On page 1, between lines 28 and 29 of the bill

insert:

Section 2. Paragraph (ff) of subsection (3) of section 119.07, Florida Statutes, is created to read:

*(ff) 1. Until January 1, 2006, if a social security number, made confidential and exempt pursuant to s. 119.072, created pursuant to CS/HB 1673 passed during the 2002 regular legislative session, or a complete bank account, debit, charge, or credit card number made exempt pursuant to s. 119.07(ee), created pursuant to HB 1675 passed during the 2002 regular legislative session, is or has been included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number, or by the holder's attorney or legal guardian, in a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the court. The clerk of the court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.*

*2. Any person who prepares or files a document to be recorded in the official records by the county recorder as provided in chapter 28, Florida Statutes, may not include a person's social security number or complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by law. Until January 1, 2006, if a social security number or a complete bank account, debit, charge or credit card number is or has been included in a document presented to the county recorder for recording in the official records of the county, such number may be made available as part of the official record available for public inspection and copying. Any person, or his or her attorney or legal guardian, may request that a county recorder remove from an image or copy of an official record placed on a county recorder's publicly available Internet website, or a publicly available Internet website used by a county recorder to display public records outside the office or otherwise made electronically available outside the county recorder's office to the general public, his or her social security number or complete account, debit, charge, or credit card number contained in that official record. Such request must be legibly written, signed by the requestor, and delivered by mail, facsimile, electronic transmission, or in person to the county*

*recorder. The request must specify the identification page number of the document that contains the number to be redacted. The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for redacting such numbers.*

*3. Upon the effective date of this act, subsections (3) and (4) of s. 119.072, do not apply to the clerks of the court or the county recorder with respect to court records and official records.*

*4. On January 1, 2006, and thereafter, the clerk of the court and the county recorder must keep complete bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.07(3)(ee), and must keep social security numbers confidential and exempt as provided for in s. 119.072, without any person having to request redaction.*

Section 3. Subsection (5) of s. 119.072, created by CS/HB 1673, passed in the 2002 regular session, is hereby repealed.

And the title is amended as follows:

On page 1, lines 2 through 5,  
remove: all of said lines

and insert: An act relating to court records and official records maintained by the clerk of the court or the county recorder; providing a process for removal from official records certain specified armed forces military separation forms; providing requirements with respect thereto; requiring the county recorder to provide written notice; providing for the redaction of a social security number, and of a complete bank account, debit, charge, or credit card number that is part of a court record or official record; prohibiting a person preparing or filing an official record from including a person's social security number or a complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by law; providing for the redaction of such information; providing for the nonapplicability of subsections (3) and (4) of s. 119.072, created by CS/HB 1673, passed in the 2002 regular session, to clerks of the court and to county recorders with regard to court records and official records; repealing subsection (5) of s. 119.072; providing an

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

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

## First Reading by Publication

*The Honorable Tom Feeney, Speaker*

I am directed to inform the House of Representatives that the Senate has passed CS for SB 28-E and SB 30-E, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Judiciary and Senator Burt—

**CS for SB 28-E**—A bill to be entitled An act relating to health care; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances; requiring certain health care providers to complete education courses relating to the prescription of controlled substances; providing penalties; providing for the emergency suspension of certain licenses for prescribing violations; requiring the Department of Health, the Department of Law Enforcement, the Statewide Prosecutor, and State Attorneys to share certain information regarding health care practitioners; requiring a report; requiring the Bureau of Pharmacy Services of the Department of Health to establish an electronic system for identifying licensees and patients who engage in certain fraudulent or illegal practices; authorizing the Bureau of Pharmacy Services to contract for the administration of the electronic monitoring system for certain controlled substances; establishing an advisory council and providing for its membership, duties, staff, and compensation; requiring the Bureau of Pharmacy Services of the Department of Health to recommend performance-based measures to the Legislature for the electronic monitoring system; requiring that the Bureau of Pharmacy Services report to the Legislature on implementation of the electronic monitoring system; providing

requirements for the report; providing duties of the Bureau of Pharmacy Services with respect to the purposes and use of the electronic monitoring system; prohibiting the use of specified funds for the electronic monitoring system; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; amending s. 456.072, F.S.; revising disciplinary penalties applicable to health care practitioners; reenacting ss. 456.082(2), 457.109(1) and (2), 458.331(1) and (2), 458.347(7)(g), 459.015(1) and (2), 459.022(7)(f), 460.413(1) and (2), 461.013(1) and (2), 462.14(1) and (2), 463.016(1) and (2), 464.018(1) and (2), 465.016(1) and (2), 466.028(1) and (2), 467.203(1) and (2), 468.1295(1) and (2), 468.1755(1) and (2), 468.217(1) and (2), 468.365(1) and (2), 468.518(1) and (2), 468.719, 468.811, 478.52(1) and (2), 480.046(1) and (2), 483.825(1) and (2), 483.901(6)(g) and (h), 484.014(1) and (2), 484.056(1) and (2)(a), 486.125(1) and (2), 490.009, and 491.009, F.S., relating to grounds for disciplinary action applicable to persons involved in health care practice, including acupuncture, medical practice, osteopathic medicine, chiropractic medicine, podiatric medicine, naturopathy, optometry, nursing, pharmacy, dentistry, midwifery, speech-language pathology and audiology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, and pedorthics, electrolysis, massage practice, clinical laboratory personnel, medical physicists, dispensing of optical devices and hearing aids, physical therapy practice, psychological services, and clinical, counseling, and psychotherapy services, to incorporate the amendment to s. 456.072, F.S., in references thereto; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in prescribing controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; directing local and regional boards of education to prohibit personnel from recommending use of psychotropic drugs on a child; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an appropriation; providing an effective date.

Referred to the Calendar of the House.

By Senator Burt—

**SB 30-E**—A bill to be entitled An act relating to public-records exemptions; creating a public-records exemption for personal identifying information regarding a patient held by the Bureau of Pharmacy Services of the Department of Health; providing exceptions to the exemption; providing a criminal penalty for violating the provisions of the public-records exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

Referred to the Calendar of the House.

#### Motion to Adjourn

Rep. Byrd moved that the House adjourn for the purpose of holding committee and council meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, May 3. The motion was agreed to.

#### Prime Sponsors

HB 3-E—Brummer

#### Cosponsors

HB 3-E—Sorensen

HB 65-E—Harrell, Kendrick

#### Introduction and Reference

By Representative Kottkamp—

**HB 75-E**—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; providing for the creation of the Live the Dream license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

Filed.

By Representative Greenstein—

**HR 9001-E**—A resolution recognizing the City of Coconut Creek as the home of Butterfly World, the world's largest butterfly habitat.

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

By Representatives Melvin, Ausley, and Seiler—

**HR 9003-E**—A resolution honoring Allen C. Morris.

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

By Representatives Diaz-Balart, Rubio, Byrd, Rich, Greenstein, Richardson, Gelber, Lerner, Henriquez, Stansel, Seiler, Slosberg, Heyman, Bullard, Gottlieb, Wilson, Romeo, Gannon, Joyner, Sobel, Holloway, Lee, Ryan, Meadows, Bendross-Mindingall, Cusack, McGriff, Bucher, Justice, Frankel, Siplin, Murman, Wiles, Smith, Gibson, Garcia, Farkas, Littlefield, Benson, Green, Weissman, Berfield, Kallinger, Ritter, Goodlette, Cantens, Lacasa, Kravitz, Davis, Johnson, Ball, Bilirakis, Arza, Barreiro, Prieguez, Needelman, Kottkamp, Atwater, Negron, Kyle, Maygarden, Wallace, and Mack—

**HR 9005-E**—A resolution supporting the State of Israel in her campaign against terrorism.

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

#### Reports of Councils and Standing Committees

##### Committee Reports

##### Received May 2:

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

HB 21-E

**The above committee substitute was placed on the Calendar, subject to review under Rule 6.3, and, under the rule, HB 21-E was laid on the table.**

##### Excused

Reps. Betancourt, Gannon, Hart; Rep. Jordan until 3:59 p.m.; Rep. Ross until 11:19 a.m.

##### Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:39 p.m., to reconvene at 10:00 a.m., Friday, May 3.