

dhs-21

Bill No. CS for SB 662, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Sembler offered the following:

Amendment (with title amendment)

On page 4, line 7, through page 18, line 13,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 5. (1) The State Property Insurance Trust Fund created pursuant to s. 284.01, Florida Statutes, is merged into the Florida Casualty Insurance Risk Management Trust Fund created pursuant to s. 284.30, Florida Statutes, which is renamed the "State Risk Management Trust Fund."

(2) This section shall take effect upon this act becoming a law.

Section 6. (1) Part I of chapter 284, Florida Statutes, entitled "Florida Fire Insurance Trust Fund," is renamed "State Property Claims"; and part II of chapter 284, Florida Statutes, entitled "Florida Casualty Insurance Risk Management Trust Fund," is renamed "State Casualty Claims."

(2) This section shall take effect upon this act becoming a law.

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1 Section 7. Effective upon this act becoming a law,
2 subsection (1) of section 258.007, Florida Statutes, is
3 amended to read:

4 258.007 Powers of division.--

5 (1) The Division of Recreation and Parks shall have
6 power to acquire in the name of the state any property, real
7 or personal, by purchase, grant, devise, condemnation,
8 donation, or otherwise, which in its judgment may be necessary
9 or proper toward the administration of the purposes of this
10 chapter; however, no property of any nature may be acquired by
11 purchase, lease, grant, donation, devise, or otherwise, under
12 conditions which shall pledge the credit of, or obligate in
13 any manner whatsoever, the state to pay any sum of money, and
14 the power of condemnation as herein granted is limited to the
15 acquisition of property or property rights which may be
16 required for state park purposes for parks under the
17 jurisdiction of the Division of Recreation and Parks on July
18 1, 1980. Acquisition of such property or property rights
19 shall not exceed an aggregate of 40 acres or 10 percent of the
20 total acreage of the respective park as it existed on July 1,
21 1980, whichever is less, and shall be restricted to properties
22 wholly surrounded by state park property at the time of
23 acquisition. Express legislative approval is required for the
24 acquisition by condemnation of any new area or memorial which
25 the division may desire for the purposes set forth in this
26 chapter, except that the division may maintain and insure with
27 the State Risk Management ~~Property Insurance~~ Trust Fund
28 buildings on property owned by the state or any of its
29 agencies.

30 Section 8. Effective upon this act becoming a law,
31 subsection (2) of section 272.185, Florida Statutes, is

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1 amended to read:

2 272.185 Maintenance of Governor's Mansion by
3 Department of Management Services.--

4 (2) The department shall insure the Governor's
5 Mansion, its contents, and all structures and appurtenances
6 thereto with the State Risk Management ~~Property Insurance~~
7 Trust Fund as provided in s. 284.01. The department may
8 purchase any necessary insurance either by a primary insurance
9 contract, excess coverage insurance, or reinsurance to cover
10 the contents of the mansion, whether title of the contents is
11 in the state or in any other person or entity not a resident
12 of the mansion, notwithstanding the provision of s. 287.025.

13 Section 9. Effective upon this act becoming a law,
14 subsection (1) of section 284.01, Florida Statutes, is amended
15 to read:

16 284.01 State Risk Management ~~Property Insurance~~ Trust
17 Fund; coverages to be provided.--

18 (1) ~~A state self-insurance fund, designated as the~~
19 ~~"State Property Insurance Trust Fund," is created to be set up~~
20 ~~by the Department of Insurance and administered with a program~~
21 ~~of risk management.~~ The State Risk Management Trust Fund
22 shall insure those properties designated in subsection (2)
23 which are owned by the state or its agencies, boards, or
24 bureaus against loss from fire, lightning, sinkholes, and
25 hazards customarily insured by extended coverage and loss from
26 the removal of personal property from such properties when
27 endangered by covered perils. Furthermore, the fund may also
28 insure the State Regional Office Building located in the City
29 of Jacksonville, Duval County, including the parking facility
30 owned by the City of Jacksonville, since such building is
31 jointly owned by the State of Florida and the City of

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1 Jacksonville. The City of Jacksonville shall be responsible
2 for the payment of all premiums charged by the fund to insure
3 property owned by the City of Jacksonville. Flood insurance
4 shall be provided for state-owned structures and contents
5 designated in subsection (2) to the extent necessary to meet
6 self-insurance requirements of the National Flood Insurance
7 Program, as prescribed in rules and regulations of the Federal
8 Emergency Management Agency in 44 C.F.R. parts 59, 60, and 74,
9 effective October 1, 1986.

10 Section 10. Effective upon this act becoming a law,
11 section 284.03, Florida Statutes, is amended to read:

12 284.03 Deficits in fund supplied from General Revenue
13 Fund; repayment.--Should a loss occur upon property insured in
14 the State Risk Management ~~Property Insurance~~ Trust Fund that
15 would require more funds, to pay the amount of any loss
16 covered by insurance in said fund, than are at that time
17 available in said fund, in that event there is appropriated
18 out of any funds in the General Revenue Fund not otherwise
19 appropriated a sum which, added to the sum then available in
20 the said State Risk Management ~~Property Insurance~~ Trust Fund,
21 shall be sufficient to pay the amount of the covered loss. In
22 the event any funds shall be paid out of the General Revenue
23 Fund under this provision, such amounts so paid out of the
24 General Revenue Fund shall be returned to it out of the first
25 available assets of the State Risk Management ~~said Insurance~~
26 Trust Fund after paying any necessary expenses as provided in
27 s. 284.02(2) and (3).

28 Section 11. Effective upon this act becoming a law,
29 section 284.05, Florida Statutes, is amended to read:

30 284.05 Inspection of insured state property.--The
31 Department of Insurance shall inspect all permanent buildings

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1 insured by the State Risk Management ~~Property Insurance~~ Trust
 2 Fund, and whenever conditions are found to exist which, in the
 3 opinion of the Department of Insurance, are hazardous from the
 4 standpoint of destruction by fire or other loss, the
 5 Department of Insurance may order the same repaired or
 6 remedied, and the agency, board, or person in charge of such
 7 property is required to have such dangerous conditions
 8 immediately repaired or remedied upon written notice from the
 9 Department of Insurance of such hazardous conditions. Such
 10 amounts as may be necessary to comply with such notice or
 11 notices shall be paid by the Department of Management Services
 12 or by the agency, board, or person in charge of such property
 13 out of any moneys appropriated for the maintenance of the
 14 respective agency or for the repairs or permanent improvement
 15 of such properties or from any incidental or contingent funds
 16 they may have on hand. In the event of a disagreement between
 17 the Department of Insurance and the agency, board, or person
 18 having charge of such property as to the necessity of the
 19 repairs or remedies ordered, the matter in disagreement shall
 20 be determined by the Department of Management Services.

21 Section 12. Effective upon this act becoming a law,
 22 section 284.14, Florida Statutes, is amended to read:

23 284.14 State Risk Management ~~Property Insurance~~ Trust
 24 Fund; leasehold interest.--In the event the state or any
 25 department or agency thereof has acquired or hereafter
 26 acquires a leasehold interest in any improved real property
 27 and by the terms and provisions of said lease it is obligated
 28 to insure such premises against loss by fire or other hazard
 29 to such premises, it shall insure such premises in the State
 30 Risk Management ~~Property Insurance~~ Trust Fund as required by
 31 the terms of said lease or as required by the provisions of

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1 this chapter. No state agency shall enter into or acquire any
2 such leasehold interest until the coverages required to be
3 maintained by the provisions of the lease are approved in
4 writing by the Department of Insurance.

5 Section 13. Effective upon this act becoming a law,
6 section 284.30, Florida Statutes, is amended to read:

7 284.30 State ~~Florida Casualty Insurance~~ Risk
8 Management Trust Fund; coverages to be provided.--A state
9 self-insurance fund, designated as the "State ~~Florida Casualty~~
10 ~~Insurance~~ Risk Management Trust Fund," is created to be set up
11 by the Department of Insurance and administered with a program
12 of risk management, which fund is to provide insurance, as
13 authorized by s. 284.33, for workers' compensation, general
14 liability, fleet automotive liability, federal civil rights
15 actions under 42 U.S.C. s. 1983 or similar federal statutes,
16 and court-awarded attorney's fees in other proceedings against
17 the state except for such awards in eminent domain or for
18 inverse condemnation or for awards by the Public Employees
19 Relations Commission. A party to a suit in any court, to be
20 entitled to have his or her attorney's fees paid by the state
21 or any of its agencies, must serve a copy of the pleading
22 claiming the fees on the Department of Insurance; and
23 thereafter the department shall be entitled to participate
24 with the agency in the defense of the suit and any appeal
25 thereof with respect to such fees.

26 Section 14. Effective upon this act becoming a law,
27 section 284.36, Florida Statutes, is amended to read:

28 284.36 Appropriation deposits; premium
29 payment.--Premiums for coverage by the State ~~Florida Casualty~~
30 ~~Insurance~~ Risk Management Trust Fund as calculated on all
31 coverages shall be billed and charged to each state agency

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1 according to coverages obtained by the fund for their benefit,
2 and such obligations shall be paid promptly by each agency
3 from its operating budget upon presentation of a bill
4 therefor. After the first year of operation, premiums to be
5 charged to all departments of the state are to be computed on
6 a retrospective rating arrangement based upon actual losses
7 accruing to the fund, taking into account reasonable
8 expectations, the maintenance and stability of the fund, and
9 the cost of insurance.

10 Section 15. Effective upon this act becoming a law,
11 section 284.385, Florida Statutes, is amended to read:

12 284.385 Reporting and handling of claims.--All
13 departments covered by the State ~~Florida Casualty Insurance~~
14 Risk Management Trust Fund under this part shall immediately
15 report all known or potential claims to the Department of
16 Insurance for handling, except employment complaints which
17 have not been filed with the Florida Human Relations
18 Commission, Equal Employment Opportunity Commission, or any
19 similar agency. When deemed necessary, the Department of
20 Insurance shall assign or reassign the claim to counsel. The
21 assigned counsel shall report regularly to the Department of
22 Insurance on the status of any such claims or litigation as
23 required by the Department of Insurance. No such claim shall
24 be compromised or settled for monetary compensation without
25 the prior approval of the Department of Insurance. All
26 departments shall cooperate with the Department of Insurance
27 in its handling of claims. The Department of Insurance, the
28 Department of Management Services, and the Department of
29 Banking and Finance, with the cooperation of the state
30 attorneys and the clerks of the courts, shall develop a system
31 to coordinate the exchange of information concerning claims

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1 for and against the state, its agencies, and its subdivisions,
 2 to assist in collection of amounts due to them. The covered
 3 department shall have the responsibility for the settlement of
 4 any claim for injunctive or affirmative relief under 42 U.S.C.
 5 s. 1983 or similar federal or state statutes. The payment of
 6 a settlement or judgment for any claim covered and reported
 7 under this part shall be made only from the State Florida
 8 ~~Casualty Insurance~~ Risk Management Trust Fund.

9 Section 16. Effective upon this act becoming a law,
 10 subsections (3), (5), (6), and (7) of section 284.44, Florida
 11 Statutes, are amended to read:

12 284.44 Salary indemnification costs of state
 13 agencies.--

14 (3) For the purposes of this section, "salary
 15 indemnification costs" means the payments made to employees
 16 for temporary total disability benefits. After an employee
 17 has been eligible for disability benefits for 10 weeks, salary
 18 indemnification costs shall be funded from the State Florida
 19 ~~Casualty Insurance~~ Risk Management Trust Fund in accordance
 20 with the provisions of this part for those agencies insured by
 21 the fund.

22 (5) If a state agency demonstrates to the Executive
 23 Office of the Governor and the chairs of the legislative
 24 appropriations committees that no funds are available to pay
 25 initial salary indemnification costs for a specific claim
 26 pursuant to this section without adversely impacting its
 27 ability to perform statutory responsibilities, the Executive
 28 Office of the Governor may direct the Division of Risk
 29 Management to fund all salary indemnification costs for that
 30 specific claim from the State Florida ~~Casualty Insurance~~ Risk
 31 Management Trust Fund and waive the state agency reimbursement

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1 requirement.

2 (6) The Division of Risk Management shall prepare
3 quarterly reports to the Executive Office of the Governor and
4 the chairs of the legislative appropriations committees
5 indicating for each state agency the total amount of salary
6 indemnification benefits paid to claimants and the total
7 amount of reimbursements from state agencies to the State
8 ~~Florida Casualty Insurance~~ Risk Management Trust Fund for
9 initial costs for the previous quarter. These reports shall
10 also include information for each state agency indicating the
11 number of cases and amounts of initial salary indemnification
12 costs for which reimbursement requirements were waived by the
13 Executive Office of the Governor pursuant to this section.

14 (7) If a state agency fails to pay casualty increase
15 premiums or salary indemnification reimbursements within 30
16 days after being billed, the Division of Risk Management shall
17 advise the Comptroller. After verifying the accuracy of the
18 billing, the Comptroller shall transfer the appropriate amount
19 from any available funds of the delinquent state agency to the
20 State ~~Florida Casualty Insurance~~ Risk Management Trust Fund.

21 Section 17. Effective upon this act becoming a law,
22 subsection (2) of section 284.50, Florida Statutes, is amended
23 to read:

24 284.50 Loss prevention program; safety coordinators;
25 Interagency Advisory Council on Loss Prevention; employee
26 recognition program.--

27 (2) There shall be an Interagency Advisory Council on
28 Loss Prevention composed of the safety coordinators from each
29 department and representatives designated by the Division of
30 State Fire Marshal and the Division of Risk Management. The
31 chair of the council shall be the Director of the Division of

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1 Risk Management or his or her designee. The council shall
 2 meet at least quarterly to discuss safety problems within
 3 state government, to attempt to find solutions for these
 4 problems, and, when possible, to assist in the implementation
 5 of the solutions. If the safety coordinator of a department
 6 or office is unable to attend a council meeting, an alternate,
 7 selected by the department head or his or her designee, shall
 8 attend the meeting to represent and provide input for that
 9 department or office on the council. The council is further
 10 authorized to provide for the recognition of employees,
 11 agents, and volunteers who make exceptional contributions to
 12 the reduction and control of employment-related accidents.
 13 The necessary expenses for the administration of this program
 14 of recognition shall be considered an authorized
 15 administrative expense payable from the State ~~Florida Casualty~~
 16 ~~Insurance~~ Risk Management Trust Fund.

17 Section 18. Effective upon this act becoming a law,
 18 subsection (3) of section 287.025, Florida Statutes, is
 19 amended to read:

20 287.025 Prohibition against certain insurance coverage
 21 on specified state property or insurable subjects.--

22 (3) Any items, property, or insurable subjects titled
 23 in the name of the state or its departments, divisions,
 24 bureaus, commissions, or agencies which are not included or
 25 insured by the State Risk Management ~~Property Insurance~~ Trust
 26 Fund under chapter 284 or specifically designated not to be
 27 insured by this section shall be eligible subjects for
 28 insurance coverage through commercial insurance carriers as
 29 otherwise provided by law.

30 Section 19. Effective upon this act becoming a law,
 31 paragraph (c) of subsection (2) of section 287.059, Florida

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1 Statutes, is amended to read:

2 287.059 Private attorney services.--

3 (2) No agency shall contract for private attorney
4 services without the prior written approval of the Attorney
5 General, except that such written approval is not required for
6 private attorney services:

7 (c) Necessary to represent the state in litigation
8 involving the State ~~Florida Casualty Insurance~~ Risk Management
9 Trust Fund pursuant to part II of chapter 284.

10 Section 20. Effective upon this act becoming a law,
11 subsections (1) and (2) of section 331.350, Florida Statutes,
12 are amended to read:

13 331.350 Insurance coverage of the authority; safety
14 program.--

15 (1) Notwithstanding any other provision of law, the
16 State Risk Management ~~Property Insurance~~ Trust Fund
17 established under s. 284.30 ~~284.01~~ shall not insure buildings
18 and property owned or leased by the authority.

19 (2) Notwithstanding any other provision of law, the
20 State ~~Florida Casualty Insurance~~ Risk Management Trust Fund
21 established under s. 284.30 shall not insure against any
22 liability of the authority.

23 Section 21. Effective upon this act becoming a law,
24 subsection (2) of section 393.075, Florida Statutes, is
25 amended to read:

26 393.075 General liability coverage.--

27 (2) The Division of Risk Management of the Department
28 of Insurance shall provide coverage through the Department of
29 Children and Family Services to any person who owns or
30 operates a foster care facility or group home facility solely
31 for the Department of Children and Family Services, who cares

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1 for children placed by developmental services staff of the
2 department, and who is licensed pursuant to s. 393.067 to
3 provide such supervision and care in his or her place of
4 residence. The coverage shall be provided from the general
5 liability account of the State ~~Florida Casualty Insurance~~ Risk
6 Management Trust Fund. The coverage is limited to general
7 liability claims arising from the provision of supervision and
8 care of children in a foster care facility or group home
9 facility pursuant to an agreement with the department and
10 pursuant to guidelines established through policy, rule, or
11 statute. Coverage shall be subject to the limits provided in
12 ss. 284.38 and 284.385, and the exclusions set forth therein,
13 together with other exclusions as may be set forth in the
14 certificate of coverage issued by the trust fund. A person
15 covered under the general liability account pursuant to this
16 subsection shall immediately notify the Division of Risk
17 Management of the Department of Insurance of any potential or
18 actual claim.

19 Section 22. Effective upon this act becoming a law,
20 paragraph (f) of subsection (6) of section 402.3015, Florida
21 Statutes, is amended to read:

22 402.3015 Subsidized child care program; purpose; fees;
23 contracts.--

24 (6)

25 (f) The Division of Risk Management of the Department
26 of Insurance shall provide coverage through the department to
27 the community child care coordinating agencies for the
28 subsidized child care program. The coverage shall be provided
29 from the general liability account of the State ~~Florida~~
30 ~~Casualty Insurance~~ Risk Management Trust Fund, and the
31 coverage shall be primary. The coverage is limited to general

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1 liability claims arising from the management of the subsidized
2 child care program under a contract with the department and
3 under guidelines established through policy, rule, or law.
4 Coverage shall be limited as provided in ss. 284.38 and
5 284.385, and the exclusions set forth therein, together with
6 other exclusions that are set forth in the certificate of
7 coverage issued by the trust fund, shall apply. A community
8 child care coordinating agency covered under the general
9 liability account pursuant to this paragraph shall immediately
10 notify the Division of Risk Management of the Department of
11 Insurance of any potential or actual claim.

12 Section 23. Effective upon this act becoming a law,
13 paragraph (a) of subsection (14) of section 409.175, Florida
14 Statutes, is amended to read:

15 409.175 Licensure of family foster homes, residential
16 child-caring agencies, and child-placing agencies.--

17 (14)(a) The Division of Risk Management of the
18 Department of Insurance shall provide coverage through the
19 Department of Children and Family Services to any person who
20 owns or operates a family foster home solely for the
21 Department of Children and Family Services and who is licensed
22 to provide family foster home care in her or his place of
23 residence. The coverage shall be provided from the general
24 liability account of the State ~~Florida Casualty Insurance~~ Risk
25 Management Trust Fund, and the coverage shall be primary. The
26 coverage is limited to general liability claims arising from
27 the provision of family foster home care pursuant to an
28 agreement with the department and pursuant to guidelines
29 established through policy, rule, or statute. Coverage shall
30 be limited as provided in ss. 284.38 and 284.385, and the
31 exclusions set forth therein, together with other exclusions

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1 as may be set forth in the certificate of coverage issued by
 2 the trust fund, shall apply. A person covered under the
 3 general liability account pursuant to this subsection shall
 4 immediately notify the Division of Risk Management of the
 5 Department of Insurance of any potential or actual claim.

6 Section 24. Effective upon this act becoming a law,
 7 section 946.509, Florida Statutes, is amended to read:

8 946.509 Insurance of property leased or acquired by
 9 the corporation.--

10 (1) The State Risk Management ~~Property Insurance~~ Trust
 11 Fund created under s. 284.30 ~~284.01~~ shall insure all property
 12 eligible for coverage under part I of chapter 284 which is
 13 leased by the department to the corporation or which is
 14 subsequently acquired and owned by the corporation and subject
 15 to the reversionary ownership interest of the state
 16 established in s. 946.505.

17 (2) Coverage under the State Risk Management ~~Property~~
 18 ~~Insurance~~ Trust Fund of property leased to or otherwise
 19 acquired by the corporation shall be secured and maintained
 20 through the existing policy and account of the Department of
 21 Corrections with the Division of Risk Management of the
 22 Department of Insurance. All matters, including premium
 23 calculations, assessments and payments, retrospective premium
 24 adjustments, reporting requirements, and other requirements,
 25 concerning coverage of such property under the State Risk
 26 Management ~~Property Insurance~~ Trust Fund shall be conducted as
 27 if all such property were owned solely by the department.
 28 Except as required by chapter 284, if the corporation finds
 29 that it is more economical to do so, the corporation may
 30 secure private insurance coverage on all or a portion of the
 31 activities of or properties used by the corporation. If

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1 coverage through the State Risk Management ~~Property Insurance~~
 2 Trust Fund is not secured, the corporation must present
 3 documentation of insurance coverage to the Division of Risk
 4 Management equal to the coverage that could otherwise be
 5 provided by the State Risk Management ~~Property Insurance~~ Trust
 6 Fund.

7 Section 25. Effective upon this act becoming a law,
 8 subsection (8) of section 985.406, Florida Statutes, is
 9 amended to read:

10 985.406 Juvenile justice training academies
 11 established; Juvenile Justice Standards and Training
 12 Commission created; Juvenile Justice Training Trust Fund
 13 created.--

14 (8) PARTICIPATION OF CERTAIN PROGRAMS IN THE STATE
 15 ~~FLORIDA CASUALTY INSURANCE~~ RISK MANAGEMENT TRUST
 16 FUND.--Pursuant to s. 284.30, the Division of Risk Management
 17 of the Department of Insurance is authorized to insure a
 18 private agency, individual, or corporation operating a
 19 state-owned training school under a contract to carry out the
 20 purposes and responsibilities of any program of the
 21 department. The coverage authorized herein shall be under the
 22 same general terms and conditions as the department is insured
 23 for its responsibilities under chapter 284.

24 Section 26. Effective upon this act becoming a law,
 25 section 985.409, Florida Statutes, is amended to read:

26 985.409 Participation of certain programs in the State
 27 ~~Florida Casualty Insurance~~ Risk Management Trust
 28 Fund.--Pursuant to s. 284.30, the Division of Risk Management
 29 of the Department of Insurance is authorized to insure a
 30 private agency, individual, or corporation operating a
 31 state-owned training school under a contract to carry out the

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1 purposes and responsibilities of any program of the
2 department. The coverage authorized herein shall be under the
3 same general terms and conditions as the department is insured
4 for its responsibilities under chapter 284.

5 Section 27. Except as otherwise provided herein, this
6 act shall take effect July 1, 2000.

7

8

9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, line 27,
12 remove from the title of the bill: all of said line

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14 and insert in lieu thereof:

15 to conform; providing effective dates.

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