



# Journal of the Senate

Number 19—Regular Session

Thursday, April 23, 1998

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## CALL TO ORDER

The Senate was called to order by President Jennings at 9:45 a.m. A quorum present—37:

Madam President	Diaz-Balart	Horne	Rossin
Bankhead	Dudley	Kirkpatrick	Scott
Bronson	Dyer	Klein	Silver
Brown-Waite	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	
Crist	Holzendorf	Ostalkiewicz	

Excused: Senator Jones; Conferees periodically for the purpose of working on Civil Litigation Reform: Senator McKay, Chairman; Senators Burt, Bankhead, Dudley, Rossin, Dyer and Latvala

## PRAYER

The following prayer was offered by Rev. John Guns, Pastor, St. Paul Missionary Baptist Church, Jacksonville:

Eternal God, we thank you for the beauty and blessedness of another day. We acknowledge your presence in our midst. We ask that you will guide and govern our state; that you will bless our elected and appointed leadership; that you will enable them and connect us to them and them to us so that this state will be the best.

We ask, Lord, that you will continue to encourage them and to empower them. Bless this day. In the name of the living Lord, let us all say together, Amen.

## PLEDGE

Senate Pages Taylor Gregory of Miami and Jason Suskey of Davie, led the Senate in the pledge of allegiance to the flag of the United States of America.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Sullivan, by two-thirds vote **CS for SJR 408, CS for SJR 528, CS for SB 1374, SB 1392, CS for CS for SB 1604,**

**CS for CS for SB 1994, CS for SB 2160, CS for SB 2488, SB 2540 and CS for HB 1373** were withdrawn from the Committee on Ways and Means.

On motion by Senator Dudley, by two-thirds vote **SB 68** was withdrawn from The Special Master on Claims; the Committees on Criminal Justice; and Ways and Means; and referred to the Committees on Judiciary; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **CS for SB 986, CS for SB 1216, CS for SB 1572, SB 1784, CS for SB 1814, CS for SB 1988, CS for SB 2204, CS for CS for SB 2352, CS for SB 2480 and SB 2610** were withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 1442** was withdrawn from the Committee on Community Affairs.

## MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Bankhead, the rules were waived and the meeting of the Special Order Calendar Subcommittee of the Committee on Rules and Calendar scheduled this day was cancelled.

## MOTIONS

On motion by Senator Bankhead, the rules were waived and a deadline of 7:00 p.m. this day was set for filing amendments to the Special Order Calendar and Bills on Third Reading to be considered Friday, April 24.

By direction of the President, the rules were waived and the Senate proceeded to—

## SPECIAL ORDER CALENDAR

Consideration of **CS for SB 2014, CS for SB 2054, CS for SB 228 and CS for CS for SB 484** was deferred.

On motion by Senator Kurth—

**CS for CS for SB 1660**—A bill to be entitled An act relating to children and families; creating s. 383.145, F.S.; creating the Healthy Families Florida program; providing legislative findings and intent; providing purpose; requiring integrated community-based delivery of services; specifying program requirements; providing responsibilities of the Department of Health and the Department of Children and Family Services; providing for development, implementation, and administration of the program; specifying criteria for community program grant funding; requiring collaboration with existing community boards, coalitions, providers, and planning groups; authorizing contracts for training and evaluation; providing for quality assurance; establishing the Healthy Families Florida Advisory Committee; providing for application for a federal waiver; providing an effective date.

—was read the second time by title.

Senator Kurth moved the following amendment which was adopted:

**Amendment 1**—On page 3, lines 11-22, delete those lines and insert: *health outcomes. The following disclaimer shall be presented verbally and in writing at the initial contact with the parent, which may occur before or after the birth of a child: "Participation in the initial*

interview and assessment process and all services provided through the Healthy Families Florida program is voluntary. You have the right not to answer any questions asked during the assessment process and the right to decline to participate in the program at any time.”

(4) PROGRAM REQUIREMENTS.—The program shall provide for intensive home visits and include the following critical elements:

(a) Initiation of services. This element provides for:

1. Initiation of services prenatally or at birth.
2. Use of a standardized assessment tool to systematically identify those families most in need of services.
3. Offering services on a voluntary basis and using outreach efforts to build family trust.

Senator Hargrett moved the following amendment which was adopted:

**Amendment 2**—On page 3, line 19, after the period (.) insert: *Under no circumstances shall an assessment tool use the fact that a person has been spanked or has spanked a child as an indicator of a need for services unless such spanking constitutes harm as defined in s. 415.503(9).*

Senator Sullivan moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 11, between lines 15 and 16, insert:

Section 2. *The sum of \$10 million is appropriated from tobacco settlement revenues and the sum of \$5 million is appropriated from funds of the Temporary Assistance for Needy Families program to the Department of Children and Family Services to implement this act.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: providing appropriations;

Pursuant to Rule 4.19, **CS for CS for SB 1660** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan—

**CS for SB 726**—A bill to be entitled An act relating to health care contracts; amending s. 627.419, F.S.; providing that health insurance policies that provide certain benefits must pay for the services of advanced registered nurse practitioners; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 726** was placed on the calendar of Bills on Third Reading.

On motion by Senator Hargrett—

**SB 2242**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; creating s. 932.7051, F.S.; creating the Federal Law Enforcement Trust Fund; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2242** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2222** was deferred.

On motion by Senator Williams—

**CS for CS for SB 1044**—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that when a public lessor complies with the public finance accountability provisions of s. 155.40(5), F.S., with respect to the transfer of any public funds to a private lessee, the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements if the corporation meets specified criteria; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1044** to **CS for HB 3585**.

Pending further consideration of **CS for CS for SB 1044** as amended, on motion by Senator Williams, by two-thirds vote **CS for HB 3585** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Williams—

**CS for HB 3585**—A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements, except under specified circumstances; providing for future review and repeal; providing applicability; providing a finding of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1044** as amended and read the second time by title.

Senator Williams moved the following amendment which was adopted:

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

Section 1. Section 395.3036, Florida Statutes, is created to read:

*395.3036 Confidentiality of records and meetings of corporations that lease public hospitals or other public health care facilities.—The records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and the meetings of the governing board of a private corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the public lessor complies with the public finance accountability provisions of s. 155.40(5) with respect to the transfer of any public funds to the private lessee and when the private lessee meets at least three of the five following criteria:*

(1) *The public lessor that owns the public hospital or other public health care facility was not the incorporator of the private corporation that leases the public hospital or other health care facility.*

(2) *The public lessor and the private lessee do not commingle any of their funds in any account maintained by either of them, other than the payment of the rent and administrative fees or the transfer of funds pursuant to subsection (2).*

(3) *Except as otherwise provided by law, the private lessee is not allowed to participate, except as a member of the public, in the decision-making process of the public lessor.*

(4) *The lease agreement does not expressly require the lessee to comply with the requirements of s. 119.07(1) and s. 286.011.*

(5) *The public lessor is not entitled to receive any revenues from the lessee, except for rental or administrative fees due under the lease, and the lessor is not responsible for the debts or other obligations of the lessee.*

Section 2. (1) *The Legislature finds that it is a public necessity that all records of a private corporation and all meetings of the governing board of the private corporation be confidential and exempt from the*

public records and public meeting laws of this state when the private corporation leases a public hospital or other public health care facility from a public entity in accordance with the terms of this act. The Legislature further finds that private corporations have entered into such leases in reliance on the legal standard governing the application of the public records and open meeting laws to such lease agreements which was set forth in case law existing at the time of the transaction. That standard provided that such private lessees were not "acting on behalf of" the public entity and, therefore, not subject to the state's public records laws so long as the public entity did not retain control over the private lessee. No one factor was used to determine whether the public entity exerted control; instead a "totality of factors" was analyzed and the decision made on the balance of those factors. In a recent decision, however, the Fifth District Court of Appeal has now applied the standard in a manner that may cause more lessees to be subject to public records and meetings requirements. The Legislature finds that the effect of the decision has been:

(a) To create uncertainty with respect to the status of records and meetings under existing lease arrangements; and

(b) To create a disincentive for private corporations to enter into such lease agreements in the future.

(2) Public entities have chosen to privatize the operations of their public hospitals and public health care facilities in order to alleviate three problems that pose a significant threat to the continued viability of Florida's public hospitals:

(a) A financial drain on the facilities from their forced participation in the Florida Retirement System;

(b) The competitive disadvantage placed on these facilities vis a vis their private competitors resulting from their required compliance with the state's public records and public meeting laws; and

(c) State constitutional restrictions on public facility participation in partnerships with private corporations as a result of the limitations contained in the State Constitution. For years, the Legislature has approved and encouraged these leases, first through special acts that it has adopted authorizing the lease agreements and, more recently, through the adoption of section 155.40, Florida Statutes, which provides for the conversion of public hospital facilities to private operation by lease, as a means to provide public entities with the necessary flexibility to use these public assets in a manner that best serves the interests of the public. Through such lease arrangement, public entities have been able to obtain substantial and oftentimes desperately needed private capital investment into these facilities and to relieve the oftentimes burdensome drain on public tax revenues which resulted from public operation.

(3) In the absence of a defined and, therefore, predictable statewide standard for determining when the public records and public meetings laws apply to future lease agreements, public entities may find it difficult, if not impossible, to find a private corporation that is willing to enter into a lease to operate the public hospital or other public health care facility. This, in turn, could force the public entity:

(a) To close the hospital or other health care facility, which would result in a reduction in health care services to the public;

(b) To sell the hospital or other health care facility, which sale, if the facility has deteriorated because of inadequate capital investments over time, will likely be at a loss; or

(c) To continue operating the hospital or other health care facility using public tax dollars to subsidize recurring losses. None of these options is in the best interest of the public.

(3) The Legislature, therefore, finds that it is a public necessity for it, through this act, to clarify when the public records and public meeting laws apply to private lessees of public hospital or other public health care facilities. The Legislature further finds that it is a public necessity for these private lessees to be exempt from the public records and public meetings laws of the state so long as, applying the standard codified by this act, the public entity does not retain control over the private entity.

Section 3. This act does not change existing law relating to discovery of records and information that are otherwise discoverable under the Florida Rules of Civil Procedure or any statutory provision allowing discovery or pre-suit disclosure of such records and information for the purpose of civil actions.

Section 4. This act shall take effect upon becoming law and shall apply to existing leases and future leases of public hospitals and other health care facilities.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to public records and meetings; creating s. 395.3036, F.S.; providing that when a public lessor complies with the public finance accountability provisions of s. 155.40(5), F.S., with respect to the transfer of any public funds to a private lessee, the records of a private corporation that leases a public hospital or other public health care facility are confidential and exempt from public records requirements, and the meetings of the governing board of such corporation are exempt from public meeting requirements if the corporation meets specified criteria; providing for future review and repeal; providing a finding of public necessity; providing for the continued applicability of the Florida Rules of Civil Procedure and statutory provisions relating to discoverability in civil actions to records and information made exempt in the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 3585** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**CS for SB 248**—A bill to be entitled An act relating to the regulation of health care professionals; creating s. 455.569, F.S.; providing for the revocation of the licenses of health care professionals who are convicted of sexual misconduct; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 248** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 544** and **CS for CS for SB 646** was deferred.

On motion by Senator Klein—

**SB 756**—A bill to be entitled An act relating to Alzheimer's disease and related disorders; amending s. 430.502, F.S.; establishing an additional memory disorder clinic; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; providing an effective date.

—was read the second time by title.

The Committee on Children, Families and Seniors recommended the following amendment which was moved by Senator Klein and adopted:

**Amendment 1 (with title amendment)**—On page 2, lines 7-9, delete those lines and insert:

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County, and

(i) A memory disorder clinic at the Tallahassee Memorial Regional Medical Center,

And the title is amended as follows:

On page 1, lines 4 and 5, delete those lines and insert: establishing additional memory disorder clinics; revising authority of the Department of

Senator Dudley offered the following amendment which was moved by Senator Klein and adopted:

**Amendment 2 (with title amendment)**—On page 2, lines 7-9, delete those lines and insert:

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County; and

(i) *A memory disorder clinic at Lee Memorial Hospital created by chapter 63-1552, Laws of Florida, as amended,*

And the title is amended as follows:

On page 1, lines 4 and 5, delete those lines and insert: establishing additional memory disorder clinics; revising the authority of the Department of

Pursuant to Rule 4.19, **SB 756** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**CS for CS for SB 294**—A bill to be entitled An act relating to home medical equipment providers; creating part IX of chapter 400, F.S.; providing for regulation of home medical equipment providers by the Agency for Health Care Administration; providing legislative intent; providing definitions; providing for licensure and exemptions; providing unlawful acts; providing penalties; providing for license applications; providing for fees; providing for background screening; providing for provisional licenses and temporary permits; providing for administrative penalties; providing for injunctions, emergency orders, and moratoriums; providing for licensure inspections and investigations; providing minimum standards; providing for agency rules; providing for patient records; providing for notice of toll-free telephone number for the central abuse registry; providing for background screening of home medical equipment provider personnel; providing penalties; providing screening procedures; providing for agency injunctions; prohibiting patient referrals and rebates; providing for application of the act to existing providers; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment which was adopted:

**Amendment 1**—On page 5, delete line 14 and insert: *corporation that is in the business of*

Pursuant to Rule 4.19, **CS for CS for SB 294** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

**CS for SB 926**—A bill to be entitled An act relating to eradication of agricultural pests; prescribing additional duties of the Department of Agriculture and Consumer Services and the Department of Health with respect to programs of emergency aerial application of pesticide for eradication of plant pests; requiring use of certain pesticides; requiring development of a system for informing the public of such programs and requiring public and other notice of certain programs of pest eradication; providing for information to be furnished to health-care providers; providing for health advisory committees; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendments which were moved by Senator Lee and adopted:

**Amendment 1**—On page 3, line 19, before “*result*” insert: *may*

**Amendment 2**—On page 4, line 3, delete “*the*” and insert: *a*

Pursuant to Rule 4.19, **CS for SB 926** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner, by two-thirds vote **CS for HB 4035** was withdrawn from the Committees on Children, Families and Seniors; and Ways and Means.

On motion by Senator Turner—

**CS for HB 4035**—A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629,

F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents’ legal representatives; conforming terminology and correcting references and cross references; amending s. 419.001, F.S.; correcting a cross reference; providing an effective date.

—a companion measure, was substituted for **CS for SB 1872** and read the second time by title.

Senator Turner moved the following amendment which was adopted:

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

Section 1. Section 400.616, Florida Statutes, is amended to read:

400.616 Short title.—*This part Sections 400.616-400.629 may be cited as the “Adult Family-Care Home Act.”*

Section 2. Section 400.617, Florida Statutes, is amended to read:

400.617 Legislative intent; purpose.—

(1) The Legislature encourages the provision of care for disabled adults and *frail elders aged persons* in family-type living arrangements in private homes.

(2) *Adult family-care homes provide housing and personal care for disabled adults and frail elders who choose to live with an individual or family in a private home. The adult family-care home provider must live in the home. The purpose of this part ss. 400.616-400.629 is to provide for the health, safety, and welfare of residents of adult family-care homes in the state.*

(3) The Legislature recognizes that adult family-care homes are an important part of the continuum of long-term care. The personal care services available in these homes, which may be provided directly or through contract or agreement, *is* are intended to help residents remain as independent as possible in order to delay or avoid placement in a nursing home or other institution. Regulations governing adult family-care homes must be sufficiently flexible to allow residents to age in place if resources are available to meet their needs and accommodate their preferences.

(4) The Legislature further finds and declares that licensure under *this part ss. 400.616-400.629* is a public trust and a privilege, and not an entitlement. This principle must guide the finder of fact or trier of law at any administrative proceeding or circuit court action initiated by the department to enforce *this part ss. 400.616-400.629*.

(5) *Rules of the department relating to adult family-care homes shall be as minimal and flexible as possible to ensure the protection of residents while minimizing the obstacles that could inhibit the establishment of adult family-care homes.*

Section 3. Section 400.618, Florida Statutes, is amended to read:

400.618 Definitions.—As used in *this part ss. 400.616-400.629*, the term:

(1) “Activities of daily living” means functions and tasks for self-care, including eating, bathing, grooming, dressing, ambulating, and other similar tasks.

(2) “Adult family-care home” means a full-time, family-type living arrangement, in a private home, under which a person or persons provide, ~~for profit or not for profit~~, room, board, and *personal care one or more personal services*, as appropriate for the level of functional impairment, for no more than five ~~aged persons or disabled adults or frail elders~~ who are not relatives. The following establishments are not adult family-care homes:

(a) *An arrangement whereby the person who owns or rents the home provides room, board, and establishment that provides personal services for not more than two three or fewer adults who do not receive optional*

state supplementation under s. 409.212, ~~but that does not hold itself out to the public to be an establishment that regularly provides such services. The person who provides the housing, meals, and personal care must own or rent the home and reside therein.~~

(b) ~~An arrangement whereby the person who owns or rents the home provides room, board, and establishment in which a person or persons provide personal services only to his or her their relatives.~~

(c) An establishment that is licensed as an assisted living facility under part III.

(3) ~~“Aged person” means any person age 60 or over who is currently a resident of the state and who, because of a functional impairment, requires one or more personal services but does not require 24 hour skilled nursing home or institutional care.~~

(3)(4) “Agency” means the Agency for Health Care Administration.

(4)(5) “Aging in place” means remaining in a noninstitutional living environment despite the physical or mental changes that may occur in a person who is aging. For aging in place to occur, needed services are added, increased, or adjusted to compensate for a person’s physical or mental changes.

(5) ~~“Appropriate placement” means that the resident’s needs can be met by the adult family-care home or can be met by services arranged by the adult family-care home or the resident.~~

(6) “Chemical restraint” means a pharmacologic drug that physically limits, restricts, or deprives an individual of movement or mobility, and is used for discipline or convenience and not required for the treatment of medical symptoms.

(7) “Department” means the Department of Elderly Affairs.

(8) “Disabled adult” means any person between 18 and 59 years of age, inclusive, who is a resident of the state and who has one or more permanent physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living.

(9) ~~“Frail elder” means a functionally impaired elderly person who is 60 years of age or older and who has physical or mental limitations that restrict the person’s ability to perform the normal activities of daily living and that impede the person’s capacity to live independently.~~

(10)(9) ~~“Personal services” or “personal care” includes include, but are not limited to, individual assistance with or supervision of the activities of daily living and the self-administration of medication; supervision of self-administered medication; and other similar services that the department defines by rule.~~

(11)(10) “Provider” means a person who is licensed to operate an adult family-care home.

(12)(11) “Relative” means an individual who is the father, mother, son, daughter, brother, sister, *grandfather, grandmother, greatgrandfather, and greatgrandmother*, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of a provider.

(13) ~~“Relief person” means an adult designated by the provider to supervise the residents during the provider’s absence.~~

(14) ~~“Resident” means a person receiving room, board, and personal care in an adult family-care home.~~

Section 4. Section 400.619, Florida Statutes, is amended to read:

400.619 ~~Licensure application and renewal requirements.—~~

(1) Each person who intends to be a provider of an adult family-care home *provider* must *apply for obtain* a license from the agency before caring for a disabled adult or an aged person in the adult family-care home. Such application must be made at least 90 days before the applicant intends to operate the adult family-care home.

(2) A person who intends to be a provider of an adult family-care home *provider* must own or rent and live in the adult family-care home that is to be licensed *and reside therein*.

(3) Application for a license or annual license renewal to operate an adult family-care home must be made on a form provided by the agency, signed under oath, and must be accompanied by a licensing fee of \$100 per year to offset the cost of training and education programs by the Department of Elderly Affairs for providers.

(4) Upon receipt of a license application or license renewal, and the fee, the agency shall conduct a level 1 background screening as provided under chapter 435 on must check with the abuse registry and the Department of Law Enforcement concerning the adult family-care home provider applicant, the designated relief person, all adult household members, and all staff members. The agency shall also conduct an onsite visit to the home that is to be licensed.

(5) Access to a licensed adult family-care home must be provided at reasonable times for the appropriate officials of the department, the Department of Health, the Department of Children and Family and Rehabilitative Services, the agency, and the State Fire Marshal, who are responsible for the development and maintenance of fire, health, sanitary, and safety standards, to inspect the facility to assure compliance with these standards. In addition, access to a licensed adult family-care home must be provided at reasonable times for the district long-term care ombudsman council.

(6) A license is effective for 1 year after the date of issuance unless revoked sooner. Each license must state the name of the provider, the address of the home to which the license applies, and the maximum number of residents of the home. *Failure to timely file a license renewal application shall result in a late fee equal to 50 percent of the license fee. A license may be issued with or without restrictions governing the residents or care offered in the adult family-care home.*

(7) A license is not transferable or applicable to any location or person other than the location *and of* person indicated on the license application for licensure.

(8) The licensed maximum capacity of each adult family-care home is based on the service needs of the residents and the capability of the provider to meet the needs of the residents. Any relative who lives in the adult family-care home and who is an aged person or a disabled adult or frail elder must be included in that limitation.

(9) Each adult family-care home must designate at least one licensed space for a resident receiving optional state supplementation as defined in s. 409.212. The department of Health and Rehabilitative Services shall specify by rule the procedures to be followed for referring residents who receive optional state supplementation to adult family-care homes. Those homes licensed as adult foster homes or assisted living facilities prior to January 1, 1994, that convert to adult family-care homes, are exempt from *this* the requirement of designating one space for a resident receiving optional state supplementation.

(10) The agency may issue a conditional license to a provider for the purpose of bringing the adult family-care home into compliance with licensure requirements. A conditional license must be limited to a specific period, not exceeding 6 months, ~~as determined by the department, in consultation with the agency.~~ The department shall, by rule, establish criteria for *issuing* conditional licenses.

(11) ~~The agency may deny, suspend, or revoke a license for any of the following reasons:~~

(a) ~~A confirmed report, obtained under s. 415.1075, of abuse, neglect, or exploitation, or conviction of a crime related to abuse, neglect, or exploitation.~~

(b) ~~A proposed confirmed report that remains unserved and is maintained in the central abuse registry and tracking system pursuant to s. 415.1065(2)(c).~~

(c) ~~An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.~~

(d) ~~A violation of ss. 400.616 400.629 or rules adopted under ss. 400.616 400.629, including the failure to comply with any restrictions specified in the license.~~

~~(e) Submission of fraudulent or inaccurate information to the agency.~~

~~(f) Conviction of a felony involving violence to a person.~~

~~(g) Failure to pay a civil penalty assessed under this part.~~

(11)(12) All moneys collected under this section must be deposited into the Department of Elderly Affairs Administrative Trust Fund and must be used to offset the expenses of departmental training and education for adult family-care home providers.

(12)(13) The department shall adopt rules to implement this section.

Section 5. Section 400.6194, Florida Statutes, is created to read:

400.6194 Denial or revocation of a license.—The agency may deny or revoke a license for any of the following reasons:

(1) Failure of any of the persons required to undergo background screening under s. 400.619 to meet the level 1 screening standards of s. 435.03.

(2) An intentional or negligent act materially affecting the health, safety, or welfare of the adult family-care home residents.

(3) Submission of fraudulent information or omission of any material fact on a license application or any other document required by the agency.

(4) Failure to pay an administrative fine assessed under this part.

(5) A violation of this part or adopted rules which results in conditions or practices that directly threaten the physical or emotional health, safety, or welfare of residents.

(6) Failure to correct cited fire code violations that threaten the health, safety, or welfare of residents.

(7) Failure to submit a completed initial license application, or to complete a license renewal application within the specified timeframe.

Section 6. Paragraph (b) of subsection (1) of section 400.6196, Florida Statutes, is amended to read:

400.6196 Violations; penalties.—

(1) In addition to any other liability or penalty provided by law, the agency may impose a civil penalty on a person for:

(b) Violating any rule adopted under *this part ss. 400.616-400.629*.

Section 7. Paragraph (f) of subsection (1) and subsection (4) of section 400.621, Florida Statutes, are amended to read:

400.621 Rules and standards relating to adult family-care homes.—

(1) The department shall, in consultation with the Department of Health and Rehabilitative Services and the agency, by rule, establish minimum standards and licensure procedures for adult family-care homes. The rules must, at a minimum:

(f) Assure that an adult family-care home is the appropriate living arrangement for each resident. A resident who requires 24-hour nursing supervision may not be retained in an adult family-care home *unless such resident is an enrolled hospice patient and the resident's continued residency is mutually agreeable to the resident and the provider. A person who would not be an appropriate resident in any assisted living facility under s. 400.426 would not be an appropriate resident in an adult family care home.*

(4) The provider of any adult family-care home that is in operation at the time any rules are adopted or amended under *this part ss. 400.616-400.629* may be given a reasonable time, not exceeding 6 months, within which to comply with those new or revised rules and standards.

Section 8. Paragraph (c) of subsection (2) and subsections (3) and (4) of section 400.6211, Florida Statutes, are amended to read:

400.6211 Training and education programs.—

(2) Training and education programs must include, but are not limited to, information relating to:

(c) Identifying and meeting the special needs of ~~aged persons and disabled adults~~ *and frail elders*.

(3) Providers must complete the training and education program within a reasonable time determined by the department. Failure to complete the training and education program within the time set by the department is a violation of *this part ss. 400.616-400.629* and subjects the provider to revocation of the license.

(4) If the Department of ~~Children and Family Health and Rehabilitative Services~~, the agency, or the department determines that there are problems in an adult family-care home which could be reduced through specific training or education beyond that required under this section, the ~~agency~~ *department* may require the provider or staff to complete such training or education.

Section 9. Section 400.622, Florida Statutes, is amended to read:

400.622 Injunctive proceedings.—

(4) The department, the Department of ~~Children and Family Health and Rehabilitative Services~~, or the agency may institute injunctive proceedings in a court of competent jurisdiction to:

(1)(a) Enforce the provisions of *this part ss. 400.616-400.629* or any license requirement, minimum standard, rule, or order issued or entered into under *this part ss. 400.616-400.629*; or

(2)(b) Terminate the operation of an adult family-care home when violations of any license requirement, standard, or rule adopted under *this part ss. 400.616-400.629* exist which materially affect the health, safety, or welfare of residents.

~~(2)—Such injunctive relief may be temporary or permanent.~~

Section 10. Subsection (2) of section 400.625, Florida Statutes, is amended to read:

400.625 Residency agreements.—

(2) Each residency agreement must specify the personal ~~care services~~ and accommodations to be provided by the adult family-care home, the rates or charges, a requirement of at least 30 days' notice before a rate increase, and any other provisions required by rule of the department.

Section 11. Section 400.6255, Florida Statutes, is amended to read:

400.6255 ~~Residents~~ *Patients* with Alzheimer's disease or other related disorders; certain disclosures.—An adult family-care home licensed under this part which claims that it provides special care for persons who have Alzheimer's disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The home must give a copy of all such advertisements or a copy of the document to each person who requests information about programs and services for persons with Alzheimer's disease or other related disorders offered by the home and must maintain a copy of all such advertisements and documents in its records. The ~~agency~~ *department* shall examine all such advertisements and documents in the home's records as part of the license renewal procedure.

Section 12. Subsections (2) and (6) and paragraph (c) of subsection (4) of section 400.628, Florida Statutes, are amended to read:

400.628 Residents' bill of rights.—

(2) The provider shall ensure that residents *and their legal representatives* are made aware of the rights, obligations, and prohibitions set forth in *this part ss. 400.616-400.629*. Residents must also be given the names, addresses, and telephone numbers of the district ombudsman council and the adult abuse registry where they may lodge complaints.

(4) A provider or staff of an adult family-care home may not serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(c) Files a civil action alleging a violation of *this part ss. 400.616-400.629* or notifies a state attorney or the Attorney General of a possible violation of *this part these sections*.

(6) Any person who reports a complaint concerning a suspected violation of *this part ss. 400.616-400.629* or the services and conditions in an adult family-care home, or who testifies in any administrative or judicial proceeding arising from such a complaint, is immune from any civil or criminal liability therefor, unless the person acted in bad faith or with malicious purpose or the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party.

Section 13. Section 400.629, Florida Statutes, is amended to read:

400.629 Civil actions to enforce rights.—Any person or resident whose rights as specified in *this part ss. 400.616-400.629* are violated has a cause of action against any adult family-care home, provider, or staff responsible for the violation. The action may be brought by the resident or the resident's guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or the resident's guardian, to enforce the right. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages when malicious, wanton, or willful disregard of the rights of others can be shown. Any plaintiff who prevails in any such action is entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds that the plaintiff has acted in bad faith or with malicious purpose or that there was a complete absence of a justiciable issue of either law or fact. A prevailing defendant is entitled to recover reasonable attorney's fees pursuant to s. 57.105. The remedies provided in this section are in addition to other legal and administrative remedies available to a resident or to the *agency department*.

Section 14. Paragraph (d) of subsection (1) of section 419.001, Florida Statutes, is amended to read:

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the following definitions shall apply:

(d) "Resident" means any of the following: *a frail elder an aged person* as defined in s. 400.618(3); a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled person as defined in s. 393.063(11); a nondangerous mentally ill person as defined in s. 394.455(18)(46); or a child as defined in s. 39.01(12) and (14).

Section 15. This act shall take effect on October 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to adult family-care homes; amending ss. 400.616, 400.617, 400.618, 400.619, 400.6196, 400.621, 400.6211, 400.622, 400.625, 400.6255, 400.628, and 400.629, F.S., and creating s. 400.6194, F.S.; revising legislative intent and purpose; revising definitions; requiring adult family-care home providers to meet certain screening requirements; revising requirements for licensure application and renewal; providing a late renewal fee; revising grounds for denial, suspension, or revocation of a license; revising requirements for rules relating to appropriate placement of residents; revising provisions relating to injunctive relief; requiring certain information to be provided to residents' legal representatives; conforming terminology, references, and cross-references; amending s. 419.001, F.S.; conforming a cross-reference; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 4035** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1466** and **SB 2504** was deferred.

On motion by Senator Hargrett—

**CS for CS for SB 1024**—A bill to be entitled An act relating to false reports of abuse or neglect of a child or of abuse, neglect, or exploitation

of a disabled adult or elderly person; amending s. 415.107, F.S.; authorizing the Department of Children and Family Services to provide the identity of a person reporting adult abuse, neglect, or exploitation to a law enforcement agency; amending s. 415.111, F.S.; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement entities to handle certain reports of abuse, neglect, or exploitation during the pendency of such an investigation; providing procedures; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; specifying the penalty for knowingly and willfully making or advising another to make a false report; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies for investigation of possible false reports; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.1113, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making or counseling another to make a false report; amending s. 415.513, F.S.; deleting the requirement for the Department of Children and Family Services to provide information to the state attorney; providing for the Department of Children and Family Services to report annually to the Legislature the number of reports referred to law enforcement agencies; providing for investigation by local law enforcement agencies of possible false reports; providing for law enforcement agencies to refer certain reports to the state attorney for prosecution; providing for law enforcement entities to handle certain reports of abuse or neglect during the pendency of such an investigation; providing procedures; specifying the penalty for knowingly and willfully making, or advising another to make, a false report; providing for state attorneys to report annually to the Legislature the number of complaints that have resulted in informations or indictments; amending s. 415.5131, F.S.; increasing the maximum amount of the administrative fine that may be imposed for knowingly and willfully making, or counseling another to make, a false report; providing an effective date.

—was read the second time by title.

Senator Hargrett moved the following amendment which was adopted:

**Amendment 1**—On page 3, line 29 and on page 5, line 31, after the comma (,) insert: *the department must notify the local law enforcement agency of and*

Pursuant to Rule 4.19, **CS for CS for SB 1024** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Dyer, by two-thirds vote **CS for CS for HB 3193** was withdrawn from the Committees on Community Affairs and Judiciary.

On motion by Senator Dyer—

**CS for CS for HB 3193**—A bill to be entitled An act relating to homeowners' associations; amending s. 617.303, F.S.; prohibiting the commingling of certain funds; amending s. 617.307, F.S.; revising language with respect to the transition of homeowners' association control in a community; providing a list of required documents which must be provided to the board by the developer; creating s. 617.3075, F.S.; providing for prohibited clauses in homeowners' association documents; amending s. 689.26, F.S.; revising language with respect to disclosure to prospective purchasers; providing for the cancellation of certain contracts; providing for the inclusion of information on certain amenities; providing an effective date.

—a companion measure, was substituted for **CS for SB 544** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3193** was placed on the calendar of Bills on Third Reading.

#### MOTION

On motion by Senator Dyer, Senator Forman was recorded as a prime sponsor of **CS for SB 544**.

On motion by Senator Gutman, the Senate resumed consideration of—

**CS for SB 228**—A bill to be entitled An act relating to cleft-lip and cleft-palate treatment; creating s. 627.64193, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6515, F.S.; applying certain requirements for group coverage to out-of-state groups; creating s. 627.66911, F.S.; requiring certain health insurance policies to provide coverage for cleft-lip and cleft-palate treatment for children; amending s. 627.6699, F.S.; applying certain requirements for group coverage to coverage for small employers; amending s. 641.31, F.S.; providing for cleft-lip and cleft-palate treatment for children by health maintenance organizations; providing a legislative determination of an important state interest; providing applicability; providing an effective date.

—which was previously considered April 22. Pending **Amendment 1** by Senator Gutman was withdrawn.

Pursuant to Rule 4.19, **CS for SB 228** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**SB 2534**—A bill to be entitled An act relating to the Excellent Teaching Program Trust Fund; creating the fund; providing a source of funds; providing purpose; providing for future review and termination or re-creation of the fund; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2534** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee—

**CS for SB 2000**—A bill to be entitled An act relating to rulemaking authority for matters pertaining to education (RAB); amending s. 231.17, F.S.; authorizing the Commissioner of Education to make decisions about granting certification to an applicant in extenuating circumstances not otherwise provided for in statute or by rule; amending s. 231.24, F.S.; allowing the state board to approve rules for the expanded use of training in teaching students having limited proficiency in English toward renewing a professional certificate; amending s. 231.29, F.S., relating to assessment procedures and criteria for personnel assessment; authorizing the state board to adopt necessary rules; amending s. 240.116, F.S.; allowing the state board to adopt rules for certain dual-enrollment programs; amending s. 240.233, F.S.; allowing the state board to adopt rules for the articulation of foreign-language competency and equivalency between secondary and postsecondary institutions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2000** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin—

**CS for SB 1960**—A bill to be entitled An act relating to assisted living facilities and adult family-care homes; amending s. 400.402, F.S.; revising definitions; amending s. 400.404, F.S.; providing additional exemptions from licensure as an assisted living facility; amending ss. 400.407, 400.408, F.S.; reorganizing and revising provisions relating to unlawful facilities; providing penalties; requiring report of unlicensed facilities; providing for disciplinary actions; revising provisions relating to referral to unlicensed facilities; providing for certain notice to service providers; amending s. 400.411, F.S.; revising requirements for an initial application for license; providing for a fee; amending s. 400.414, F.S.; revising authority and grounds for denial, revocation, or suspension of licenses or imposition of administrative fines; specifying terms for review of proceedings challenging administrative actions; amending s. 400.415, F.S.; requiring a facility to post notice of a moratorium on admissions; providing for rules establishing grounds for imposition of a moratorium; amending s. 400.417, F.S.; providing for coordinated expiration of a

facility's license; revising requirements for license renewal; providing for rules; amending s. 400.4174, F.S.; amending an outdated reference to child abuse or neglect; amending s. 400.4176, F.S.; revising time requirement for notice of change of administrator; amending ss. 400.418, 400.422, 400.452, 408.036, F.S., relating to the disposition of fees and fines, receivership proceedings, staff training and education, and the review of certain projects; conforming cross-references to changes made by the act; amending s. 400.419, F.S.; revising procedures relating to violations and penalties; increasing administrative fines for specified classes of violations; providing fines for unlicensed operation of a facility and for failure to apply for a change of ownership license; authorizing a survey fee to cover the cost of certain complaint investigations; providing for corrective action plans to correct violations; expanding dissemination of information regarding facilities sanctioned or fined; amending s. 400.4195, F.S., relating to prohibitions and rebates; creating s. 400.4256, F.S., relating to assistance with the self-administration of medication; amending s. 400.428, F.S.; providing for surveys to determine compliance with facility standards and residents' rights; amending s. 400.474, F.S.; providing for disciplinary action against a home health agency or employee who knowingly provides services in an unlicensed assisted living facility or adult family-care home; amending s. 400.618, F.S.; revising the definition of the term "adult-family care home"; amending s. 394.4574, F.S.; requiring district administrators of the Department of Children and Family Services to develop plans to ensure the provision of mental health and substance abuse treatment services to residents of assisted living facilities that hold a limited mental health license; providing an effective date.

—was read the second time by title.

Senator Rossin moved the following amendments which were adopted:

**Amendment 1 (with title amendment)**—On page 14, between lines 23 and 24, insert:

Section 4. Effective January 1, 1999, subsection (1) of section 400.4075, Florida Statutes, is amended to read:

400.4075 Limited mental health license.—An assisted living facility that serves three or more mental health residents must obtain a limited mental health license.

(1) To obtain a limited mental health license, a facility must hold a standard license as an assisted living facility, *must not have any current uncorrected deficiencies or violations*, and must ensure that, within 6 months after receiving a limited mental health license, the facility administrator and the staff of the facility who are in direct contact with mental health residents must complete training of no less than 6 hours related to their duties. This training will be provided by or approved by the Department of Children and Family Services.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 14, after the first semicolon (;) insert: amending s. 400.4075, F.S.; providing requirements for obtaining a limited mental health license;

**Amendment 2**—On page 49, line 1, after "Services" insert: , *in consultation with the Agency for Health Care Administration*.

Pursuant to Rule 4.19, **CS for SB 1960** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**SENATOR COWIN PRESIDING**

On motion by Senator Brown-Waite—

**SB 316**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.



—was read the second time by title.

Amendments were considered and adopted to conform **SB 316** to **CS for CS for HB 3311**.

Pending further consideration of **SB 316** as amended, on motion by Senator Brown-Waite, by two-thirds vote **CS for CS for HB 3311** was withdrawn from the Committees on Health Care; and Governmental Reform and Oversight.

On motion by Senator Brown-Waite—

**CS for CS for HB 3311**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information contained in a notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; providing that such information is not discoverable or admissible in a civil action or administrative proceeding unless such action or proceeding is a disciplinary proceeding conducted by the agency or a regulatory board; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **SB 316** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 3311** was placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**SB 1730**—A bill to be entitled An act relating to the Legislature; amending s. 11.111, F.S.; providing for the continuance of certain proceedings that involve a member of the Legislature and conflict with scheduled activity of a legislative committee; specifying the period of the continuance which applies when the Legislature is not in session; providing an effective date.

—was read the second time by title.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Campbell and adopted:

**Amendment 1**—On page 2, between lines 16 and 17, insert:

(4) *The continuance provided for herein shall be granted upon filing of a verified pleading or affidavit.*

Pursuant to Rule 4.19, **SB 1730** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for SB's 1192, 628 and 1412**—A bill to be entitled An act relating to third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

—was read the second time by title.

On motion by Senator Clary, further consideration of **CS for SB's 1192, 628 and 1412** was deferred.

**CS for SB 1460**—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides;

prohibiting specified bungee operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendments which were adopted:

**Amendment 1**—On page 6, line 24, delete “*compliance*” and insert: *conformance*

**Amendment 2**—On page 10, lines 29 and 31, delete “15” and insert: 14

#### THE PRESIDENT PRESIDING

Senator Forman moved the following amendments which were adopted:

**Amendment 3**—On page 14, between lines 11 and 12, insert:

9. *Facilities described in s. 549.09(1)(a).*

**Amendment 4**—On page 19, line 8, delete “\$5000” and insert: \$2,500

On motion by Senator Forman, further consideration of **CS for SB 1460** as amended was deferred.

On motion by Senator Clary, the Senate resumed consideration of—

**CS for SB's 1192, 628 and 1412**—A bill to be entitled An act relating to third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for SB's 1192, 628 and 1412**, on motion by Senator Clary, by two-thirds vote **HB 3077** was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Clary—

**HB 3077**—A bill to be entitled An act relating to Medicaid provider fraud; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; limiting certain fees; amending s. 624.424, F.S.; conforming a cross-reference; barring certain civil actions; providing for retroactive application; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1192, 628 and 1412** and read the second time by title.

Senator Clary moved the following amendment which was adopted:

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

Section 1. Section 409.910, Florida Statutes, is amended to read:

409.910 Responsibility for payments on behalf of Medicaid-eligible persons when other parties are liable.—

(1) It is the intent of the Legislature that Medicaid be the payor of last resort for medically necessary goods and services furnished to Medicaid recipients. All other sources of payment for medical care are primary to medical assistance provided by Medicaid. If benefits of a liable third party are *discovered or become available after medical assistance has been provided by Medicaid*, it is the intent of the Legislature that Medicaid be repaid in full and prior to any other person, program, or entity. Medicaid is to be repaid in full from, and to the extent of, any third-party benefits, regardless of whether a recipient is made whole or other creditors paid. Principles of common law and equity as to assignment, lien, and subrogation, ~~comparative negligence, assumption of~~

~~risk, and all other affirmative defenses normally available to a liable third party, are to be abrogated to the extent necessary to ensure full recovery by Medicaid from third-party resources; such principles shall apply to a recipient's right to recovery against any third party, but shall not act to reduce the recovery of the agency pursuant to this section. The concept of joint and several liability applies to any recovery on the part of the agency. It is intended that if the resources of a liable third party become available at any time, the public treasury should not bear the burden of medical assistance to the extent of such resources. Common-law theories of recovery shall be liberally construed to accomplish this intent.~~

(2) This section may be cited as the "Medicaid Third-Party Liability Act."

(3) Third-party benefits for medical services shall be primary to medical assistance provided by Medicaid.

(4) After the department has provided medical assistance under the Medicaid program, it shall seek recovery of reimbursement from third-party benefits to the limit of legal liability and for the full amount of third-party benefits, but not in excess of the amount of medical assistance paid by Medicaid, as to:

(a) Claims for which the department has a waiver pursuant to federal law; or

(b) Situations in which *the department learns of the existence of a liable third party is liable and the liability or in which third-party benefits available are discovered either before or become available* after medical assistance has been provided by Medicaid.

(5) An applicant, recipient, or legal representative shall inform the department of any rights the applicant or recipient has to third-party benefits and shall inform the department of the name and address of any person that is or may be liable to provide third-party benefits. When the department provides, pays for, or becomes liable for medical services provided by a hospital, the recipient receiving such medical services or his or her legal representative shall also provide the information as to third-party benefits, as defined in this section, to the hospital, which shall provide notice thereof to the department in a manner specified by the department.

(6) When the department provides, pays for, or becomes liable for medical care under the Medicaid program, it has the following rights, as to which the department may assert independent principles of law, which shall nevertheless be construed together to provide the greatest recovery from third-party benefits:

~~(a) The agency has a cause of action against a liable third party to recover the full amount of medical assistance provided by Medicaid, and such cause of action is independent of any rights or causes of action of the recipient.~~

~~(a)(b)~~ The department is automatically subrogated to any rights that an applicant, recipient, or legal representative has to any third-party benefit for the full amount of medical assistance provided by Medicaid. Recovery pursuant to the subrogation rights created hereby shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement, but is to provide full recovery by the department from any and all third-party benefits. Equities of a recipient, his or her legal representative, a recipient's creditors, or health care providers shall not defeat, reduce, or prorate recovery by the department as to its subrogation rights granted under this paragraph.

~~(b)(c)~~ By applying for or accepting medical assistance, an applicant, recipient, or legal representative automatically assigns to the department any right, title, and interest such person has to any third-party benefit, excluding any Medicare benefit to the extent required to be excluded by federal law.

1. The assignment granted under this paragraph is absolute, and vests legal and equitable title to any such right in the department, but not in excess of the amount of medical assistance provided by the department.

2. The department is a bona fide assignee for value in the assigned right, title, or interest, and takes vested legal and equitable title free and clear of latent equities in a third person. Equities of a recipient, the

recipient's legal representative, his or her creditors, or health care providers shall not defeat or reduce recovery by the department as to the assignment granted under this paragraph.

3. By accepting medical assistance, the recipient grants to the department the limited power of attorney to act in his or her name, place, and stead to perform specific acts with regard to third-party benefits, the recipient's assent being deemed to have been given, including:

a. Endorsing any draft, check, money order, or other negotiable instrument representing third-party benefits that are received on behalf of the recipient as a third-party benefit.

b. Compromising claims to the extent of the rights assigned, *provided that the recipient is not otherwise represented by an attorney as to the claim.*

~~(c)(d)~~ The department is entitled to, and has, an automatic lien for the full amount of medical assistance provided by Medicaid to or on behalf of the recipient for medical care furnished as a result of any covered injury or illness for which a third party is or may be liable, upon the collateral, as defined in s. 409.901.

1. The lien attaches automatically when a recipient first receives treatment for which the department may be obligated to provide medical assistance under the Medicaid program. The lien is perfected automatically at the time of attachment.

2. The department is authorized to file a verified claim of lien. The claim of lien shall be signed by an authorized employee of the department, and shall be verified as to the employee's knowledge and belief. The claim of lien may be filed and recorded with the clerk of the circuit court in the recipient's last known county of residence or in any county deemed appropriate by the department. The claim of lien, to the extent known by the department, shall contain:

a. The name and last known address of the person to whom medical care was furnished.

b. The date of injury.

c. The period for which medical assistance was provided.

d. The amount of medical assistance provided or paid, or for which Medicaid is otherwise liable.

e. The names and addresses of all persons claimed by the recipient to be liable for the covered injuries or illness.

3. The filing of the claim of lien pursuant to this section shall be notice thereof to all persons.

4. If the claim of lien is filed within 1 year after the later of the date when the last item of medical care relative to a specific covered injury or illness was paid, or the date of discovery by the department of the liability of any third party, or the date of discovery of a cause of action against a third party brought by a recipient or his or her legal representative, record notice shall relate back to the time of attachment of the lien.

5. If the claim of lien is filed after 1 year after the later of the events specified in subparagraph 4., notice shall be effective as of the date of filing.

6. Only one claim of lien need be filed to provide notice as set forth in this paragraph and shall provide sufficient notice as to any additional or after-paid amount of medical assistance provided by Medicaid for any specific covered injury or illness. The department may, in its discretion, file additional, amended, or substitute claims of lien at any time after the initial filing, until the department has been repaid the full amount of medical assistance provided by Medicaid or otherwise has released the liable parties and recipient.

7. No release or satisfaction of any cause of action, suit, claim, counterclaim, demand, judgment, settlement, or settlement agreement shall be valid or effectual as against a lien created under this paragraph, unless the department joins in the release or satisfaction or executes a release of the lien. An acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment and any settlement of any of the foregoing in the absence of a release or satisfaction

of a lien created under this paragraph shall prima facie constitute an impairment of the lien, and the department is entitled to recover damages on account of such impairment. In an action on account of impairment of a lien, the department may recover from the person accepting the release or satisfaction or making the settlement the full amount of medical assistance provided by Medicaid. Nothing in this section shall be construed as creating a lien or other obligation on the part of an insurer which in good faith has paid a claim pursuant to its contract without knowledge or actual notice that the department has provided medical assistance for the recipient related to a particular covered injury or illness. However, notice or knowledge that an insured is, or has been a Medicaid recipient within 1 year from the date of service for which a claim is being paid creates a duty to inquire on the part of the insurer as to any injury or illness for which the insurer intends or is otherwise required to pay benefits.

8. The lack of a properly filed claim of lien shall not affect the department's assignment or subrogation rights provided in this subsection, nor shall it affect the existence of the lien, but only the effective date of notice as provided in subparagraph 5.

9. The lien created by this paragraph is a first lien and superior to the liens and charges of any provider, and shall exist for a period of 7 years, if recorded, after the date of recording; and shall exist for a period of 7 years after the date of attachment, if not recorded. If recorded, the lien may be extended for one additional period of 7 years by rerecording the claim of lien within the 90-day period preceding the expiration of the lien.

10. The clerk of the circuit court for each county in the state shall endorse on a claim of lien filed under this paragraph the date and hour of filing and shall record the claim of lien in the official records of the county as for other records received for filing. The clerk shall receive as his or her fee for filing and recording any claim of lien or release of lien under this paragraph the total sum of \$2. Any fee required to be paid by the department shall not be required to be paid in advance of filing and recording, but may be billed to the department after filing and recording of the claim of lien or release of lien.

11. After satisfaction of any lien recorded under this paragraph, the department shall, within 60 days after satisfaction, either file with the appropriate clerk of the circuit court or mail to any appropriate party, or counsel representing such party, if represented, a satisfaction of lien in a form acceptable for filing in Florida.

(7) The department shall recover the full amount of all medical assistance provided by Medicaid on behalf of the recipient to the full extent of third-party benefits.

(a) Recovery of such benefits shall be collected directly from:

1. Any third party;
2. The recipient or legal representative, if he or she has received third-party benefits;
3. The provider of a recipient's medical services if third-party benefits have been recovered by the provider; notwithstanding any provision of this section, to the contrary, however, no provider shall be required to refund or pay to the department any amount in excess of the actual third-party benefits received by the provider from a third-party payor for medical services provided to the recipient; or
4. Any person who has received the third-party benefits.

(b) Upon receipt of any recovery or other collection pursuant to this section, the department shall distribute the amount collected as follows:

1. To itself, an amount equal to the state Medicaid expenditures for the recipient plus any incentive payment made in accordance with paragraph (14)(a).
2. To the Federal Government, the federal share of the state Medicaid expenditures minus any incentive payment made in accordance with paragraph (14)(a) and federal law, and minus any other amount permitted by federal law to be deducted.
3. To the recipient, after deducting any known amounts owed to the department for any related medical assistance or to health care provid-

ers, any remaining amount. This amount shall be treated as income or resources in determining eligibility for Medicaid.

(8) The department shall require an applicant or recipient, or the legal representative thereof, to cooperate in the recovery by the department of third-party benefits of a recipient and in establishing paternity and support of a recipient child born out of wedlock. As a minimal standard of cooperation, the recipient or person able to legally assign a recipient's rights shall:

- (a) Appear at an office designated by the department to provide relevant information or evidence.
- (b) Appear as a witness at a court or other proceeding.
- (c) Provide information, or attest to lack of information, under penalty of perjury.
- (d) Pay to the department any third-party benefit received.
- (e) Take any additional steps to assist in establishing paternity or securing third-party benefits, or both.

(f) Paragraphs (a)-(e) notwithstanding, the department shall have the discretion to waive, in writing, the requirement of cooperation for good cause shown and as required by federal law.

~~(9) In the event that medical assistance has been provided by Medicaid to more than one recipient, and the agency elects to seek recovery from liable third parties due to actions by the third parties or circumstances which involve common issues of fact or law, the agency may bring an action to recover sums paid to all such recipients in one proceeding. In any action brought under this subsection, the evidence code shall be liberally construed regarding the issues of causation and of aggregate damages. The issue of causation and damages in any such action may be proven by use of statistical analysis.~~

~~(a) In any action under this subsection wherein the number of recipients for which medical assistance has been provided by Medicaid is so large as to cause it to be impracticable to join or identify each claim, the agency shall not be required to so identify the individual recipients for which payment has been made, but rather can proceed to seek recovery based upon payments made on behalf of an entire class of recipients.~~

~~(b) In any action brought pursuant to this subsection wherein a third party is liable due to its manufacture, sale, or distribution of a product, the agency shall be allowed to proceed under a market share theory, provided that the products involved are substantially interchangeable among brands, and that substantially similar factual or legal issues would be involved in seeking recovery against each liable third party individually.~~

~~(9)(10)~~ The department shall deny or terminate eligibility for any applicant or recipient who refuses to cooperate as required in subsection (8), unless cooperation has been waived in writing by the department as provided in paragraph (8)(f). However, any denial or termination of eligibility shall not reduce medical assistance otherwise payable by the department to a provider for medical care provided to a recipient prior to denial or termination of eligibility.

~~(10)(11)~~ An applicant or recipient shall be deemed to have provided to the department the authority to obtain and release medical information and other records with respect to such medical care, for the sole purpose of obtaining reimbursement for medical assistance provided by Medicaid.

~~(11)(12)~~ The department may, as a matter of right, in order to enforce its rights under this section, institute, intervene in, or join any legal or administrative proceeding in its own name in one or more of the following capacities: individually, as subrogee of the recipient, as assignee of the recipient, or as lienholder of the collateral.

(a) If either the recipient, or his or her legal representative, or the department brings an action against a third party, the recipient, or the recipient's legal representative, or the department, or their attorneys, shall, within 30 days after filing the action, provide to the other written notice, by personal delivery or registered mail, of the action, the name of the court in which the case is brought, the case number of such action, and a copy of the pleadings. If an action is brought by either the department, or the recipient or the recipient's legal representative, the other

may, at any time before trial on the merits, become a party to, or shall consolidate his or her action with the other if brought independently. Unless waived by the other, the recipient, or his or her legal representative, or the department shall provide notice to the other of the intent to dismiss at least 21 days prior to voluntary dismissal of an action against a third party. Notice to the department shall be sent to an address set forth by rule. Notice to the recipient or his or her legal representative, if represented by an attorney, shall be sent to the attorney, and, if not represented, then to the last known address of the recipient or his or her legal representative. ~~The provisions of this subsection shall not apply to any actions brought pursuant to subsection (9), and in any such action, no notice to recipients is required, and the recipients shall have no right to become a party to any action brought under such subsection.~~

(b) An action by the department to recover damages in tort under this subsection, which action is derivative of the rights of the recipient or his or her legal representative, shall not constitute a waiver of sovereign immunity pursuant to s. 768.14.

(c) In the event of judgment, award, or settlement in a claim or action against a third party, the court shall order the segregation of an amount sufficient to repay the department's expenditures for medical assistance, plus any other amounts permitted under this section, and shall order such amounts paid directly to the department.

(d) No judgment, award, or settlement in any action by a recipient or his or her legal representative to recover damages for injuries or other third-party benefits, when the department has an interest, shall be satisfied without first giving the department notice and a reasonable opportunity to file and satisfy its lien, and satisfy its assignment and subrogation rights or proceed with any action as permitted in this section.

(e) Except as otherwise provided in this section, notwithstanding any other provision of law, the entire amount of any settlement of the recipient's action or claim involving third-party benefits, with or without suit, is subject to the department's claims for reimbursement of the amount of medical assistance provided and any lien pursuant thereto.

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party and in which the amount of any judgment, award, or settlement from third-party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of the amount recovered shall be as follows:

1. Any fee for services of an attorney retained by the recipient or his or her legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.

2. After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.

3. The remaining amount from the recovery shall be paid to the recipient.

4. For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

(g) In the event that the recipient, his or her legal representative, or the recipient's estate brings an action against a third party, notice of institution of legal proceedings, notice of settlement, and all other notices required by this section or by rule shall be given to the department, in Tallahassee, in a manner set forth by rule. All such notices shall be given by the attorney retained to assert the recipient's or legal representative's claim, or, if no attorney is retained, by the recipient, the recipient's legal representative, or his or her estate.

(h) Except as otherwise provided in this section, actions to enforce the rights of the department under this section shall be commenced within 5 years after the date a cause of action accrues, with the period

running from the later of the date of discovery by the department of a case filed by a recipient or his or her legal representative, or of discovery of any judgment, award, or settlement contemplated in this section, or of *discovery of facts giving rise to a cause of action under this section* ~~the provision of medical assistance to a recipient. Each item of expense provided by the agency shall be considered to constitute a separate cause of action for purposes of this subsection. The defense of statute of repose shall not apply to any action brought under this section by the agency.~~ Nothing in this paragraph affects or prevents a proceeding to enforce a lien during the existence of the lien as set forth in subparagraph (6)(c)9.

(i) Upon the death of a recipient, and within the time prescribed by ss. 733.702 and 733.710, the department, in addition to any other available remedy, may file a claim against the estate of the recipient for the total amount of medical assistance provided by Medicaid for the benefit of the recipient. Claims so filed shall take priority as class 3 claims as provided by s. 733.707(1)(c). The filing of a claim pursuant to this paragraph shall neither reduce nor diminish the general claims of the department under s. 414.28, except that the department may not receive double recovery for the same expenditure. Claims under this paragraph shall be superior to those under s. 414.28. The death of the recipient shall neither extinguish nor diminish any right of the department to recover third-party benefits from a third party or provider. Nothing in this paragraph affects or prevents a proceeding to enforce a lien created pursuant to this section or a proceeding to set aside a fraudulent conveyance as defined in subsection (16).

~~(12)(13)~~ No action taken by the department shall operate to deny the recipient's recovery of that portion of benefits not assigned or subrogated to the department, or not secured by the department's lien. The department's rights of recovery created by this section, however, shall not be limited to some portion of recovery from a judgment, award, or settlement. Only the following benefits are not subject to the rights of the department: benefits not related in any way to a covered injury or illness; proceeds of life insurance coverage on the recipient; proceeds of insurance coverage, such as coverage for property damage, which by its terms and provisions cannot be construed to cover personal injury, death, or a covered injury or illness; proceeds of disability coverage for lost income; and recovery in excess of the amount of medical benefits provided by Medicaid after repayment in full to the department.

~~(13)(14)~~ No action of the recipient shall prejudice the rights of the department under this section. No settlement, agreement, consent decree, trust agreement, annuity contract, pledge, security arrangement, or any other device, hereafter collectively referred to in this subsection as a "settlement agreement," entered into or consented to by the recipient or his or her legal representative shall impair the department's rights. However, in a structured settlement, no settlement agreement by the parties shall be effective or binding against the department for benefits accrued without the express written consent of the department or an appropriate order of a court having personal jurisdiction over the department.

~~(14)(15)~~ The department is authorized to enter into agreements to enforce or collect medical support and other third-party benefits.

(a) If a cooperative agreement is entered into with any agency, program, or subdivision of the state, or any agency, program, or legal entity of or operated by a subdivision of the state, or with any other state, the department is authorized to make an incentive payment of up to 15 percent of the amount actually collected and reimbursed to the department, to the extent of medical assistance paid by Medicaid. Such incentive payment is to be deducted from the federal share of that amount, to the extent authorized by federal law. The department may pay such person an additional percentage of the amount actually collected and reimbursed to the department as a result of the efforts of the person, but no more than a maximum percentage established by the department. In no case shall the percentage exceed the lesser of a percentage determined to be commercially reasonable or 15 percent, in addition to the 15-percent incentive payment, of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(b) If an agreement to enforce or collect third-party benefits is entered into by the department with any person other than those described in paragraph (a), including any attorney retained by the department who is not an employee or agent of any person named in paragraph (a), then the department may pay such person a percentage of the amount

actually collected and reimbursed to the department as a result of the efforts of the person, to the extent of medical assistance paid by Medicaid. In no case shall the percentage exceed a maximum established by the department, which shall not exceed the lesser of a percentage determined to be commercially reasonable or 30 percent of the amount actually collected and reimbursed to the department as a result of the efforts of the person under contract.

(c) An agreement pursuant to this subsection may permit reasonable litigation costs or expenses to be paid from the department's recovery to a person under contract with the department.

(d) Contingency fees and costs incurred in recovery pursuant to an agreement under this subsection may, for purposes of determining state and federal share, be deemed to be administrative expenses of the state. To the extent permitted by federal law, such administrative expenses shall be shared with, or fully paid by, the Federal Government.

(15)(16) Insurance and other third-party benefits may not contain any term or provision which purports to limit or exclude payment or provisions of benefits for an individual if the individual is eligible for, or a recipient of, medical assistance from Medicaid, and any such term or provision shall be void as against public policy.

(16)(17) Any transfer or encumbrance of any right, title, or interest to which the department has a right pursuant to this section, with the intent, likelihood, or practical effect of defeating, hindering, or reducing recovery by the department for reimbursement of medical assistance provided by Medicaid, shall be deemed to be a fraudulent conveyance, and such transfer or encumbrance shall be void and of no effect against the claim of the department, unless the transfer was for adequate consideration and the proceeds of the transfer are reimbursed in full to the department, but not in excess of the amount of medical assistance provided by Medicaid.

(17)(18) A recipient or his or her legal representative or any person representing, or acting as agent for, a recipient or the recipient's legal representative, who has notice, excluding notice charged solely by reason of the recording of the lien pursuant to paragraph (6)(d), or who has actual knowledge of the department's rights to third-party benefits under this section, who receives any third-party benefit or proceeds therefrom for a covered illness or injury, is required either to pay the department the full amount of the third-party benefits, but not in excess of the total medical assistance provided by Medicaid, or to place the full amount of the third-party benefits in a trust account for the benefit of the department pending judicial or administrative determination of the department's right thereto. Proof that any such person had notice or knowledge that the recipient had received medical assistance from Medicaid, and that third-party benefits or proceeds therefrom were in any way related to a covered illness or injury for which Medicaid had provided medical assistance, and that any such person knowingly obtained possession or control of, or used, third-party benefits or proceeds and failed either to pay the department the full amount required by this section or to hold the full amount of third-party benefits or proceeds in trust pending judicial or administrative determination, unless adequately explained, gives rise to an inference that such person knowingly failed to credit the state or its agent for payments received from social security, insurance, or other sources, pursuant to s. 414.39(4)(b), and acted with the intent set forth in s. 812.014(1).

(a) *In cases of suspected criminal violations or fraudulent activity, the department may take any civil action permitted at law or equity to recover the greatest possible amount, including, without limitation, treble damages under ss. 772.11 and 812.035(7).*

(b)(a) The department is authorized to investigate and to request appropriate officers or agencies of the state to investigate suspected criminal violations or fraudulent activity related to third-party benefits, including, without limitation, ss. 414.39 ~~409.325~~ and 812.014. Such requests may be directed, without limitation, to the Medicaid Fraud Control Unit of the Office of the Attorney General, or to any state attorney. Pursuant to s. 409.913, the Attorney General has primary responsibility to investigate and control Medicaid fraud.

(c)(b) In carrying out duties and responsibilities related to Medicaid fraud control, the department may subpoena witnesses or materials within or outside the state and, through any duly designated employee, administer oaths and affirmations and collect evidence for possible use in either civil or criminal judicial proceedings.

(d)(e) All information obtained and documents prepared pursuant to an investigation of a Medicaid recipient, the recipient's legal representative, or any other person relating to an allegation of recipient fraud or theft is confidential and exempt from s. 119.07(1):

1. Until such time as the department takes final agency action;
2. Until such time as the *Department of Legal Affairs Attorney General* refers the case for criminal prosecution;
3. Until such time as an indictment or criminal information is filed by a state attorney in a criminal case; or
4. At all times if otherwise protected by law.

~~(19) In cases of suspected criminal violations or fraudulent activity, on the part of any person including a liable third party, the department is authorized to take any civil action permitted at law or equity to recover the greatest possible amount, including without limitation, treble damages under s. 772.73. In any action in which the recipient has no right to intervene, or does not exercise his or her right to intervene, any amounts recovered under this subsection shall be the property of the agency, and the recipient shall have no right or interest in such recovery.~~

(18)(20) In recovering any payments in accordance with this section, the department is authorized to make appropriate settlements.

(19)(21) Notwithstanding any provision in this section to the contrary, the department shall not be required to seek reimbursement from a liable third party on claims for which the department determines that the amount it reasonably expects to recover will be less than the cost of recovery, or that recovery efforts will otherwise not be cost-effective.

(20)(22) Entities providing health insurance as defined in s. 624.603, and health maintenance organizations and prepaid health clinics as defined in chapter 641, shall provide such records and information as are necessary to accomplish the purpose of this section, unless such requirement results in an unreasonable burden.

(a) The secretary of the department and the Insurance Commissioner shall enter into a cooperative agreement for requesting and obtaining information necessary to effect the purpose and objective of this section.

1. The department shall request only that information necessary to determine whether health insurance as defined pursuant to s. 624.603, or those health services provided pursuant to chapter 641, could be, should be, or have been claimed and paid with respect to items of medical care and services furnished to any person eligible for services under this section.

2. All information obtained pursuant to subparagraph 1. is confidential and exempt from s. 119.07(1).

3. The cooperative agreement or rules adopted under this subsection may include financial arrangements to reimburse the reporting entities for reasonable costs or a portion thereof incurred in furnishing the requested information. Neither the cooperative agreement nor the rules shall require the automation of manual processes to provide the requested information.

(b) The department and the Department of Insurance jointly shall adopt rules for the development and administration of the cooperative agreement. The rules shall include the following:

1. A method for identifying those entities subject to furnishing information under the cooperative agreement.
2. A method for furnishing requested information.
3. Procedures for requesting exemption from the cooperative agreement based on an unreasonable burden to the reporting entity.

(21)(23) The department is authorized to adopt rules to implement the provisions of this section and federal requirements.

Section 2. Paragraph (a) of subsection (9) of section 624.424, Florida Statutes, is amended to read:

624.424 Annual statement and other information.—

(9)(a) Each authorized insurer shall, pursuant to *s. 409.910(20) s-409.910(22)*, provide records and information to the *Agency for Health Care Administration Department of Health and Rehabilitative Services* to identify potential insurance coverage for claims filed with that *agency department* and its fiscal agents for payment of medical services under the Medicaid program.

Section 3. This act shall take effect upon becoming a law and shall operate retroactively to July 1, 1994, except that any action filed prior to March 1, 1998, any appeal of such action, any matter related to such action, any enforcement of the terms of a settlement agreement entered in such action, or any action filed prior to March 1, 1998, in which the parties have agreed to settle and the trial court has approved the settlement agreement, whether or not the time to appeal the approval of such settlement has expired, remains covered by and shall proceed under the law as it existed on the date of the filing of such action. If any settlement agreement entered in any such action filed prior to March 1, 1998, is overturned, canceled, or terminated, or is altered in any material manner by subsequent court order, such action remains covered by and shall proceed under the law as it existed on the date of the filing of such action.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to Medicaid third-party liability; amending s. 409.910, F.S.; limiting the scope of liability for which Medicaid benefits must be repaid; amending s. 624.424, F.S.; conforming a cross-reference and correcting an agency reference; providing for retroactive application; providing a savings clause for certain actions; providing an effective date.

Pursuant to Rule 4.19, **HB 3077** as amended was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

**CS for CS for SB 646**—A bill to be entitled An act relating to sexually violent predators; requesting that the Division of Statutory Revision redesignate ch. 916, F.S.; amending s. 916.10, F.S.; providing a short title; creating s. 916.30, F.S.; providing a short title; creating s. 916.31, F.S.; providing legislative findings and intent; creating s. 916.32, F.S.; defining terms; creating s. 916.33, F.S.; requiring notice of release from custody of a person alleged to be a sexually violent predator; providing for evaluation of such person; creating s. 916.34, F.S.; providing for petition to have such person declared a sexually violent predator; creating s. 916.35, F.S.; providing for determination of probable cause, for hearings, and for taking such person into custody; creating s. 916.36, F.S.; providing for trial on the issue of whether such person is a sexually violent predator; creating s. 916.37, F.S.; providing for commitment of a person determined to be a sexually violent predator; creating s. 916.38, F.S.; requiring examinations of persons committed; creating s. 916.39, F.S.; providing for petitions for release; creating s. 916.40, F.S.; authorizing petition for release; creating s. 916.41, F.S.; providing for access to certain records; creating s. 916.42, F.S.; requiring detention and commitment to conform to constitutional requirements; creating s. 916.43, F.S.; providing immunity from civil liability; creating s. 916.44; providing severability; creating s. 916.45, F.S.; providing for retrospective and prospective application; creating s. 916.46, F.S.; providing for notice to victims; creating s. 916.47, F.S.; penalizing escape; creating s. 916.48, F.S.; authorizing subsistence fees and costs; creating s. 916.49, F.S.; providing that the Department of Health is responsible for costs; providing that other costs for psychological evaluations, expert witnesses, and court-appointed counsel are paid from state funds; providing an effective date.

—was read the second time by title.

Senators Klein and Gutman offered the following amendments which were moved by Senator Klein and adopted:

**Amendment 1 (with title amendment)**—On page 4, line 13; on page 12, line 27; on page 13, line 16; and on page 16, lines 28 and 29, delete “Health” and insert: *Children and Family Services*

And the title is amended as follows:

On page 2, line 10, delete “Health” and insert: *Children and Family Services*

**Amendment 2**—On page 6, line 15, strike the comma (,) and insert: *to the multidisciplinary team, and a copy*

**Amendment 3**—On page 6, line 29, delete “state attorney” and insert: *multidisciplinary team*

Senators Klein and Gutman offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 4**—On page 7, lines 12-21, delete those lines and insert: *the provisions of ss. 916.30-916.49. However, the state attorney has no lawful authority to file a petition with the circuit court alleging that a person is a sexually violent predator without a written assessment and recommendation from the multidisciplinary team.*

(3) *The Secretary of Children and Family Services shall establish a multidisciplinary team, which shall include a person knowledgeable in the field of law enforcement designated by the Attorney General, a licensed psychologist, a licensed psychiatrist, a person designated by the Department of Corrections who is knowledgeable in the treatment of sexual offenders, and a mental health counselor licensed under chapter 491, to review available records of each person referred to such team under subsection (1). The team, within 45 days after receiving notice, shall assess whether the person meets the definition of a sexually violent predator and provide the state attorney with its written assessment and recommendation.*

Senators Klein and Gutman offered the following amendments which were moved by Senator Klein and adopted:

**Amendment 5**—On page 8, lines 12-19, delete those lines and insert: *held in an appropriate secure facility or, in the case of an adjudicated committed delinquent, the closest regional juvenile secure detention facility to the county where the petition was filed.*

(2) *Before the release from custody of a person whom the multidisciplinary team recommends for civil confinement, but after the state attorney files a petition under s. 916.33, the state attorney may further petition the court for an adversarial probable cause hearing. The person shall be provided with notice of, and an opportunity to appear in person at, an adversary hearing. At this hearing, the judge*

**Amendment 6**—On page 9, lines 17 and 18, delete those lines and insert:

(1) *Within 30 days after the determination of probable cause, the court shall conduct a trial to*

**Amendment 7**—On page 10, line 28 through page 11, line 14, delete those lines and insert:

(2) *If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the Department of Children and Family Services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that it is safe for the person to be at large. Such control, care, and treatment shall be provided at a facility operated by the Department of Children and Family Services. At all times, sexually violent predators who are committed for control, care, and treatment by the Department of Children and Family Services under this section shall be kept in a secure facility segregated from patients who are not committed under this section.*

**Amendment 8 (with title amendment)**—On page 17, between lines 3 and 4 insert:

Section 23. *The Department of Children and Family Services may contract with a private entity or state agency for use of facilities to comply with the requirements of this act.*

Section 24. *There is hereby appropriated from the General Revenue Fund in a lump sum to the Department of Children and Family Services the sum of \$3,400,000 and 50 full-time equivalent positions, and from the Grants and Donations Trust Fund, \$1,500,000 to the Department of Corrections for the purpose of carrying out the provisions of this act. From the funds appropriated to the Department of Children and Family Services, the department may, at the counties' request, reimburse counties for*

the cost of no more than one examination of each person subject to this act, provided that the department's reimbursement for each examination shall not exceed the cost to the department for examinations that it conducts of such persons.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 14, after the semicolon (;) insert: authorizing the Department of Children and Family Services to contract for the use of facilities; providing an appropriation;

**Amendment 9**—On page 17, line 4, delete "July 1, 1998" and insert: January 1, 1999

Pursuant to Rule 4.19, **CS for CS for SB 646** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman, the Senate resumed consideration of—

**CS for SB 1460**—A bill to be entitled An act relating to amusement rides; amending s. 616.242, F.S.; providing safety standards for amusement rides; providing for owner responsibility; providing scope; providing definitions; requiring adoption of specified standards and rules; prohibiting the operation of amusement rides without a permit and affidavit of compliance; providing for testing of amusement rides; requiring inspections; providing fees; providing insurance requirements; providing exemptions; prescribing inspections standards for amusement rides; authorizing employees of the Department of Agriculture and Consumer Services to inspect and investigate; requiring owners to inspect amusement rides; providing for the training of employees of amusement rides; prohibiting specified bungy operations; providing fees; providing for denial, suspension, and revocation of permits and inspection certificates; providing for issuance of orders, enforcement, and penalties; amending ss. 212.08, 570.46, 616.13, F.S.; conforming provisions; providing an effective date.

—which was previously considered and amended this day.

Senator Forman moved the following amendment which was adopted:

**Amendment 5 (with title amendment)**—On page 21, between lines 11 and 12, insert:

(20) *LIENS.*—

(a)1. *All fees, fines, interest, and costs levied or assessed by the department against the owner of an amusement ride or rides and not paid by the owner shall constitute and operate as a lien in favor of the department. The lien shall arise as of the time the fees, fines, interest, and costs become due and payable and shall cover all real and personal property owned by the owner from the date the lien arises until paid. The lien shall secure all unpaid fees, fines, interest, and costs which are due and which may accrue subsequent to the recording of the claim of lien and prior to the entry of a final judgment of foreclosure. The lien may be recorded in the public records of any county where the owner owns real or personal property and shall state the name of the owner and the amount due.*

2. *The department may enforce the lien upon real property in the manner in which a mortgage of real property is foreclosed. The lien may also be enforced against personal property in the manner provided for the enforcement of other liens on personal property in this state. Enforcement of a lien for fees, fines, interests, and costs shall not operate as a waiver of any other remedies available to the department, including an action to recover a money judgment for the unpaid fees, fines, interest, and costs, or enforcement of the lien provided in paragraph (b).*

(b)1. *In addition to the lien provided in subparagraph (a)1., the department shall have a special lien on all amusement rides owned by the owner. Notwithstanding any provisions under chapter 697 to the contrary, any special lien on amusement rides for fees, fines, interest, and costs, shall have equal dignity and the same priority as liens for taxes in favor of the state as described in s. 197.122. The special lien shall arise as of the time the fees, fines, interest, and costs become due and payable and shall cover all amusement rides owned by the owner from the date the lien arises until paid. The lien shall secure all unpaid fees, fines, interest, and costs which are due and which may accrue prior to the enforcement of the lien.*

2. *The department may provide notice of a claim of lien to potential buyers by tagging all amusement rides owned by the owner as being subject to a lien or by mailing a copy of a claim of the lien. The claim of lien shall state the name of the owner, the date or dates of the unpaid fees, fines, interest, and costs, and the amount that is due.*

3. *The special lien on all amusement rides owned by the owner may be enforced in the manner provided for the enforcement of other liens on personal property in this state. The lien shall also extend to the proceeds of a sale of any amusement ride owned by the owner to a buyer. If a buyer has not received written notice of the lien and the amusement rides are not tagged, then such buyer takes free of the lien. A buyer of amusement rides other than a person buying the amusement ride or rides from the owner takes free of the lien created by this paragraph. Nothing in this paragraph shall be construed to operate as a waiver of other remedies available to the department for unpaid fees, fines, interest, or costs, including an action to recover a money judgment for the unpaid fees, fines, interest, or costs, or enforcement of the lien provided in subparagraph (a)2.*

And the title is amended as follows:

On page 1, line 23, after the semicolon (;) insert: providing for liens for unpaid fees, fines, interest, and costs;

Pursuant to Rule 4.19, **CS for SB 1460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 2316** and **CS for SB 368** was deferred.

On motion by Senator Childers—

**CS for SB 266**—A bill to be entitled An act relating to the municipal firefighters' pension trust fund and the municipal police officers' retirement trust fund; amending ss. 175.071, 185.06, F.S.; revising the powers of the board of trustees for each trust fund; providing guidelines for the investment of funds; requiring additional recordkeeping by the boards; providing qualifications for professionally qualified independent consultants; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 266** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**CS for SB 1540**—A bill to be entitled An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1540** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 1440**—A bill to be entitled An act relating to rulemaking authority with respect to marine resources (RAB); amending s. 370.06, F.S.; authorizing rulemaking for issuance of special-activities licenses; amending s. 370.08, F.S.; authorizing the adoption of rules defining food fish; amending s. 370.12, F.S.; authorizing rulemaking for issuance of special permits for conservation of marine turtles; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1440** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1908** was deferred.

On motion by Senator Kurth—

**CS for SB 368**—A bill to be entitled An act relating to motorcycle safety education; amending s. 215.22, F.S.; providing an exemption from a required deduction for that portion of the Highway Safety Operating Trust Fund funded by the motorcycle safety education fee; amending s. 322.0255, F.S.; deleting a limitation on the reimbursement of certain fees; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 368** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lee, by two-thirds vote **HB 3951** was withdrawn from the Committees on Education; and Ways and Means.

On motion by Senator Lee—

**HB 3951**—A bill to be entitled An act relating to school attendance; amending s. 228.041, F.S.; clarifying definition of the term “home education program”; amending s. 229.808, F.S.; providing that definition of the term “nonpublic school” does not include home education program for purpose of survey requirements; amending s. 232.01, F.S., relating to school attendance; clarifying provisions relating to state or school district control of home education programs; amending s. 232.02, F.S.; providing that private tutoring may be used to meet regular school attendance requirements; revising provisions relating to home education programs; clarifying inspection of portfolio; providing for parental selection of method of evaluation; revising process for reporting and submitting written evaluation and test results to superintendent; creating s. 232.0202, F.S.; providing requirements for private tutoring programs; amending s. 232.021, F.S.; providing that attendance reporting requirements do not apply to home education programs; amending ss. 232.425, 240.116, 240.321, 240.40202, 240.40205, and 240.40206, F.S.; correcting cross references and conforming provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2110** and read the second time by title.

**MOTION**

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **HB 3951**, motions and announcements.

Senator Lee moved the following amendments which were adopted:

**Amendment 1 (with title amendment)**—On page 3, lines 9-25, delete those lines and insert:

Section 3. Paragraphs (b) and (c) of subsection (1) of section 232.01, Florida Statutes, are amended to read:

232.01 School attendance.—

(1)

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a nonpublic school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district’s pupil progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of nonpublic schools or home education programs.

(c) A child who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the child files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student’s earning potential and must be signed by the child and the child’s parent or legal guardian. The school district must notify the child’s parent or legal guardian of receipt of the child’s declaration of intent to terminate school enrollment. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age.

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: revising provisions relating to compulsory school attendance;

**Amendment 2**—On page 6, line 9, after “teacher” insert: , at a location and under testing conditions approved by the school district

Pursuant to Rule 4.19, **HB 3951** as amended was placed on the calendar of Bills on Third Reading.

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 12:02 p.m. to reconvene at 2:45 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 3:02 p.m. A quorum present—39:

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

**SPECIAL ORDER CALENDAR, continued**

**CS for CS for SB 484**—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local



WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

—was read the second time by title.

Senator Bankhead moved the following amendments which were adopted:

**Amendment 1**—On page 5, lines 4 and 5, delete those lines and insert: access to such care. *Effective no earlier than the rate-setting period beginning April 1, 1999, the agency shall establish a*

**Amendment 2**—On page 5, line 19, after the period (.) insert: *In the event adequate data are not available, the agency is authorized to adjust the patient's care component or the per diem rate to more adequately cover the cost of services provided in the patient's care component.*

Senator Brown-Waite moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 7, lines 13-31, delete those lines and insert:

Section 2. Paragraph (c) of subsection (4) of section 409.912, Florida Statutes, is repealed, paragraphs (b) and (d) of subsection (3) and subsection (13) of that section are amended, and subsection (34) is added to that section to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(b) An entity that is providing comprehensive inpatient and outpatient mental health care services to certain Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such an entity must become licensed under chapter 624, *chapter 636*, or chapter 641 by December 31, 1998, and is exempt from the provisions of part I of chapter 641 until then. However, if the entity assumes risk, the Department of Insurance shall develop appropriate regulatory requirements by rule under the insurance code before the entity becomes operational.

And the title is amended as follows:

On page 1, between lines 12 and 13, insert: modifying the licensure requirements for a provider of services under a pilot project;

Senator Bankhead moved the following amendment which was adopted:

**Amendment 4 (with title amendment)**—On page 7, line 13 through page 9, line 12, delete those lines and insert:

Section 2. Paragraph (c) of subsection (4) of section 409.912, Florida Statutes, is repealed, paragraph (d) of subsection (3) and subsection (13) of that section are amended, and subsections (34) and (35) are added to that section, to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-

effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services.

(3) The agency may contract with:

(d) No more than four provider service networks for demonstration projects to test Medicaid direct contracting. ~~However, no such demonstration project shall be established with a federally qualified health center nor shall any provider service network under contract with the agency pursuant to this paragraph include a federally qualified health center in its provider network.~~ One demonstration project must be located in Orange County. The demonstration projects may be reimbursed on a fee-for-service or prepaid basis. A provider service network which is reimbursed by the agency on a prepaid basis shall be exempt from parts I and III of chapter 641, but must meet appropriate financial reserve, quality assurance, and patient rights requirements as established by the agency. The agency shall award contracts on a competitive bid basis and shall select bidders based upon price and quality of care. Medicaid recipients assigned to a demonstration project shall be chosen equally from those who would otherwise have been assigned to prepaid plans and MediPass. The agency is authorized to seek federal Medicaid waivers as necessary to implement the provisions of this section. A demonstration project awarded pursuant to this paragraph shall be for 2 years from the date of implementation.

(13) The agency shall identify health care utilization and price patterns within the Medicaid program ~~which that~~ are not cost-effective or medically appropriate and assess the effectiveness of new or alternate methods of providing and monitoring service, and may implement such methods as it considers appropriate. *Such methods may include disease-management initiatives, an integrated and systematic approach for managing the health care needs of recipients who are at risk of or diagnosed with a specific disease by using best practices, prevention strategies, clinical-practice improvement, clinical interventions and protocols, outcomes research, information technology, and other tools and resources to reduce overall costs and improve measurable outcomes.*

(34) *The agency may provide for cost-effective purchasing of home health services through competitive negotiation pursuant to s. 287.057. The agency may request appropriate waivers from the federal Health Care Financing Administration in order to competitively bid home health services.*

(35) *The Agency for Health Care Administration is directed to issue a request for proposal or intent to negotiate to implement on a demonstration basis an outpatient specialty services pilot project in a rural and urban county in the state. As used in this subsection, the term "outpatient specialty services" means clinical laboratory, diagnostic imaging, and specified home medical services to include durable medical equipment, prosthetics and orthotics, and infusion therapy.*

(a) *The entity that is awarded the contract to provide Medicaid managed care outpatient specialty services must, at a minimum, meet the following criteria:*

1. *The entity must be licensed by the Department of Insurance under part II of chapter 641.*

2. *The entity must be experienced in providing outpatient specialty services.*

3. *The entity must demonstrate to the satisfaction of the agency that it provides high-quality services to its patients.*

4. *The entity must demonstrate that it has in place a complaints and grievance process to assist Medicaid recipients enrolled in the pilot managed care program to resolve complaints and grievances.*

(b) *The pilot managed care program shall operate for a period of 3 years. The objective of the pilot program shall be to determine the cost-effectiveness and effects on utilization, access, and quality of providing outpatient specialty services to Medicaid recipients on a prepaid, capitated basis.*

(c) *The agency shall conduct a quality-assurance review of the prepaid health clinic each year that the demonstration program is in effect. The prepaid health clinic is responsible for all expenses incurred by the agency in conducting a quality assurance review.*

(d) The entity that is awarded the contract to provide outpatient specialty services to Medicaid recipients shall report data required by the agency in a format specified by the agency, for the purpose of conducting the evaluation required in paragraph (e).

(e) The agency shall conduct an evaluation of the pilot managed care program and report its findings to the Governor and the Legislature by no later than January 1, 2001.

(f) Nothing in this subsection is intended to conflict with the provision of the 1997-1998 General Appropriations Act which authorizes competitive bidding for Medicaid home health, clinical laboratory, or x-ray services.

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature;

Senator Myers moved the following amendment which was adopted:

**Amendment 5 (with title amendment)**—On page 10, lines 4-24, delete those lines and insert: The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 236.0812 and 409.908(21) shall be reimbursed by Medicaid, subject to the limitations of s. 236.0812(1) and (2), for a Medicaid-eligible child participating in the services as authorized in s. 236.0812, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts and county health departments regarding the coordinated provision of services authorized under s. 236.0812. *County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid, subject to s. 409.908(19), for a Medicaid-eligible child participating in the services as authorized in s. 381.0056 and 381.0057, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services authorized under ss. 381.0056 and 381.0057.* To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. 236.0812, 381.0056, 381.0057, and 409.9071.

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: requiring the Agency for Health Care Administration to reimburse county health departments for school-based services; requiring Medicaid managed-care contractors to attempt to enter agreements with school districts and county health departments for specified services;

Senator Bankhead moved the following amendments which were adopted:

**Amendment 6**—On page 7, line 8, before the period (.) insert: *provided by ambulances licensed pursuant to chapter 401*

**Amendment 7**—On page 15, line 28 through page 17, line 21, delete those lines and insert:

(f) Notwithstanding any provision in this section to the contrary, in the event of an action in tort against a third party in which the recipient or his or her legal representative is a party ~~which results in a and in which the amount of any judgment, award, or settlement from a third party, third party benefits, excluding medical coverage as defined in subparagraph 4., after reasonable costs and expenses of litigation, is an amount equal to or less than 200 percent of the amount of medical assistance provided by Medicaid less any medical coverage paid or payable to the department, then distribution of the amount recovered shall be distributed as follows:~~

1. After attorney's fees and taxable costs as defined by the Florida Rules of Civil Procedure, one-half of the remaining recovery shall be paid to the department up to the total amount of medical assistance provided by Medicaid.

2. The remaining amount of the recovery shall be paid to the recipient.

3. For purposes of calculating the department's recovery of medical assistance benefits paid, the fee for services of an attorney retained by the recipient or his or her legal representative shall be calculated at 25 percent of the judgment, award, or settlement.

4. Notwithstanding any provision of this section to the contrary, the department shall be entitled to all medical coverage benefits up to the total amount of medical assistance provided by Medicaid.

~~1.—Any fee for services of an attorney retained by the recipient or his or her legal representative shall not exceed an amount equal to 25 percent of the recovery, after reasonable costs and expenses of litigation, from the judgment, award, or settlement.~~

~~2.—After attorney's fees, two-thirds of the remaining recovery shall be designated for past medical care and paid to the department for medical assistance provided by Medicaid.~~

~~3.—The remaining amount from the recovery shall be paid to the recipient.~~

4. For purposes of this paragraph, "medical coverage" means any benefits under health insurance, a health maintenance organization, a preferred provider arrangement, or a prepaid health clinic, and the portion of benefits designated for medical payments under coverage for workers' compensation, personal injury protection, and casualty.

**Amendment 8**—On page 21, lines 14-21, delete those lines and insert:

*381.0022 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.*

**Amendment 9**—On page 21, lines 24-31, delete those lines and insert:

*402.115 Sharing confidential or exempt information.—Notwithstanding any other provision of law to the contrary, the Department of Health and the Department of Children and Family Services may share confidential information or information exempt from disclosure under chapter 119 on any individual who is or has been the subject of a program within the jurisdiction of each agency. Information so exchanged remains confidential or exempt as provided by law.*

Senator Sullivan moved the following amendment which was adopted:

**Amendment 10 (with title amendment)**—On page 25, between lines 2 and 3, insert:

Section 14. *The amount of \$2 million is appropriated from tobacco settlement revenues to the Grants and Donations Trust Fund of the Agency for Health Care Administration to be matched at an appropriate level with federal Medicaid funds available under Title XIX of the Social Security Act to provide prosthetic and orthotic devices for Medicaid recipients when such devices are prescribed by licensed practitioners participating in the Medicaid program.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: providing an appropriation to be matched by federal Medicaid funds;

Senator Bankhead moved the following amendment which was adopted:

**Amendment 11 (with title amendment)**—On page 25, between lines 2 and 3, insert:

Section 14. Section 409.903, Florida Statutes, is amended to read:

409.903 Mandatory payments for eligible persons.—The ~~agency department~~ shall make payments for medical assistance and related services on behalf of the following persons who the ~~agency department~~ determines to be eligible, subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(1) *Low-income families with children are eligible for Medicaid provided they meet the following requirements: ~~Persons who receive payments from or are determined eligible to participate in the WAGES Program, and certain persons who would be eligible but do not meet certain technical requirements. This group includes, but is not limited to:~~*

(a) *The family includes a dependent child who is living with a caretaker relative. ~~Low-income, single-parent families and their children.~~*

(b) *The family's income does not exceed the gross income test limit. ~~Low-income, two-parent families in which at least one parent is disabled or otherwise incapacitated.~~*

(c) *The family's countable income and resources do not exceed the applicable aid-to-families-with-dependent-children (AFDC) income and resource standards under the AFDC state plan in effect in July 1996, except as amended in the Medicaid state plan to conform as closely as possible to the requirements of the WAGES Program as created in s. 414.015, to the extent permitted by federal law. ~~Certain unemployed two-parent families and their children.~~*

(2) A person who receives payments from, who is determined eligible for, or who was eligible for but lost cash benefits from the federal program known as the Supplemental Security Income program (SSI). This category includes a low-income person age 65 or over and a low-income person under age 65 considered to be permanently and totally disabled.

(3) A child under age 21 living in a low-income, two-parent family, and a child under age 7 living with a nonrelative, if the income and assets of the family or child, as applicable, do not exceed the resource limits under the WAGES Program.

(4) A child who is eligible under Title IV-E of the Social Security Act for subsidized board payments, foster care, or adoption subsidies, and a child for whom the state has assumed temporary or permanent responsibility and who does not qualify for Title IV-E assistance but is in foster care, shelter or emergency shelter care, or subsidized adoption.

(5) A pregnant woman for the duration of her pregnancy and for the post partum period as defined in federal law and rule, or a child under age 1, if either is living in a family that has an income which is at or below 150 percent of the most current federal poverty level, or, effective January 1, 1992, that has an income which is at or below 185 percent of the most current federal poverty level. Such a person is not subject to an assets test. Further, a pregnant woman who applies for eligibility for the Medicaid program through a qualified Medicaid provider must be offered the opportunity, subject to federal rules, to be made presumptively eligible for the Medicaid program.

(6) A child born after September 30, 1983, living in a family that has an income which is at or below 100 percent of the current federal poverty level, who has attained the age of 6, but has not attained the age of 19. In determining the eligibility of such a child, an assets test is not required.

(7) A child living in a family that has an income which is at or below 133 percent of the current federal poverty level, who has attained the age of 1, but has not attained the age of 6. In determining the eligibility of such a child, an assets test is not required.

(8) A person who is age 65 or over or is determined by the ~~agency department~~ to be disabled, whose income is at or below 100 percent of

the most current federal poverty level and whose assets do not exceed limitations established by the ~~agency department~~. However, the ~~agency department~~ may only pay for premiums, coinsurance, and deductibles, as required by federal law, unless additional coverage is provided for any or all members of this group by s. 409.904(1).

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 27, after the semicolon (;) insert: amending s. 409.903, F.S.; providing Medicaid eligibility standards for certain persons; conforming references;

Senator Brown-Waite moved the following amendment which was adopted:

**Amendment 12 (with title amendment)**—On page 24, between lines 10 and 11, insert:

Section 12. Paragraph (i) is added to subsection (1) of section 383.011, Florida Statutes, and subsection (2) of that section is amended, to read:

383.011 Administration of maternal and child health programs.—

(1) The Department of Health is designated as the state agency for:

(i) *Receiving federal funds for children eligible for assistance through the child portion of the federal Child and Adult Care Food Program, which is referred to as the Child Care Food Program, and for establishing and administering this program. The purpose of the Child Care Food Program is to provide nutritious meals and snacks for children in nonresidential day care. To ensure the quality and integrity of the program, the department shall develop standards and procedures that govern sponsoring organizations, day care homes, child care centers, and centers that operate outside school hours. Standards and procedures must address the following: participation criteria for sponsoring organizations, which may include administrative budgets, staffing requirements, requirements for experience in operating similar programs, operating hours and availability, bonding requirements, geographic coverage, and a required minimum number of homes or centers; procedures for investigating complaints and allegations of noncompliance; application and renewal requirements; audit requirements; meal pattern requirements; requirements for managing funds; participant eligibility for free and reduced-price meals; food storage and preparation; food service companies; reimbursements; use of commodities; administrative reviews and monitoring; training requirements; recordkeeping requirements; and criteria pertaining to imposing sanctions and penalties, including the denial, termination, and appeal of program eligibility.*

(2) The Department of Health shall follow federal requirements and may adopt any rules necessary for the implementation of the maternal and child health care program, ~~or the WIC program, and the Child Care Food Program. With respect to the Child Care Food Program, the department shall adopt rules that interpret and implement relevant federal regulations, including 7 C.F.R., part 226. The rules must address at least those program requirements and procedures identified in paragraph (1)(i).~~

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 23, after the first semicolon (;) insert: amending s. 383.011, F.S.; providing that the Department of Health is the designated state agency for receiving federal funds for the Child Care Food Program; requiring the department to adopt rules for administering the program;

On motion by Senator Bankhead, further consideration of **CS for CS for SB 484** as amended was deferred.

On motion by Senator Brown-Waite—

**CS for SB 1230**—A bill to be entitled An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future

review and repeal; providing findings of public necessity; providing a contingent effective date.

—was read the second time by title.

The Committee on Governmental Reform and Oversight recommended the following amendments which were moved by Senator Brown-Waite and adopted:

**Amendment 1**—On page 2, line 6, after “*exempting*” insert: *identifying*

**Amendment 2**—On page 2, delete line 19 and insert: *effectively and efficiently administer the Florida Kids Health program. If such information is not kept confidential, the administration of the program could be significantly impaired because the applicants would be less inclined to apply to the program if personal medical and financial information were made available to the public.*

Pursuant to Rule 4.19, **CS for SB 1230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

**SB 2316**—A bill to be entitled An act relating to the State Board of Independent Colleges and Universities (RAB); amending s. 246.081, F.S.; restricting certain activities of graduates of foreign medical schools; amending s. 246.085, F.S.; requiring rules relating to certificates of exemption; amending ss. 246.087, 246.091, F.S.; requiring certain procedures and rules to be adopted relating to licensing requirements; creating s. 246.093, F.S.; requiring certain colleges to obtain permission to operate; amending s. 246.095, F.S.; requiring rules relating to fair consumer practices; providing an effective date.

—was read the second time by title.

Senator Grant moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 3, lines 1, 18, and 30; on page 4, lines 12 and 27; on page 5, lines 13 and 29; and on page 6, line 9, delete “*shall*” and insert: *has authority to*

And the title is amended as follows:

On page 1, lines 6, 8, and 13, delete “*requiring*” and insert: *providing for*

Pursuant to Rule 4.19, **SB 2316** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Williams—

**CS for SB 2086**—A bill to be entitled An act relating to counties; repealing s. 125.2801, F.S., which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust

Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for waiver of permit processing fees under certain circumstances; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 2086** to **CS for CS for HB 1589**.

Pending further consideration of **CS for SB 2086** as amended, on motion by Senator Williams, by two-thirds vote **CS for CS for HB 1589** was withdrawn from the Committees on Community Affairs; and Ways and Means.

On motion by Senator Williams—

**CS for CS for HB 1589**—A bill to be entitled An act relating to counties; repealing s. 327, ch. 96-410, Laws of Florida, which provides that once a small county meets the population requirements and qualifies for programs under ss. 40.015, 163.05, 163.3177, 163.3187, 163.3191, 165.061, 212.055, 218.075, 218.65, 252.373, 265.2861, 403.706, and 403.7095, F.S., it shall retain that qualification until it exceeds a population of 75,000; amending s. 34.191, F.S.; authorizing boards of county commissioners to assign collection of past due fines and costs to a private attorney or collection agency and authorizing fees for such purposes; amending ss. 163.05, 163.3177, 163.3191, 165.061, 212.055, 218.075, 252.373, 288.063, 373.441, 403.4131, 403.706, and 403.719, F.S., to increase the maximum population limit to qualify as a small county in provisions that establish a technical assistance program for small counties, that provide that certain elements of a local government comprehensive plan are optional for small counties, that authorize the state land planning agency to enter into agreements with small counties to focus on selected issues or elements when updating their comprehensive plans, that provide population requirements for incorporation of municipalities in small counties, that authorize certain small counties to use proceeds of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure, that authorize the Department of Environmental Protection and water management districts to waive or reduce permit processing fees for small counties under certain conditions, that provide criteria that small counties must meet to qualify for funds from the Emergency Management, Preparedness, and Assistance Trust Fund, that provide that certain small counties are qualified for contracts with the Office of Tourism, Trade, and Economic Development for transportation projects, that require consideration of special provisions when an environmental resource permit program is delegated to small counties, that encourage a regional approach to litter control and prevention programs in small counties, that authorize small counties to provide their residents with the opportunity to recycle in lieu of achieving solid waste reduction goals, and that provide for the use of waste tire grants by small counties; amending s. 403.7061, F.S., to conform; amending s. 218.65, F.S., relating to emergency and supplemental distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; revising the population limitation for purposes of provisions which exempt small counties from certain criteria imposed to qualify for an emergency distribution; deleting a requirement that a county must be eligible for an emergency distribution in order to qualify for a supplemental distribution; amending s. 403.7095, F.S.; deleting the expiration date for annual solid waste and recycling grants to small counties; creating s. 218.076, F.S.; providing for a waiver of permit processing fees under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for SB 2086** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1589** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Kirkpatrick—

**CS for SB 86**—A bill to be entitled An act relating to education; requiring academic enrichment activities for specified students; requiring an evaluation of student academic progress; providing conditions that require a funding shift; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 86** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 282** and **CS for SB 720** was deferred.

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On motion by Senator Bronson, by two-thirds vote **CS for HB 3671** was withdrawn from the Committee on Agriculture.

On motion by Senator Bronson, by two-thirds vote—

**CS for HB 3671**—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for SB 840** and by two-thirds vote read the second time by title.

Senator Bronson moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 4, lines 12-15, delete those lines and insert: *bill*.

And the title is amended as follows:

On page 1, delete line 21 and insert: providing an appropriation; providing an

Pursuant to Rule 4.19, **CS for HB 3671** as amended was placed on the calendar of Bills on Third Reading.

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On motion by Senator Rossin—

**CS for SB 506**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; creating ss. 381.0022, 402.115, F.S.; providing for the sharing of confidential or exempt information between the Department of Health and the Department of Children and Family Services; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for SB 506** to **CS for HB 1433**.

Pending further consideration of **CS for SB 506** as amended, on motion by Senator Rossin, by two-thirds vote **CS for HB 1433** was withdrawn from the Committees on Children, Families and Seniors; and Governmental Reform and Oversight.

On motion by Senator Rossin—

**CS for HB 1433**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; deleting provisions relating to the release of records of the Department of Children and Family Services which pertain to the investigation of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation or the death of a child as a result of abuse, neglect, or abandonment; amending s. 415.107, F.S., and repealing s. 415.107(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a disabled adult or elderly person as a result of abuse, neglect, or exploitation; amending s. 415.51, F.S., and repealing s. 415.51(1)(b), F.S.; revising provisions relating to release of records in the event of the death of a child as a result of abuse, abandonment, or neglect; providing an effective date.

—a companion measure, was substituted for **CS for SB 506** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1433** was placed on the calendar of Bills on Third Reading.

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On motion by Senator Crist—

**SB 282**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a Keep Kids Drug-Free license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Crist and adopted:

**Amendment 1**—On page 1, line 16, delete “\$20” and insert: \$25

Senator Crist moved the following amendment which was adopted:

**Amendment 2 (with title amendment)**—On page 1, line 30 through page 2, line 2, delete those lines and insert:

Section 3. This act shall take effect July 1, 1998.

And the title is amended as follows:

On page 1, line 6, delete “a contingent” and insert: an

Pursuant to Rule 4.19, **SB 282** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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On motion by Senator Bankhead, the Senate resumed consideration of—

**CS for CS for SB 484**—A bill to be entitled An act relating to public assistance; amending s. 409.908, F.S.; requiring the agency to establish a reimbursement methodology for long-term-care services for Medicaid-eligible nursing home residents; specifying requirements for the methodology; providing legislative intent; prescribing guidelines for Medicaid payment of Medicare deductibles and coinsurance; eliminating a prohibition on specified contracts; repealing redundant provisions; amending s. 409.912, F.S.; authorizing the agency to include disease-management initiatives in providing and monitoring Medicaid services; authorizing the agency to competitively negotiate home health services; authorizing the agency to seek necessary federal waivers that relate to the competitive negotiation of such services; amending s. 409.9122, F.S.; specifying the departments that are required to make certain information available to Medicaid recipients; extending the period during which a Medicaid recipient may disenroll from a managed care plan or MediPass provider; deleting authorization for the agency to request a federal waiver from the requirement that a Medicaid managed care plan include a specified

ratio of enrollees; amending s. 409.910, F.S.; providing for the distribution of amounts recovered in certain tort suits involving intervention by the Agency for Health Care Administration; requiring that certain third-party benefits received by a Medicaid recipient be remitted within a specified period; amending s. 414.28, F.S.; revising the order under which a claim may be made against the estate of a recipient of public assistance; amending s. 198.30, F.S.; requiring that each circuit judge provide a report of decedents to the Agency for Health Care Administration; amending s. 154.504, F.S.; providing certain restrictions on the use of copayments by public health facilities; creating ss. 381.0022, 402.115, F.S.; authorizing the Department of Health and the Department of Children and Family Services to share certain confidential information; amending s. 414.028, F.S.; providing for a representative of a county health department or Healthy Start Coalition to serve on the local WAGES coalition; amending s. 766.101, F.S.; redefining the term "medical review committee" to include a committee of the Department of Health; amending s. 383.04, F.S.; revising the requirements for the prophylactic to be used for the eyes of infants; repealing s. 383.05, F.S., relating to the free distribution of such prophylactic; providing an effective date.

—which was previously considered and amended this day.

Senator Gutman moved the following amendment:

**Amendment 13 (with title amendment)**—On page 12, lines 25-30, delete those lines and insert:

(f) When a Medicaid recipient does not choose a managed care plan or MediPass provider, the agency shall assign the Medicaid recipient to a managed care plan or MediPass provider. *Medicaid recipients who are subject to mandatory assignment but who fail to make a choice shall be assigned to managed care plans until an equal enrollment of 50 percent in MediPass and 50 percent in managed care plans is achieved. Once equal enrollment is achieved, the assignments shall be divided in order to maintain an equal enrollment in MediPass and managed care plans for the 1998-99 fiscal year. In the first period that assignment begins, the assignments shall be divided equally between the MediPass program and managed care plans.* Thereafter,

And the title is amended as follows:

On page 1, line 29, after the first semicolon (;) insert: amending requirements for the mandatory assignment of Medicaid recipients;

Senator Bankhead moved the following amendment to **Amendment 13** which was adopted:

**Amendment 13A**—On page 1, lines 22 and 23, delete those lines and insert: *assigned to managed care plans or provider service networks until an equal enrollment of 50 percent in MediPass and provider service networks and 50 percent in managed care plans is*

**Amendment 13** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 484** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator McKay—

**SB 2222**—A bill to be entitled An act relating to the duties of property appraisers; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; providing an effective date.

—was read the second time by title.

Senator Forman moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 13, delete "Paragraph" and insert: Effective January 1, 1999, paragraph

**Amendment 2**—On page 2, line 4, after "action" insert: *in accordance with the notice provisions of s. 197.182(2)*

**Amendment 3 (with title amendment)**—On page 2, between lines 6 and 7, insert:

Section 2. Section 197.4155, Florida Statutes, is created to read:

*197.4155 Delinquent personal property taxes; installment payment program.—*

(1) *A county tax collector may implement an installment payment program for the payment of delinquent personal property taxes. If implemented, the program must be available, upon application to the tax collector, to each delinquent personal property taxpayer whose delinquent personal property taxes exceed \$1,000. The tax collector shall require each taxpayer who requests to participate in the program to submit an application on a form prescribed by the tax collector which, at a minimum, must include the name, address, a description of the property subject to personal property taxes, and the amount of the personal property taxes owed by the taxpayer.*

(2) *Within 10 days after a taxpayer who owes delinquent personal property taxes submits the required application, the tax collector shall prescribe an installment payment plan for the full payment of the taxpayer's delinquent personal property taxes, including any delinquency charges, interest, and costs allowed by this chapter. The plan must be in writing and must be delivered to the taxpayer after it is prescribed. At the time the plan is developed, the tax collector may consider a taxpayer's current and anticipated future ability to pay over the time period of a potential installment payment plan. The plan must provide that if the taxpayer does not follow the payment terms or fails to timely file returns or pay current obligations after the date of the payment plan, the taxpayer will be considered delinquent under the terms of the plan, and any unpaid balance of tax, penalty, or interest scheduled in the payment plan will be due and payable immediately. The plan must also provide that unpaid tax amounts bear interest as provided by law. In prescribing such an installment payment plan, the tax collector may exercise flexibility as to the dates, amounts, and number of payments to collect all delinquent personal property taxes owed by the taxpayer, except that the plan must provide for the full satisfaction of all amounts owed by the taxpayer by no later than 3 years after the due date of the first payment under the plan.*

(3) *If a tax warrant is issued under s. 197.413 against a delinquent taxpayer who is participating in an installment payment plan under this section, the tax warrant is unenforceable as long as the taxpayer is neither delinquent under the terms of the installment payment plan nor attempting to remove or dispose of the personal property that is subject to the tax warrant.*

(4) *If the amounts due under the installment payment plan are not paid in full in accordance with the terms of the plan, the tax collector may use all enforcement methods available under the law.*

Section 3. Subsection (10) of section 197.432, Florida Statutes, is amended, and subsection (14) is added to said section, to read:

**197.432 Sale of tax certificates for unpaid taxes.—**

(10) Any tax certificates issued pursuant to this section after January 1, 1977, which are void due to an error of the property appraiser, the tax collector, any other county official, or any municipal official and which are subsequently canceled, or which are corrected, pursuant to this chapter or chapter 196 shall earn interest at the rate of 8 percent per year, simple interest, *or the rate of interest bid at the tax certificate sale, whichever is less*, calculated from the date the certificate was purchased until the date the refund is ordered. Refunds made on tax certificates that are corrected or void shall be processed in accordance with the procedure set forth in s. 197.182, except that the 4-year time period provided for in s. 197.182(1)(c) does not apply to or bar refunds resulting from correction or cancellation of certificates and release of tax deeds as authorized herein.

(14) *The holder of a tax certificate may not directly, through an agent, or otherwise initiate contact with the owner of property upon which he or she holds a tax certificate to encourage or demand payment.*

(15) *Any holder of a tax certificate who initiates, or whose agent initiates, contact with the property owner upon which he or she holds a certificate encouraging or demanding payment may be barred by the tax collector from bidding at a tax certificate sale. Unfair or deceptive contact by the holder of a tax certificate to a property owner to obtain payment is an unfair and deceptive trade practice, as referenced in s. 501.204(1), regardless of whether the holder of the tax certificate redeems the tax*

certificate. Such unfair or deceptive contact is actionable under ss. 501.2075-501.211. If the holder of the tax certificate later redeems the certificate in reliance on the deceptive or unfair practice, the unfair or deceptive contact is actionable under applicable laws prohibiting fraud.

Section 4. Effective upon becoming law, section 200.069, Florida Statutes, is amended to read:

200.069 Notice of proposed property taxes and adopted non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in subsection (11) and s. 200.065(13).

(1) The notice shall read:

NOTICE OF PROPOSED PROPERTY TAXES  
DO NOT PAY—THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2) The notice shall further contain information applicable to the specific parcel in question. The information shall be in columnar form. There shall be five column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Your Taxes This Year IF PROPOSED Budget Change is Made," "A Public Hearing on the Proposed Taxes and Budget Will be Held:," and "Your Taxes This Year IF NO Budget Change is Made."

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 236.02(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; a single entry for other independent special districts in which the parcel lies, if any, except as provided in subsection (11); and a single entry for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 236.02(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". The entry in the first column for independent special districts other than the water management district shall be "Independent Special Districts," except as provided in subsection (11). For voted levies for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, the gross amount of ad valorem taxes proposed to be levied in the current year, which amount shall be based on the proposed millage rates provided to the property appraiser pursuant to s. 200.065(2)(b) or, in the case of voted levies for debt service, the millage rate previously authorized by referendum, and the taxable value of the parcel as shown on the current year's assessment roll.

(d) In the fourth column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c). However:

1. No entry shall be made in the fourth column for the line showing independent special districts other than water management districts if that line represents more than one district;

2. For the line showing voted levies for debt service pursuant to paragraph (a), the following statement shall appear: "Includes debt of (list of brief, commonly used names for each taxing authority whose debt service levy is included on this line)"; and

3. For the line showing totals, the following statement shall appear: "For details on independent special districts and voter-approved debt, contact your Tax Collector at (phone number)." If the option in subsection (11) is utilized, the phrase "independent special districts and" shall be deleted.

(e) In the fifth column, the gross amount of ad valorem taxes which would apply to the parcel in the current year if each taxing authority were to levy the rolled-back rate computed pursuant to s. 200.065(1) or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(f) For special assessments collected utilizing the ad valorem method pursuant to s. 197.363, the previous year's assessment amount shall be added to the ad valorem taxes shown in the second and fifth columns, and the amount proposed to be imposed for the current year shall be added to the ad valorem taxes shown in the third column.

(5) The amounts shown on each line preceding the entry for voted levies for debt service shall include the sum of all ad valorem levies of the applicable unit of local government for operating purposes, including those of dependent special districts (except for municipal service taxing units, which shall be listed on the line for municipalities), and all non-voted or nondebt service special assessments imposed by the applicable unit of local government to be collected utilizing the ad valorem method. Voted levies for debt service for all units of local government shall be combined and shown on a single line, including voter-approved special assessments for debt service if collected utilizing the ad valorem method.

(6) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes;" and in the second, third, and fifth columns, the sum of the entries for each of the individual taxing authorities. The second, third, and fifth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(7) The notice shall further show a brief legal description of the property and the name and mailing address of the owner of record.

(8) The notice shall further read:

	Market Value	Assessed Value	Exemptions	Taxable Value
Your Property Value Last Year	\$ . . . .	\$ . . . .	\$ . . . .	\$ . . . .
Your Property Value This Year	\$ . . . .	\$ . . . .	\$ . . . .	\$ . . . .

If you feel that the market value of your property is inaccurate or does not reflect fair market value, contact your county property appraiser at (phone number) or (location).

If the property appraiser's office is unable to resolve the matter as to market value, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE (date).

(9) The reverse side of the form shall read:

EXPLANATION

\*COLUMN 1—"YOUR PROPERTY TAXES LAST YEAR"

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

\*COLUMN 2—"YOUR TAXES IF PROPOSED BUDGET CHANGE IS MADE"

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice.

**\*COLUMN 3—"YOUR TAXES IF NO BUDGET CHANGE IS MADE"**

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT INCREASE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

ASSESSED VALUE means:

- For homestead property: value as limited by the State Constitution;
- For agricultural and similarly assessed property: classified use value;
- For all other property: market value.

\*Note: Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(10) The front side of the form required pursuant to this section shall approximate in all essential respects the facsimile set forth in this subsection as it appears in s. 26, chapter 80-274, Laws of Florida, except for amendments subsequent to 1980.

(11) If authorized by resolution of the governing body of the county prior to July 1, and with the written concurrence of the property appraiser, the notice specified in this section shall contain a separate line entry for each independent special taxing district in the jurisdiction of which the parcel lies. Each such district shall be identified by name. The form used for this purpose shall be identical to that supplied by the department and shall be delivered to the property appraiser not later than July 31, except that a larger space shall be provided for listing the columnar information specified in subsections (2), (3), (4), and (5). If the executive director of the department grants written permission, the form may be printed only on one side. The governing body of the county shall bear the expense of procuring such form.

(12) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(13)(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of *proposed* or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

NOTICE OF PROPOSED PROPERTY TAXES AND *PROPOSED* OR ADOPTED NON-AD VALOREM ASSESSMENTS  
DO NOT PAY—THIS IS NOT A BILL

There must be a clear partition between the notice of proposed property taxes and the notice of *proposed* or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of *proposed* or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.
2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.
3. Each non-ad valorem assessment for each levying local governing board must be listed separately.
4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (12) shall not be placed on the notice.

Section 5. Subsection (2) of section 170.201, Florida Statutes, is amended to read:

170.201 Special assessments.—

(2) Property owned or occupied by a religious institution and used as a place of worship or education; or by a public or private elementary, middle, or high school; or by a *governmentally financed, insured, or subsidized housing facility that is used primarily for persons who are elderly or disabled* shall be exempt from any special assessment levied by a municipality to fund emergency medical services if the municipality so desires. As used in this subsection, *the term "religious institution" means any church, synagogue, or other established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on and the term "governmentally financed, insured, or subsidized housing facility" means a facility that is financed by a mortgage loan made or insured by the United States Department of Housing and Urban Development under s. 8, s. 202, s. 221(d)(3) or (4), s. 232, or s. 236 of the National Housing Act and is owned or operated by an entity that qualifies as an exempt charitable organization under s. 501(c)(3) of the Internal Revenue Code.*

Section 6. Section 213.68, Florida Statutes, is created to read:

*213.68 Garnishment; collecting entity of counties which self-administer collection of tourist development tax.—The collecting entity of a county which self-administers the collection of the tourist development tax under s. 125.0104 shall have the same authority and use the same procedure as described in s. 213.67.*

(Redesignate subsequent sections.)

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; amending s. 197.122, F.S.; specifying the time within which property appraisers may correct a material mistake of fact in an appraisal; allowing the property appraiser to directly submit a correction and refund order to the tax collector; creating s. 197.4155, F.S.; authorizing county tax collectors to implement an installment payment program for delinquent personal property taxes; providing for a tax collector to prescribe an installment payment plan within a specified time period; allowing flexibility; prescribing limitations upon the duration of an installment plan; providing that tax warrants against a taxpayer participating in a plan are unenforceable if specified conditions are met; authorizing the tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full; amending s. 197.432, F.S.; revising requirements for calculating the rate of interest on void tax certificates; prohibiting holders of tax certificates from contacting property owners and demanding payment; providing for barring the holder of a tax certificate from bidding at a certificate sale; providing that any such contact is an unfair or deceptive trade practice; amending s. 200.069, F.S.; providing for the notice of proposed property taxes to include a notice of proposed non-ad valorem assessments, if requested by the local governing board levying the non-ad valorem assessments and agreed to by the property appraiser; amending s. 170.201, F.S.; allowing municipalities to exempt certain government financed or insured housing facilities from special assessments for emergency medical services; creating s. 213.68, F.S.; specifying the garnishment authority and procedures applicable to counties which self-administer the local option tourist development tax; providing an effective date.

**Amendment 4**—On page 2, delete line 7 and insert:

Section 2. Unless otherwise provided in this act, this act shall take effect October 1, 1998.

Pursuant to Rule 4.19, **SB 2222** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.



On motion by Senator Hargrett—

**CS for SB 720**—A bill to be entitled An act relating to the Beverage Law; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

**Amendment 1 (with title amendment)**—On page 2, between lines 3 and 4, insert:

Section 2. Subsection (4) is added to section 562.11, Florida Statutes, to read:

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—

(4) Any law enforcement officer, as defined in s. 943.10(1), may use persons under the age of 21 to assist the officer in enforcement efforts by testing vendor compliance with the prohibitions established in this section. Notwithstanding the prohibitions contained in s. 562.111, such person acting on behalf of the law enforcement officer to test vendor compliance with the prohibitions established in this section shall be immune from civil and criminal liability imposed by s. 562.111 while acting on behalf of the law enforcement officer.

Section 3. Subsections (2) and (6) of section 567.01, Florida Statutes, are amended to read:

567.01 Petition, order, notice of election.—

(2) The election so ordered shall be to decide *either*:

(a) Whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted in said county, and to decide also whether such sale, if permitted by said election, shall be restricted to sales by the package as hereinafter defined; *or*:

(b) Whether the sale of intoxicating liquors, wines, or beer shall be sold by the drink for consumption on premises as provided in s. 567.07(3).

(6) It is the purpose and intent of the Legislature that such election shall obviate the necessity for holding two separate elections, *except as provided in s. 567.07(3)*, by determining in one election:

(a) Whether the sale of intoxicating liquors, wines, or beer shall be prohibited or permitted, and

(b) If such sales are determined to be permitted, to further determine whether the sales so made shall be limited to sales by the package as herein before defined, or whether sales by the drink on the premises, as well as sales by the package, may be permitted.

A majority of those legally voting at such election must cast their votes for selling intoxicating liquors, wines, or beer in order that the results of the election on the second question shall be effective and binding.

Section 4. Subsection (3) is added to section 567.06, Florida Statutes, to read:

567.06 Form of ballot; canvassing votes.—

(3) However, for a local option election authorized by s. 567.01(2)(b) on the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises, ballot instructions shall be presented in the following form:

**INSTRUCTIONS:** Local Option Election on the Following Question:

*THE QUESTION BEFORE THE ELECTORATE is to decide whether the sale of intoxicating liquors, wines, or beer, containing more than 6.243 percent of alcohol by volume, may be sold by the drink for consumption on premises in ( ) County, Florida.*

*For Sales by the Drink:*

*followed by the word "yes" and also by the word "no," and shall be styled in such a manner that a "yes" vote will indicate approval of the question and a "no" vote will indicate rejection.*

Section 5. Present subsection (3) of section 567.07, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

567.07 Results of election.—

(3) *In the event a majority of those legally voting at any such election cast their vote "For Selling Intoxicating Liquors, Wines, or Beer" on question number 1 and a majority of the votes legally cast on question number 2 be "For Sales by the Package Only" then, after the expiration of 2 years an election pursuant to s. 567.01(2)(b) may be held to determine the sole question of whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises. If a majority of those legally voting cast their votes for selling intoxicating liquors, wines, or beer by the drink for consumption on premises, then such alcoholic beverages may be sold as otherwise provided by law in that county until otherwise determined in an election, which shall not be held oftener than once every 2 years. If a majority of those legally voting cast their vote against the sale of intoxicating liquors, wines, or beer by the drink for consumption on premises, then sales by the package only shall continue.*

Section 6. Subsection (7) of section 569.002, Florida Statutes, is amended to read:

569.002 Definitions.—As used in this chapter, the term:

(7) "Any person under the age of 18" does not include any person under the age of 18 who:

(a) Has had his or her disability of nonage removed under chapter 743;

(b) Is in the military reserve or on active duty in the Armed Forces of the United States;

(c) Is otherwise emancipated by a court of competent jurisdiction and released from parental care and responsibility; *or*

(d) Is acting in his or her scope of lawful employment with an entity licensed under the provisions of chapter 210 or this chapter; ~~or~~

~~(e) Is working in conjunction with a law enforcement agency to test the compliance of dealers with this chapter.~~

Section 7. Subsection (4) is added to section 569.101, Florida Statutes, to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under 18 years of age; criminal penalties; defense.—

(4) Any law enforcement officer, as defined in s. 943.10(1), may use persons under the age of 18 to assist the officer in enforcement efforts by testing vendor compliance with the prohibitions established in this section. Notwithstanding the prohibitions contained in s. 569.11, such person acting on behalf of a law enforcement officer to test vendor compliance with the prohibitions established in this section shall be immune from civil liability imposed by s. 569.11 while acting on behalf of the law enforcement officer.

Section 8. Subsection (5) of section 569.11, Florida Statutes, is amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 18 years of age prohibited; penalties; jurisdiction; disposition of fines.—

(5)(a) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service *within 60 days*, pay the fine as required by paragraph (1)(a) or paragraph (2)(a) *within 30 days*, or attend a school-approved anti-tobacco program, if locally available, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver's license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 18 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b) *within 30 days*, the court must direct the Department

of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver's license or driving privilege of that person for a period of 45 consecutive days.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, lines 2-6, delete those lines and insert: An act relating to alcohol and tobacco sales; amending s. 562.45, F.S.; providing restrictions on locations for on-premises consumption of alcoholic beverages; amending s. 562.11, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of alcoholic beverages to certain minors; amending s. 567.01, F.S.; providing for local-option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local-option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; amending ss. 569.002 and 569.101, F.S.; authorizing law enforcement officers to use persons under a certain age to test vendor compliance with provisions restricting the sale of tobacco products to certain minors; amending s. 569.11, F.S.; specifying times within which community service or fines are satisfied; providing effective dates.

Pursuant to Rule 4.19, **CS for SB 720** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

**CS for SB 1294**—A bill to be entitled An act relating to agricultural sales; amending s. 570.55, F.S.; revising the "Florida Avocado, Mango, Lime, and Tomato Sales Law" to the "Florida Tropical or Subtropical Fruit and Vegetables Sales Law"; revising provisions to apply to tropical or subtropical fruit and vegetables; prescribing use of certain containers in shipping or distribution; providing an exception; increasing a penalty; amending s. 603.161, F.S.; revising a definition; increasing a penalty; providing an effective date.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

**Amendment 1**—On page 5, lines 3 and 4, delete those lines and insert:

(1) This section applies to tropical or *subtropical semitropical* fruit. "Tropical or *subtropical semitropical* fruit" means avocados,

Pursuant to Rule 4.19, **CS for SB 1294** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Brown-Waite—

**CS for CS for CS for SB 1432**—A bill to be entitled An act relating to the delivery of health care services; amending s. 409.912, F.S.; directing the Agency for Health Care Administration to establish an outpatient specialty services pilot project; providing definitions; providing criteria for participation; requiring an evaluation and a report to the Governor and Legislature; creating s. 624.1291, F.S.; providing an exemption from the Insurance Code for certain health care services; creating part IV of ch. 641, F.S., the "Provider-Sponsored-Organization Act"; providing legislative findings and purposes with respect to certain federal requirements for authorizing provider-sponsored organizations in this state to provide health care coverage to Medicare beneficiaries under the Medicare Choice plan; providing definitions; prohibiting a provider-sponsored organization from transacting insurance business other than the offering of Medicare Choice plans; providing applicability of parts I and III of ch. 641, F.S., to provider-sponsored organizations; providing exceptions; amending s. 641.227, F.S.; providing for deposits into the Rehabilitation Administrative Expense Fund by a provider-sponsored organization; providing for reimbursements; amending s. 641.316, F.S., relating to fiscal intermediary services; providing for an exemption from s. 455.654, F.S., to provider-sponsored organizations, relating to financial arrangements; providing an appropriation; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1432** was placed on the calendar of Bills on Third Reading.

On motion by Senator Rossin, by two-thirds vote **HB 3825** was withdrawn from the Committees on Natural Resources; Education; and Ways and Means.

On motion by Senator Rossin—

**HB 3825**—A bill to be entitled An act relating to the Board of Trustees of the Internal Improvement Trust Fund; directing the board to transfer certain properties to the Florida Atlantic University Foundation, Inc., for the Pine Jog Environmental Education Center; providing restrictions on the use of the land; providing an effective date.

—a companion measure, was substituted for **SB 2478** and read the second time by title.

Pursuant to Rule 4.19, **HB 3825** was placed on the calendar of Bills on Third Reading.

## COMMUNICATION

The Honorable Toni Jennings  
President of the Florida Senate

April 17, 1998

Dear Madam President:

In compliance with Article III, Section 19(d) of the Constitution and Joint Rule 2, copies of the Supplemental Appropriations Bill, **SB 2504**, have been furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

Delivery was completed April 17, 1998, at 1:00 p.m., EDT.

Respectfully submitted,  
Faye W. Blanton, Secretary

On motion by Senator Sullivan—

**SB 2504**—A bill to be entitled An act making supplemental appropriations providing moneys from the annual periods beginning July 1, 1997 and ending June 30, 1998; to pay salaries, and other expenses, capital outlay - buildings and other improvements, and for other specified purposes of the various agencies of State government; supplementing appropriations as provided in Chapter 97-152, Laws of Florida; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 2504** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gutman—

**CS for CS for SB 2288**—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 984.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; amending s. 985.03, F.S.; revising definitions; providing for a juvenile probation officer to perform certain duties formerly performed by an intake counselor or case manager; providing that penalties imposed for an escape from detention or a commitment facility apply to a juvenile who escapes from a maximum-risk residential facility; conforming cross-references to changes made by the act; amending ss. 985.207, 985.208, F.S., relating to conditions for taking a juvenile into custody and detention; conforming provisions to changes made by the act; amending s. 985.209, F.S.; providing for the Department of Juvenile Justice to establish juvenile assessment centers; providing for the centers to be operated through cooperative agreements

with other state agencies; providing for intake and screening services; amending ss. 985.21, 985.211, F.S.; providing for certain functions formerly considered case-management functions to be probation functions; amending s. 985.215, F.S.; conforming terminology to changes made by the act; requiring that a juvenile held in secure detention awaiting dispositional placement meet certain criteria for detention; amending s. 985.216, F.S.; deleting a provision authorizing placement of a juvenile in a secure residential commitment facility for direct or indirect contempt of court; amending s. 985.223, F.S.; revising procedures for determining competency in juvenile delinquency cases; prescribing duties of courts, the Department of Juvenile Justice, and the Department of Children and Family Services; amending ss. 985.226, 985.23, F.S., relating to criteria for waiver of jurisdiction and disposition hearings in delinquency cases; conforming provisions to changes made by the act; amending s. 985.231, F.S.; providing for placing a juvenile on home detention with electronic monitoring if a residential consequence unit is not available; amending ss. 985.301, 985.304, F.S., relating to civil citations and community arbitration; conforming provisions to changes made by the act; deleting certain references to case-management services; amending s. 985.307, F.S.; extending the period during which the Department of Juvenile Justice is authorized to operate juvenile assignment centers; amending ss. 985.31, 985.311, F.S., relating to serious or habitual juvenile offenders and intensive residential treatment programs for offenders less than 13 years of age; conforming provisions to changes made by the act; transferring, renumbering, and amending s. 944.401, F.S., relating to the offense of escaping from secure detention or a residential commitment facility; conforming a cross-reference; amending s. 985.406, F.S., relating to juvenile justice training academies; conforming provisions to changes made by the act; amending s. 985.412, F.S.; deleting a duty of the department's inspector general with respect to quality assurance; amending s. 985.413, F.S.; increasing the number of consecutive terms that may be served by a member of a district juvenile justice board; deleting an exemption from such limitation; amending s. 985.414, F.S.; specifying the parties to be included in an interagency agreement for developing a county juvenile justice plan; amending s. 985.415, F.S.; revising eligibility requirements for a Community Juvenile Justice Partnership Grant; providing effective dates.

—was read the second time by title.

Senator Gutman moved the following amendment which was adopted:

**Amendment 1**—On page 31, lines 24-27, delete those lines

Senators Gutman and Bankhead offered the following amendment which was moved by Senator Gutman and adopted:

**Amendment 2 (with title amendment)**—On page 52, lines 22-30, delete those lines and insert:

(6) Notwithstanding any provision to the contrary, this section expires July 1, 2000 1998, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) *The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre-adjudicatory assessments and evaluations of youth referred to the department. Prior to July 1, 1999, the department must transition any assignment centers to provide the capacity necessary to perform the intake and assessment functions currently performed pursuant to s. 985.209.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 31, after the semicolon (;) insert: providing for pre-adjudicatory assessments;

Senator Gutman moved the following amendment which was adopted:

**Amendment 3 (with title amendment)**—On page 59, lines 1-27, delete those lines and insert:

6. Evaluate each program operated by *the department or* a provider under a contract with the department and establish minimum thresholds for each program component. If a provider fails to meet the estab-

lished minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. *If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:*

- a. *Contracting out for the services provided in the program;*
- b. *Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;*
- c. *Redesigning the program; or*
- d. *Realigning the program.*

The department shall submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than February 1 of each year. The annual report must contain, at a minimum, for each specific program component: a comprehensive description of the population served by the program; a specific description of the services provided by the program; cost; a comparison of expenditures to federal and state funding; immediate and long-range concerns; and recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. The ~~department's inspector general~~ shall ensure the reliability and validity of the information contained in the report.

And the title is amended as follows:

On page 3, lines 13 and 14, delete those lines and insert: relating to quality assurance; requiring evaluation of each program operated by the department; requiring program changes and notification to the Executive Office of the Governor and Legislature of corrective action, under specified circumstances when a department-operated program fails to meet established minimum thresholds; providing for appropriate corrective action, including disciplinary action against employees under specified circumstances; providing for the Department of Juvenile Justice to ensure the reliability of the annual report;

Senator Rossin moved the following amendment which was adopted:

**Amendment 4 (with title amendment)**—On page 67, between lines 3 and 4, insert:

Section 26. Section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts; operation and administration.—*Notwithstanding s. 318.121*, in each county in which a teen court has been created, a county may adopt a mandatory cost to be assessed in specific cases as provided for in subsection (1) by incorporating by reference the provisions of this section in a county ordinance. Assessments collected by the clerk of the circuit court pursuant to this section shall be deposited into an account specifically for the operation and administration of the teen court:

(1) A sum of \$3, which shall be assessed as a court cost by both the circuit court and the county court in the county against every person who pleads guilty or nolo contendere to, or is convicted of, regardless of adjudication, a violation of a state criminal statute or a municipal ordinance or county ordinance or who pays a fine or civil penalty for any violation of chapter 316. Any person whose adjudication is withheld pursuant to the provisions of s. 318.14(9) or (10) shall also be assessed such cost. The \$3 assessment for court costs shall be assessed in addition to any fine, civil penalty, or other court cost and shall not be deducted from the proceeds of that portion of any fine or civil penalty which is received by a municipality in the county or by the county in accordance with ss. 316.660 and 318.21. The \$3 assessment shall specifically be

added to any civil penalty paid for a violation of chapter 316, whether such penalty is paid by mail, paid in person without request for a hearing, or paid after hearing and determination by the court. However, the \$3 assessment shall not be made against a person for a violation of any state statutes, county ordinance, or municipal ordinance relating to the parking of vehicles, with the exception of a violation of the handicapped parking laws. The clerk of the circuit court shall collect the respective \$3 assessments for court costs established in this subsection and shall remit the same to the teen court monthly, less 5 percent, which is to be retained as fee income of the office of the clerk of the circuit court.

(2) Such other moneys as become available for establishing and operating teen courts under the provisions of Florida law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 938.19, F.S.; authorizing the assessment of certain fees for the purpose of operating and administering a teen court, notwithstanding certain contrary provisions;

Pursuant to Rule 4.19, **CS for CS for SB 2288** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary, the rules were waived and the Senate reverted to—

**CONSIDERATION OF BILLS  
ON THIRD READING**

On motion by Senator Clary, by two-thirds vote **CS for CS for HB 3211** was withdrawn from the Committees on Regulated Industries; and Ways and Means.

On motion by Senator Clary, by two-thirds vote—

**CS for CS for HB 3211**—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising definitions; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting s. 475.482(1), F.S., relating to recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in a reference thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; creating s. 475.2755, F.S.; providing for designated salespersons under certain circumstances; providing disclosure requirements; amending ss. 475.274, 475.2801, and 475.5015, F.S.; applying to designated salespersons provisions relating to scope of coverage, rule authority relating to disciplinary measures, and retention of brokerage records, to conform; amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; providing for the acceptance of facsimile signatures or writing; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered

appraisers as registered assistant appraisers; amending ss. 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 489.103 and 489.503, F.S., relating to exemptions from statutory provisions regulating construction contracting and electrical and alarm system contracting; providing exemptions relating to contracting for certain repairs, maintenance, remodeling, or improvement by a real estate licensee acting as the owner's agent; providing circumstances under which such exemptions do not apply; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—a companion measure, was substituted for **CS for SB 340** as amended and by two-thirds vote read the second time by title. On motions by Senator Clary, by two-thirds vote **CS for CS for HB 3211** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**SB 564**—A bill to be entitled An act relating to higher education; amending s. 240.299, F.S.; providing reporting requirements for university direct-support organizations; amending s. 240.311, F.S., relating to rules of the State Board of Community Colleges; requiring a community college district board of trustees to annually evaluate the college president; amending s. 240.324, F.S.; providing an additional requirement for the accountability plan for community colleges; amending ss. 240.331, 240.3315, F.S.; prescribing membership of boards of directors and executive committees of community college direct-support organizations and statewide community college direct-support organizations; restricting activities of such direct-support organizations; providing reporting requirements for such organizations; amending s. 240.3335, F.S.; removing the authority of a board of directors of a center of technology innovation to acquire, lease, or sublease property; providing an appropriation; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Grant moved the following amendment which was adopted by two-thirds vote:

**Amendment 1 (with title amendment)**—On page 9, between lines 14 and 15, insert:

Section 7. Section 240.363, Florida Statutes, is amended to read:

240.363 Financial accounting and expenditures.—All funds accruing to the benefit of a community college must shall be received, accounted for, and expended in accordance with rules of the State Board of Community Colleges. A direct-support organization shall have sole responsibility for the acts, debts, liabilities, and obligations of the organization. A community college shall have no responsibility for such acts, debts, liabilities, or obligations incurred or assumed by a direct-support organization solely by reason of certification., except that Each community college board of trustees may adopt policies that provide procedures for transferring private contributions to the community college to the direct-support organization of that the community college for administration by such organization contributions made to the community college.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, after the first semicolon (;) insert: amending s. 240.363, F.S.; providing that a community college is not responsible for the acts, debts, liabilities, or obligations of a direct-support organization;

On motions by Senator Kurth, SB 564 as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Lee

CS for HB 3701—A bill to be entitled An act relating to pollution control; creating s. 403.7211, F.S.; restricting authority of the Department of Environmental Protection to issue permits for construction, modification, and initial operation of facilities for disposal, storage, or treatment of hazardous wastes generated off-site; restricting the locations of hazardous waste transfer facilities; providing application to pending permits and proposed transfer stations; providing an effective date.

—was read the third time by title.

On motions by Senator Horne, CS for HB 3701 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Laurent

CS for CS for SB 194—A bill to be entitled An act relating to title loan transactions; creating the "Florida Title Loan Act"; providing definitions; requiring licensure by the Department of Agriculture and Consumer Services to be in the business as a title loan lender; providing for eligibility for licensure; providing for application; providing for suspension or revocation of license; providing for a title loan transaction form; providing for recordkeeping and reporting and safekeeping of property; providing for title loan charges; providing a holding period when there is a default under the title loan agreement; providing for the disposal of pledged property; providing for disposition of excess proceeds; prohibiting certain acts; providing for the right to redeem; providing for lost title loan transaction forms; providing for a title loan lender's lien; providing for criminal penalties; providing for certain records from the Department of Law Enforcement; providing for subpoenas, enforcement of actions, and rules; providing a fine; providing for investigations and complaints; providing an appropriation; providing legislative intent; repealing s. 538.06(5), F.S., which allows a secondhand dealer to engage in a title loan transaction; repealing s. 538.15(4), (5), F.S., which prohibit certain acts and practices by secondhand dealers; amending ss. 538.03, 538.16, F.S.; deleting references to title loans; providing an effective date.

—as amended April 17 was read the third time by title.

On motions by Senator Childers, CS for CS for SB 194 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—35

Madam President	Cowin	Hargrett	Meadows
Bankhead	Crist	Harris	Myers
Bronson	Diaz-Balart	Holzendorf	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Dyer	Kurth	Silver
Campbell	Forman	Latvala	Sullivan
Casas	Geller	Laurent	Thomas
Childers	Grant	Lee	Turner
Clary	Gutman	McKay	

Nays—3

Horne	Ostalkiewicz	Williams
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Vote after roll call:

Yea—Kirkpatrick

CS for HB 885—A bill to be entitled An act relating to funeral directing, embalming, and direct disposition; amending s. 470.002, F.S.; expanding the definition of the term "legally authorized person"; amending s. 470.006, F.S.; revising a provision relating to licensure as an embalmer by examination, to clarify applicability of the internship requirement; amending s. 470.0085, F.S., relating to the embalmer apprentice program; authorizing an extension of apprenticeship for certain students working in funeral establishments; amending s. 470.009, F.S.; reorganizing provisions relating to licensure as a funeral director by examination, to clarify applicability of the internship requirement; amending ss. 470.015 and 470.018, F.S.; providing for inclusion of a required course on human immunodeficiency virus and acquired immune deficiency syndrome in the board-approved course on communicable diseases for renewal of funeral director and embalmer licenses and renewal of registration of direct disposers; amending s. 470.024, F.S.; authorizing operation of visitation chapels and establishing criteria therefor; providing licensing limitations with respect to collocated facilities; requiring the relicensure of funeral establishments whose ownership has changed; amending s. 470.029, F.S.; providing a filing date for monthly reports on final dispositions; amending s. 470.0301, F.S.; providing requirements for registration of centralized embalming facilities, including biennial renewal and applicable fees; providing for an annual inspection fee; creating s. 470.0315, F.S.; providing for the storage, preservation, and transportation of human remains; creating s. 470.0355, F.S.; providing for the identification of human remains; amending s. 470.036, F.S.; extending disciplinary actions to certain registrants and licensees; providing an effective date.

—was read the third time by title.

On motions by Senator Holendorf, **CS for HB 885** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**CS for CS for SB 442**—A bill to be entitled An act relating to forensic client services; amending s. 40.29, F.S., relating to estimated amount of pay for expert witnesses, to conform a reference; amending s. 393.11, F.S.; specifying persons or entities that may file petition for proposed involuntary admission to residential services arising out of ch. 916, F.S., relating to forensic services; providing for petitions for defendants with autism; revising requirements relating to notice of filing of petition or service of copy of order; prohibiting release from order for involuntary admission except by court order; amending and reorganizing ch. 916, F.S., the Forensic Client Services Act; creating pt. I of ch. 916, F.S.; providing general provisions of the chapter; amending s. 916.105, F.S.; revising legislative intent; amending s. 916.106, F.S.; providing or revising definitions with respect to ch. 916, F.S.; redefining “department” to refer to the Department of Children and Family Services in lieu of the Department of Health and Rehabilitative Services; amending s. 916.107, F.S.; revising state policy with respect to the rights of forensic clients, and conforming terminology; amending and renumbering s. 916.175, F.S., relating to criminal escape by a client; prohibiting escape or attempted escape from a facility or program by a client under specified circumstances, and providing penalties therefor; amending and renumbering s. 916.178, F.S.; prohibiting the introduction of certain articles into or upon, or the taking or attempt to take or send certain articles from, facility grounds, under specified circumstances, and providing penalties therefor; providing for enforcement by institutional security personnel or law enforcement officers; conforming a reference; amending and renumbering s. 916.19, F.S.; providing for client protection and security; renumbering s. 916.20, F.S., relating to departmental rulemaking; creating pt. II of ch. 916, F.S., relating to forensic services for persons who are mentally ill; amending and renumbering s. 916.108, F.S.; providing for evaluation of defendant for competency to proceed or for sanity, under specified circumstances; amending and renumbering s. 916.11, F.S.; revising time limits and guidelines relating to appointment of experts; amending s. 916.12, F.S.; providing duties of examining experts and guidelines with respect to reports on defendant’s mental competence to proceed and recommended treatment for defendant to attain competence to proceed; amending s. 916.13, F.S.; providing criteria for involuntary commitment of defendant adjudicated incompetent to proceed due to mental illness; revising duties of the court or the department and guidelines relating to commitment and placement of defendant and filing of reports; amending s. 916.14, F.S.; providing for inapplicability of statute of limitations and of bar against former jeopardy under specified circumstances when defendant is incompetent to proceed; amending s. 916.145, F.S.; revising time limits and guidelines with respect to dismissal of charges against a defendant adjudicated incompetent to proceed; providing for dismissal without prejudice under specified circumstances; amending s. 916.15, F.S., relating to involuntary commitment of defendant adjudicated not guilty by reason of insanity; conforming terminology; providing for mandatory departmental retention and treatment of defendant; reenacting s. 394.467(7)(a), F.S., relating to procedure for continued involuntary placement, to incorporate said amendment in a reference; amending s. 916.16, F.S.; providing for retention of jurisdiction by committing court over a defendant hospitalized as incompetent to proceed or because of a finding of not guilty by reason of insanity or over a defendant placed on conditional release; prohibiting release except by court order in specified circumstances; amending s. 916.17, F.S.; revising procedures and guidelines relating to conditional release and modification of release conditions, including filing requirements for plans for outpatient treatment; creating pt. III of ch. 916, F.S.,

relating to forensic services for persons who are mentally retarded or autistic; creating s. 916.301, F.S.; providing for appointment of experts who are retardation or autism professionals, under specified circumstances; providing for certain witness fees and evaluator fees as court costs; providing for reimbursement of certain travel and per diem expenses of state employees; creating s. 916.3012, F.S.; providing for determination of incompetence to proceed when the defendant’s suspected mental condition is retardation or autism; creating s. 916.302, F.S.; providing for involuntary commitment of defendant determined to be incompetent to proceed due to retardation or autism; requiring the department to notify the court of transfer of a defendant; creating s. 916.3025, F.S.; providing for retention of jurisdiction over certain defendants found incompetent to proceed and ordered into a secure facility for retarded or autistic defendants; prohibiting release except by court order; creating s. 916.303, F.S.; providing for dismissal of charges without prejudice or involuntary admission to residential services or a training program under specified circumstances when the defendant is found incompetent to proceed due to retardation or autism; providing for petitions to continue defendant’s placement in a secure facility or program under specified circumstances; creating s. 916.304, F.S.; providing for conditional release based on an approved plan for providing continuing community-based training of defendant; providing for modification of release conditions or termination of jurisdiction under specified circumstances; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Campbell, **CS for CS for SB 442** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

**CS for SB 334**—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

—as amended April 22 was read the third time by title.

Senators Gutman and Bankhead offered the following amendment which was moved by Senator Gutman and adopted by two-thirds vote:

**Amendment 1 (with title amendment)**—On page 2, between lines 27 and 28, insert:

Section 2. Subsection (6) of section 985.307, Florida Statutes, is amended, and subsection (7) is added to that section to read:

985.307 Juvenile assignment centers.—

(6) Notwithstanding any provision to the contrary, this section expires July 1, 2000 1998, unless reenacted by the Legislature. ~~The department may not create or operate a juvenile assignment center after July 1, 1998, without further legislative authority.~~ Unless reenacted by the Legislature, any juvenile assignment center created under this section shall be converted to a high-level or maximum-level residential commitment program, subject to availability of funds.

(7) *The department may utilize juvenile assignment centers to the fullest extent possible for the purpose of conducting pre-adjudicatory assessments and evaluations of youth referred to the department. Prior to July 1, 1999, the department must transition any assignment centers to provide the capacity necessary to perform the intake and assessment functions currently performed pursuant to s. 985.209.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: amending s. 985.307, F.S.; postponing the date on which the authority of the Department of Juvenile Justice to create or operate juvenile assignment centers is scheduled to expire; providing for pre-adjudicatory assessments;

Senator Kurth moved the following amendment:

**Amendment 2 (with title amendment)**—On page 9, between lines 6 and 7, insert:

Section 4. Subsection (5) of section 985.41, Florida Statutes, is amended to read:

985.41 Siting of facilities; study; criteria.—

(5) When the department *or a contracted provider* proposes a site for a juvenile justice ~~state~~ facility, *the department or provider* ~~it~~ shall request that the local government having jurisdiction over such proposed site determine whether or not the proposed site is appropriate for public use under ~~in compliance with~~ local government comprehensive plans, local land use ordinances, local zoning ordinances or regulations, and other local ordinances in effect at the time of such request. If no such determination is made within 90 days after the request, it shall be presumed that the proposed site is in compliance with such plans, ordinances, or regulations.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 30, after the first semicolon (;) insert: amending s. 985.41, F.S.; requiring a determination whether a proposed site for a juvenile justice facility is appropriate for public use under local government plans and ordinances;

On motion by Senator Gutman, further consideration of **CS for SB 334** as amended, with pending **Amendment 2** was deferred.

**SB 656**—A bill to be entitled An act relating to education; amending s. 233.061, F.S.; encouraging school districts to provide instruction in the history of labor and business; providing an effective date.

—was read the third time by title.

On motions by Senator Turner, **SB 656** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Casas	Dudley	Hargrett
Bankhead	Childers	Dyer	Harris
Bronson	Clary	Forman	Holzendorf
Brown-Waite	Cowin	Geller	Horne
Burt	Crist	Grant	Kirkpatrick
Campbell	Diaz-Balart	Gutman	Klein

Kurth	McKay	Rossin	Thomas
Latvala	Meadows	Scott	Turner
Laurent	Myers	Silver	Williams
Lee	Ostalkiewicz	Sullivan	

Nays—None

**CS for SB 314**—A bill to be entitled An act relating to the regulation of health care facilities; amending s. 20.42, F.S.; deleting the responsibility of the Division of Health Policy and Cost Control within the Agency for Health Care Administration for reviewing hospital budgets; abolishing the Health Care Board; amending s. 154.304, F.S., relating to health care for indigent persons; revising definitions; amending s. 394.4788, F.S., relating to mental health services; updating provisions relating to duties of the agency formerly performed by the Health Care Cost Containment Board; amending s. 240.4076, F.S.; conforming a cross-reference to changes made by the act; amending s. 395.0163, F.S.; providing exemptions from construction inspections and investigations by the Agency for Health Care Administration for certain outpatient facilities; providing exceptions; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt rules to assure that, following a disaster, licensed facilities are capable of serving as shelters only for patients, staff, and the families of staff and patients; providing for applicability; providing for a report by the agency to the Governor and Legislature; amending s. 395.401, F.S.; providing for certain reports formerly made to the Health Care Board to be made to the agency; amending s. 395.701, F.S., relating to the Public Medical Assistance Trust Fund; revising definitions; amending ss. 408.05, 408.061, 408.062, 408.063, F.S., relating to the State Center for Health Statistics and the collection and dissemination of health care information; updating provisions to reflect the assumption by the Agency for Health Care Administration of duties formerly performed by the Health Care Board and the former Department of Health and Rehabilitative Services; authorizing the agency to conduct data-based studies and make recommendations; deleting obsolete provisions; amending s. 408.07, F.S.; deleting definitions made obsolete by the repeal of requirements with respect to hospital budget reviews; amending s. 408.08, F.S.; deleting provisions requiring the Health Care Board to review the budgets of certain hospitals; deleting requirements that a hospital file budget letters; deleting certain administrative penalties; amending s. 408.40, F.S.; removing a reference to the duties of the Public Counsel with respect to hospital budget review proceedings; amending ss. 409.2673, 409.9113, F.S., relating to health care programs for low-income persons and the disproportionate share program for teaching hospitals; updating provisions to reflect the abolishment of the Health Care Cost Containment Board and the assumption of its duties by the agency; repealing ss. 395.403(9), 395.806(3), 407.61, 408.003, 408.072, 408.085, F.S., relating to reimbursement of state-sponsored trauma centers, studies by the Health Care Board, appointment of members to the Health Care Board, review of hospital budgets, and budget reviews of comprehensive inpatient rehabilitation hospitals; providing for retroactive application of provisions of the act relating to repeal of review of hospital budgets; amending ss. 381.026, 381.0261, F.S.; requiring distribution of the Florida Patient's Bill of Rights and Responsibilities; providing penalties; repealing s. 395.002(2) and (15), F.S.; deleting definitions of "adverse or untoward incident" and "injury"; amending s. 395.0193, F.S.; revising provisions relating to facility peer review disciplinary actions against practitioners; requiring a report to the Agency for Health Care Administration; providing penalties; amending s. 395.0197, F.S.; revising provisions relating to internal risk management; defining the term "adverse incident"; requiring certain reports to the agency; including minors in provisions relating to notification of sexual misconduct or abuse; requiring facility corrective action plans; providing penalties; renumbering s. 626.941, F.S., relating to the purpose of the health care risk manager licensure program; renumbering and amending s. 626.942, F.S., relating to the Health Care Risk Manager Advisory Council; renumbering and amending s. 626.943, F.S.; providing powers and duties of the agency; renumbering and amending s. 626.944, F.S., relating to qualifications for health care risk managers; providing for fees; providing for issuance, cancellation, and renewal of licenses; renumbering and amending s. 626.945, F.S., relating to grounds for denial, suspension, or revocation of licenses; amending s. 766.101, F.S., relating to medical review committees; adding "physician-hospital organization," "provider-sponsored organization," and "integrated delivery system" to the definition of "medical review committee" or "committee"; amending ss. 394.4787, 395.602, 400.051, 409.905, 440.13, 458.331, 459.015, 468.505, 641.55, 766.1115, F.S.; conforming

references and correcting cross-references; amending s. 400.23, F.S.; amending rulemaking powers of the Agency for Health Care Administration relating to structural standards for nursing homes; requiring a report to the Governor and Legislature; transferring the internal risk manager licensure program from the Department of Insurance to the Agency for Health Care Administration; providing an appropriation; providing effective dates.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 314** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Dudley	Kirkpatrick	Rossin
Bronson	Dyer	Klein	Scott
Brown-Waite	Forman	Kurth	Silver
Burt	Geller	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Diaz-Balart

The Senate resumed consideration of—

**CS for SB 334**—A bill to be entitled An act relating to juvenile justice; amending s. 943.053, F.S.; authorizing the release of certain juvenile criminal history records to a private entity under contract with the Department of Juvenile Justice; providing that such records remain confidential and exempt from the public records law; amending s. 985.401, F.S.; requiring the Juvenile Justice Advisory Board to develop a standard methodology for interpreting outcome-evaluation reports; specifying information to be included; requiring the board to consult with other agencies, providers, and interested parties; requiring the board to report to the Legislature; amending s. 985.404, F.S.; requiring the Department of Juvenile Justice and other agencies to develop a cost-effectiveness model for each commitment program; requiring the department to rank programs and report to the Legislature; authorizing the department to terminate a program that fails to achieve a minimum threshold of effectiveness; requiring that the cost-effectiveness model be consistent with certain requirements for performance-based budgeting; requiring the department to conduct certain evaluations of commitment programs and identify the factors that contribute to various program ratings; providing appropriations; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 2** by Senator Kurth was adopted by two-thirds vote.

On motions by Senator Gutman, **CS for SB 334** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**CS for SB 1880**—A bill to be entitled An act relating to boating safety; amending s. 327.02, F.S.; redefining “personal watercraft”; amending s. 327.25, F.S.; classifying all personal watercraft as class A-2 vessels; amending s. 327.28, F.S.; providing for distribution and use of registration fees therefor; amending s. 327.39, F.S.; revising requirements for operation of a personal watercraft relating to authorized flotation devices, times of operation, maneuvers constituting reckless operation, and minimum age for operation; prohibiting lease, hiring, or rental to certain persons; requiring all vessel operators to have certain photographic identification; providing a penalty; providing a grandfather clause; amending s. 327.395, F.S.; conforming provisions relating to boating safety identification cards; amending s. 327.54, F.S.; revising requirements for lease, hiring, or rental of vessels by liveries relating to pre- or pre-ride instruction, minimum age for rental, and safety information and instruction; removing liveries’ immunity from liability for certain accidents or injuries; requiring certain insurance coverage; providing a penalty; reenacting s. 327.73(1)(p) and (s), F.S., relating to a penalty for violation of vessel laws, to incorporate the amendments to ss. 327.39, 327.395, F.S., in references; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Kurth, **CS for SB 1880** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—27

Madam President	Dudley	Holzendorf	Myers
Bankhead	Dyer	Kirkpatrick	Rossin
Brown-Waite	Forman	Klein	Silver
Burt	Geller	Kurth	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	McKay	Turner
Clary	Harris	Meadows	

Nays—11

Bronson	Crist	Horne	Scott
Childers	Diaz-Balart	Lee	Williams
Cowin	Hargrett	Ostalkiewicz	

Vote after roll call:

Yea—Latvala

Consideration of **CS for HB 1151** was deferred.

**CS for CS for HB 3387**—A bill to be entitled An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

—was read the third time by title.

On motions by Senator Rossin, **CS for CS for HB 3387** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Clary	Grant	Kurth
Bankhead	Cowin	Gutman	Latvala
Bronson	Crist	Hargrett	Laurent
Brown-Waite	Diaz-Balart	Harris	Lee
Burt	Dudley	Holzendorf	McKay
Campbell	Dyer	Horne	Meadows
Casas	Forman	Kirkpatrick	Myers
Childers	Geller	Klein	Ostalkiewicz



Rossin Silver Thomas Williams  
Scott Sullivan Turner  
Nays—None

**CS for CS for SB 1800**—A bill to be entitled An act relating to health insurance; amending s. 222.21, F.S.; exempting moneys paid into a Roth individual retirement account from creditors' claims; amending s. 222.22, F.S.; exempting moneys paid into a Medical Savings Account from attachment, garnishment, or legal process; amending s. 627.410, F.S.; exempting certain policies from rating requirements; amending s. 627.6425, F.S.; specifying exceptions to guaranteed renewability of individual health insurance policies; amending s. 627.6487, F.S.; redefining the term "eligible individual" for purposes of guaranteed-issuance of an individual health insurance policy; amending s. 627.6498, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining premium rates of coverage issued by the Florida Comprehensive Health Association; amending s. 627.6571, F.S.; specifying exceptions to guaranteed renewability of group health insurance policies; amending s. 627.6575, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6415, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6578, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 627.6675, F.S.; requiring the Department of Insurance to annually establish standard risk rates for purposes of determining maximum premiums for conversion policies; revising standards for renewal of converted insurance policies; requiring the insurer to mail certain information to a person eligible for a converted policy, upon request; creating s. 627.6685, F.S.; requiring health insurers and health maintenance organizations to include in their plans that offer mental health coverage certain mental health benefits that are not less favorable than those for medical or surgical benefits covered by the plan; defining terms; providing exemptions; limiting applicability of this section; amending s. 627.6699, F.S.; redefining the term "health benefit plan" as used in the Employee Health Care Access Act; amending s. 627.674, F.S.; revising the minimum standards for Medicare Supplement policies; amending s. 627.6741, F.S.; revising requirements for insurers to issue, cancel, nonrenew, and replace Medicare supplement policies; restricting preexisting-condition exclusions; authorizing the Department of Insurance to adopt rules governing guaranteed issue of Medicare supplement coverage for continuously covered individuals; amending s. 627.9403, F.S.; specifying the provisions of the Long-term Care Insurance Act that apply to limited benefit policies; amending s. 627.9404, F.S.; defining the terms "limited benefit policy" and "qualified long-term care limited benefit insurance policy"; amending s. 627.9407, F.S.; revising the requirements for exclusion of coverage for preexisting conditions for long-term care policies; requiring limited-benefit policies to contain a disclosure statement regarding their qualification for favorable tax treatment; amending s. 627.94073, F.S.; revising the notice requirement for long-term care policies regarding the right to designate a secondary person to receive notice of lapse of coverage; amending s. 641.225, F.S.; increasing surplus requirements for health maintenance organizations; amending s. 641.285, F.S.; increasing deposit requirements for health maintenance organizations; revising exceptions; amending s. 641.26, F.S.; requiring health maintenance organizations to file certain reports with the Department of Insurance; requiring that health maintenance organizations provide additional information upon the request of the department; amending s. 641.31, F.S.; providing that coverage may not be denied if specified notice is given; amending s. 641.31074, F.S.; revising requirements for guaranteed renewability of a health maintenance organization contract; amending s. 641.3111, F.S.; requiring health maintenance organization contracts to provide for an extension of benefits upon termination of the contract; amending s. 641.316, F.S.; revising the amount of the bond that a fiscal intermediary services organization is required to maintain; specifying certain additional requirements and conditions for the bond and the intermediary; amending s. 641.3922, F.S.; revising the method for establishing the maximum premium for converted contracts issued by health maintenance organizations; revising the exceptions to guaranteed renewability of converted health maintenance organization contracts; requiring a health maintenance organization to mail certain information to a person eligible for a converted contract; amending s. 641.495, F.S.; exempting from licensure under part I of ch. 395, F.S., certain beds of a health maintenance organization; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Diaz-Balart moved the following amendment which was adopted by two-thirds vote:

**Amendment 1**—On page 14, lines 1 and 18, after "birth" insert: *or placement*

On motions by Senator Diaz-Balart, **CS for CS for SB 1800** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Diaz-Balart	Horne	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Kurth	Thomas
Campbell	Geller	Lee	Turner
Casas	Grant	McKay	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—None

Vote after roll call:

Yea—Latvala, Laurent

**CS for HB 3227**—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; redefining the term "qualified professional" for purposes of providing certain substance abuse assessment or treatment services; requiring persons certified to provide such services in other states to meet Florida's certification requirements within a specified period after employment in this state; providing a grandfather clause for a specified period for persons with certain qualifications and experience; providing that certain certified professionals are exempt from meeting the additional statutory requirements for a qualified professional; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 3227** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **SB 150** and **CS for CS for SB 1308** was deferred.

**CS for SB 1088**—A bill to be entitled An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication

Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Bronson, **CS for SB 1088** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Horne	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Grant	Laurent	Thomas
Casas	Gutman	Lee	Turner
Childers	Hargrett	McKay	Williams
Clary	Harris	Meadows	
Cowin	Holzendorf	Myers	

Nays—None

Vote after roll call:

Yea—Geller

**SB 1010**—A bill to be entitled An act relating to agriculture; creating s. 570.191, F.S.; creating the Agricultural Emergency Eradication Trust Fund; prescribing its uses; defining what constitutes an “agricultural emergency”; transferring moneys from the Agricultural Emergency Eradication Trust Fund to the Plant Industry Trust Fund for specified purposes; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Bronson, **SB 1010** as amended was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Horne	Rossin
Bronson	Dudley	Kirkpatrick	Scott
Brown-Waite	Dyer	Klein	Silver
Burt	Forman	Kurth	Sullivan
Campbell	Geller	Latvala	Thomas
Casas	Grant	Laurent	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Lee

**CS for SB 1578**—A bill to be entitled An act relating to metropolitan planning organizations; amending s. 339.175, F.S.; amending provisions prescribing the voting membership of an M.P.O.; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Forman, **CS for SB 1578** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Brown-Waite	Campbell	Childers
Bronson	Burt	Casas	Clary

Cowin	Gutman	Latvala	Scott
Crist	Hargrett	Laurent	Silver
Diaz-Balart	Harris	Lee	Sullivan
Dudley	Holzendorf	McKay	Thomas
Dyer	Horne	Meadows	Turner
Forman	Kirkpatrick	Myers	Williams
Geller	Klein	Ostalkiewicz	
Grant	Kurth	Rossin	

Nays—None

**HB 4561**—A bill to be entitled An act relating to marine fisheries; amending s. 370.01, F.S.; redefining the terms “closed season” and “non-resident alien” and alphabetizing definitions; amending s. 370.021, F.S.; providing that specified violations of administrative rules, the Florida Statutes, and the constitutional ban on the use of certain nets are major violations; providing penalties; prohibiting a court from suspending, deferring, or withholding adjudication of guilt in specified circumstances; providing for the suspension of violators’ licenses and prohibiting participation in the fishing during the period of suspension; providing restrictions on operation; deleting obsolete provisions; requiring a court to notify the Department of Environmental Protection of the disposition of cases; amending s. 370.026, F.S.; deleting obsolete references to commissioners’ terms; amending s. 370.0605, F.S.; authorizing agents of the Game and Fresh Water Fish Commission to enforce provisions relating to licenses; amending s. 370.062, F.S.; deleting a requirement for rulemaking for the issuance of tarpon tags; deleting a requirement for the annual issuance of tarpon tags; amending s. 370.0821, F.S.; revising the mesh size of a recreational net allowed in St. Johns County; amending s. 370.12, F.S.; relating to protection of mammalian dolphins; amending s. 370.1405, F.S.; relating to reporting requirements for crawfish wholesalers and retailers; amending s. 370.25, F.S.; clarifying criminal, civil, and administrative penalties; repealing s. 370.015, F.S., relating to obsolete Suwannee River Authority; repealing s. 370.08(7), F.S., relating to the use of gear and other equipment; repealing s. 370.0821(3), F.S., relating to the use of nets in St. Johns County; repealing s. 370.092(3) and (4), F.S., relating to penalties on use of proscribed nets; repealing s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad; repealing s. 370.1125, F.S., relating to the harvest of permit; repealing s. 370.114, F.S., relating to the taking of corals and sea fans; repealing s. 370.12(4), F.S.; related to manta rays; repealing s. 370.13(2), F.S., relating to a major violation involving stone crabs; repealing s. 370.135(2), (3), and (4), F.S., relating to the harvest and sale of blue crabs; repealing s. 370.14(6), F.S., relating to a major violation involving crawfish; repealing s. 370.15(2) and (3), F.S., relating to the harvest of shrimp; repealing s. 370.151(2), F.S., relating to the Tortugas shrimp beds; repealing s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties; repealing s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed; repealing s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area; repealing section 370.1611, F.S., relating to an oyster depuration plant; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **HB 4561** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**CS for SB 752**—A bill to be entitled An act relating to the designation of buildings and programs; designating the tennis court complex at the University of West Florida the "Harold 'Skeeter' Carson Tennis Complex"; designating the Lifelong Learning Center on the Boca Raton Campus of Florida Atlantic University the "Barry and Florence Friedberg Lifelong Learning Center"; designating the swim/dive office and training facility at the University of Florida the "Wayne and Jimmie Carse Swimming and Diving Complex"; renaming Flint Hall at the University of Florida as "Keene-Flint Hall"; designating the residence hall known as 2nd Court, Pei Residence Halls, located at New College of the University of South Florida the "Peggy Bates Residence Hall"; designating the library tower on the campus of Florida International University the "Steven and Dorothea Green Library"; designating the recording facility donated to Florida State University as "Critchfield Hall"; authorizing the respective universities to erect suitable markers; amending s. 240.605, F.S.; renaming the Florida Resident Access Grant Program as the William L. Boyd, IV, Florida Resident Access Grant Program; designating the Children's Medical Services Clinic of St. Lucie County as the "Dr. William R. Dannahower Building"; authorizing the Department of Health to erect suitable markers; designating the Regional Office of the Florida Game and Fresh Water Fish Commission in West Palm Beach as the "Woodrow 'Woody' Darden Building"; authorizing the commission to erect suitable markers; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Klein, **CS for SB 752** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Diaz-Balart	Kirkpatrick	Rossin
Bronson	Dudley	Klein	Scott
Brown-Waite	Dyer	Kurth	Silver
Burt	Forman	Latvala	Sullivan
Campbell	Geller	Laurent	Thomas
Casas	Grant	Lee	Turner
Childers	Gutman	McKay	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Horne

**CS for SB 832**—A bill to be entitled An act relating to public business and financial matters; amending s. 216.011, F.S.; defining the terms "disincentive," "incentive," "performance-based program appropriation," and "performance ledger" for purposes of budgeting and state fiscal affairs; amending s. 216.0166, F.S.; revising guidelines and requirements for state agencies in submitting performance-based budget requests, programs, and performance measures; amending s. 216.0172, F.S.; revising the schedule for submission of performance-based program budget legislative budget requests; amending s. 216.0235, F.S.; requiring that additional information be included in program budget instructions; amending s. 216.031, F.S.; revising information to be contained in legislative budget requests; amending s. 216.163, F.S.; prescribing additional incentives and disincentives that may be included in the Governor's recommended budget; amending s. 216.167, F.S.; requiring that the Governor's recommendations include a financial schedule that provides information on revenues in the Budget Stabilization Fund; amending s. 216.178, F.S.; providing a date for the final budget report; amending s. 216.292, F.S.; providing an exception to nontransferable appropriations; amending 186.022, F.S.; revising requirements for state agency strategic plans; amending s. 121.051, F.S.; conforming a cross-reference to changes made by the act; amending s. 215.32, F.S.; including the Budget Stabilization Fund in the list of funds in which state moneys are deposited; amending s. 216.221, F.S.; providing legislative intent for use of the Budget Stabilization Fund; amending s. 20.055, F.S.; requiring inspectors general to review and assess the validity of performance measures prior to submission to the Executive Office of the Governor; amending s. 252.37, F.S.; providing legislative intent regarding the order of recourse in use of state funds for emergencies; repealing

s. 186.021(5), F.S., relating to state agency strategic plans; repealing s. 212.081(3), F.S., relating to legislative intent; amending s. 186.021, F.S.; providing that certain information resources management projects are not required in agency strategic plans; amending s. 216.181, F.S.; providing that certain information resource management projects are not subject to the mandatory notice and review requirements for amendments to agencies' original approved operating budgets; amending s. 186.022, F.S.; providing that certain coordinating councils and boards are required to develop annual performance reports; amending s. 282.3063, F.S.; modifying the date for submission of the Agency Annual Information Resources Management Report; amending s. 282.310, F.S.; modifying the date by which the State Annual Report on Information Resources Management must be developed; requiring the inclusion of specified information within the report; amending s. 282.3091, F.S.; authorizing members of the State Technology Council to appoint designees to serve on their behalf; amending s. 282.322, F.S.; requiring the submission of quarterly reports for information resource projects designated for special monitoring; providing an additional recipient of project monitors' final reports; amending s. 282.404, F.S.; removing the chair of the Geographic Information Advisory Council as an ex officio member of the Geographic Information Board; requiring the chair to attend all meetings of the Geographic Information Board on behalf of the council; revising duties of the Geographic Information Board; providing that the board shall serve as coordinator for census activities; amending s. 215.96, F.S.; providing a technical correction; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 832** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**CS for HB 1125**—A bill to be entitled An act relating to notaries public; amending s. 117.01, F.S.; clarifying provisions relating to appointment of a notary public; providing requirements for a resigning notary public; amending s. 117.03, F.S.; deleting obsolete language; amending s. 117.04, F.S.; providing for acknowledgements by a notary; creating s. 117.045, F.S.; providing for solemnizing rites of marriage by a notary; limiting fees; amending s. 117.05, F.S.; specifying the elements of a notarial certificate; revising provisions relating to identification; providing for notice to the Governor of lost or stolen notary seals; revising provisions relating to copying certain documents; amending s. 117.10, F.S.; correcting a cross reference; amending s. 117.107, F.S.; revising certain provisions relating to prohibited acts; amending ss. 11.03, 475.180, 713.08, 713.13, 713.135, 713.245, 727.104, 732.503, and 747.051, F.S.; revising certain forms; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Grant, **CS for HB 1125** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Campbell	Diaz-Balart	Grant
Bankhead	Casas	Dudley	Gutman
Bronson	Clary	Dyer	Hargrett
Brown-Waite	Cowin	Forman	Harris
Burt	Crist	Geller	Holzendorf

Horne	Laurent	Ostalkiewicz	Thomas
Kirkpatrick	Lee	Rossin	Turner
Klein	McKay	Scott	Williams
Kurth	Meadows	Silver	
Latvala	Myers	Sullivan	

Nays—None

Vote after roll call:

Yea—Childers

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On motion by Senator Forman, by two-thirds vote **HB 3115** was withdrawn from the Committee on Agriculture.

On motion by Senator Forman, by two-thirds vote—

**HB 3115**—A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

—a companion measure, was substituted for **SB 1384** as amended and by two-thirds vote read the second time by title. On motions by Senator Forman, by two-thirds vote **HB 3115** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Rossin
Bankhead	Diaz-Balart	Horne	Scott
Bronson	Dudley	Kirkpatrick	Silver
Brown-Waite	Dyer	Klein	Sullivan
Burt	Forman	Latvala	Thomas
Campbell	Geller	Lee	Turner
Casas	Grant	McKay	Williams
Childers	Gutman	Meadows	
Clary	Hargrett	Myers	
Cowin	Harris	Ostalkiewicz	

Nays—1

Laurent

Vote after roll call:

Yea—Kurth

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**SB 72**—A bill to be entitled An act relating to public officers and employees; amending s. 112.324, F.S.; allowing the Commission on Ethics to dismiss a complaint that involves a technical or minor error, under specified conditions; providing an effective date.

—was read the third time by title.

On motions by Senator Holzendorf, **SB 72** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

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**CS for HB 3343**—A bill to be entitled An act relating to barbering and cosmetology; amending ss. 476.114 and 476.124, F.S.; revising provisions relating to examination for licensure as a barber; amending s. 476.134, F.S.; revising provisions relating to examination of applicants

for licenses as barbers; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 476.204, F.S.; prohibiting allowing an employee to practice barbering unless licensed or otherwise authorized by law; providing penalties; amending s. 476.214, F.S.; providing for denial of issuance or renewal of barber or barbershop license or certificate of registration under certain circumstances; amending s. 477.013, F.S.; revising the definition of the term “hair braiding”; defining the terms “hair wrapping” and “photography studio salon”; amending s. 477.0132, F.S.; providing registration requirements for hair wrappers; providing requirements for hair braiding and hair wrapping outside a cosmetology salon or specialty salon; providing circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S., and repealing paragraph (1)(g), relating to an exemption from regulation applicable to graduates of certain cosmetology schools or programs; exempting photography studio salons from licensure as a cosmetology salon or specialty salon and providing requirements with respect thereto; amending s. 477.019, F.S.; revising provisions relating to applicants for licensure to practice cosmetology; providing for supervised practice by graduates of certain cosmetology schools or programs; providing continuing education requirements for cosmetologists and cosmetology specialists; providing for privatization of such continuing education; exempting hair braiders and hair wrappers from such continuing education requirements; amending s. 477.0201, F.S.; providing circumstances for practicing as a specialist pending receipt of registration; amending s. 477.022, F.S.; revising provisions relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons and providing requirements therefor; providing for fees; amending s. 477.026, F.S.; providing registration fees for hair wrappers; amending s. 477.0263, F.S.; authorizing the performance of cosmetology services in a photography studio salon; amending s. 477.028, F.S.; providing for denial of issuance or renewal of cosmetology, specialty, and salon license or certificate of registration under certain circumstances; amending s. 477.029, F.S.; revising prohibitions relating to unlicensed or other unauthorized practice; providing penalties; providing an effective date.

—was read the third time by title.

On motions by Senator Clary, **CS for HB 3343** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

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On motion by Senator Harris, by two-thirds vote **CS for HB 3145** was withdrawn from the Committees on Health Care; and Ways and Means.

On motion by Senator Harris, by two-thirds vote—

**CS for HB 3145**—A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the “Targeted Outreach for Pregnant Women Act of 1998”; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1258** as amended and read the second time by title.

Senator Harris moved the following amendment which was adopted:

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

Section 1. Section 381.0045, Florida Statutes, is created to read:

381.0045 Targeted outreach for pregnant women.—

(1) This section may be cited as the "Targeted Outreach for Pregnant Women Act of 1998."

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse problems, or who are infected with human immunodeficiency virus (HIV), and to provide these women with links to much needed services and information.

(3) Effective October 1, 1998, the Department of Health shall establish a 2-year pilot program to provide outreach services to high-risk pregnant women, based in county health departments in the five counties with the highest rates of HIV infection in pregnant women and the largest proportion of substance-exposed newborns. These counties shall include Dade, Broward, Palm Beach, Hillsborough, and Orange Counties.

(4) The department shall:

(a) Conduct outreach programs through contracts with, grants to, or other working relationships with persons or entities where the target population is likely to be found.

(b) Provide outreach that is peer-based, culturally sensitive, and performed in a nonjudgmental manner.

(c) Encourage high-risk pregnant women of unknown status to be tested for HIV.

(d) Educate women not receiving prenatal care as to the benefits of such care.

(e) Provide HIV-infected pregnant women with information so they can make an informed decision about the use of Zidovudine (AZT).

(f) Link women with substance abuse treatment, when available, and act as a liaison with Healthy Start coalitions, children's medical services, Ryan White-funded providers, and other services of the Department of Health.

(g) Provide continued oversight to HIV-exposed newborns.

(5) The types of entities the department is encouraged to contract with, provide grants to, or enter into other working relationships with may include, but are not limited to, faith-based organizations, academic institutions, religious organizations, nonprofit community centers, and other social-services-related entities.

Section 2. The Department of Health shall compile and analyze the risk information collected by the targeted outreach programs and other services of the Department of Health, including Healthy Start coalitions, children's medical services, and Ryan White-funded providers, and submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate an interim report by December 1, 1999, and a final report by December 1, 2000, that includes, but is not limited to:

(1) The number of pregnant women and infants identified as at potential risk of HIV infection or substance abuse.

(2) The number of pregnant women and infants who receive outreach services.

(3) The demand for services and unmet need for services for the identified target groups.

(4) An assessment of the program's success in reaching high-risk pregnant women and providing these women and their infants with much needed services and information.

(5) Recommendations regarding whether the program should be continued or expanded statewide, the funding necessary to continue or expand the program, and any additional efforts that are necessary to maximize the success of the program.

Section 3. There is hereby appropriated to the Department of Health from the General Revenue Fund the sum of \$500,000 to establish target outreach programs in Dade, Broward, Palm Beach, Hillsborough, and Orange Counties, with two existing employees to be based in each county's health department. All of the funds appropriated to the department shall

be used in the delivery of services as described in s. 381.0045, Florida Statutes, as created by this act.

Section 4. There is appropriated to the Department of Health from the Tobacco Settlement Trust Fund the sum of \$15 million to replace the Tampa Branch Health Laboratory and the sum of \$600,000 for the Healthy Moms and Healthy Babies facility at the University of South Florida.

Section 5. This act shall take effect October 1, 1998, except that this section and section 4 of this act shall take effect July 1, 1998.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care; creating s. 381.0045, F.S.; creating the "Targeted Outreach for Pregnant Women Act of 1998"; providing purpose; requiring the Department of Health to establish a pilot program; providing requirements; requiring interim and final reports; providing appropriations; providing effective dates.

WHEREAS, Florida ranks second in the nation in the number of female AIDS cases and pediatric AIDS cases, and

WHEREAS, approximately 700 HIV-exposed women give birth each year in Florida, and

WHEREAS, the administration of Zidovudine (AZT) to pregnant HIV-exposed women can reduce the rate of mother-to-child transmission by as much as two-thirds, while without it approximately 210 of the 700 babies born to HIV-exposed women in Florida would test positive for HIV, and

WHEREAS, thousands of infants born each year in Florida are identified as prenatally substance-exposed, and

WHEREAS, the effect on a fetus from drugs can result in a lifetime of devastating physical and mental problems for the child, and

WHEREAS, the lifetime cost of treating an HIV-infected infant can be as high as \$200,000, and the cost of caring for drug-exposed infants can be as high as \$65,000, with special classes for substance-exposed children costing approximately \$17,000 per year, and

WHEREAS, there is a strong need to reach out to pregnant women who do not seek prenatal care, substance abuse treatment, or HIV testing due to poverty, lack of transportation, lack of education, lack of health insurance, fear of legal consequences, fear of domestic violence, and fear of losing their child, and

WHEREAS, preventing perinatally transmitted HIV infection and substance exposure depends on maximizing the opportunities for pregnant women to learn their HIV status, to be offered and receive preventive AZT therapy, and to gain access to drug treatment and other health and social services for themselves and their infants, NOW, THEREFORE,

On motions by Senator Harris, by two-thirds vote **CS for HB 3145** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Turner
Casas	Grant	Laurent	Williams
Childers	Gutman	Lee	
Clary	Hargrett	McKay	
Cowin	Harris	Meadows	

Nays—None

Vote after roll call:

Yea—Sullivan

**CS for HB's 3089 and 171**—A bill to be entitled An act relating to nursing facilities; amending s. 400.121, F.S.; providing procedure for administrative hearings on certain actions to deny, suspend, or revoke a nursing facility's license; creating s. 400.215, F.S.; requiring background screening for certain nursing facility employees; providing requirements for employers and employees; authorizing conditional status for certain employees; requiring the Agency for Health Care Administration to establish and maintain a database and provide certain information; providing for screening fees; providing for exemptions from disqualification; providing an exemption from rescreening for certain persons; providing for certain sharing of screening information among employers; providing for adoption of rules; specifying dates and conditions for compliance by employees and new applicants; repealing s. 400.211(5), F.S., relating to screening requirements for certified nursing assistants; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Brown-Waite, **CS for HB's 3089 and 171** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**CS for HB 159**—A bill to be entitled An act relating to community colleges; amending s. 240.498, F.S., relating to the Florida Education Fund; establishing the Community Faculty Diversity Program; providing for fellowships; requiring service or repayment; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Holzendorf, **CS for HB 159** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

**SB 150**—A bill to be entitled An act relating to journalism; creating s. 90.5015, F.S.; creating a privilege for professional journalists to refuse to be a witness or to disclose specified information; providing definitions; authorizing courts to order disclosure of certain information; providing for nonwaiver of the privilege; providing for an affidavit of authenticity; providing severability; providing an effective date.

—as amended April 22 was read the third time by title.

On motions by Senator Sullivan, **SB 150** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—31

Madam President	Forman	Kurth	Rossin
Bankhead	Geller	Latvala	Scott
Casas	Gutman	Laurent	Silver
Childers	Harris	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meadows	Turner
Crist	Kirkpatrick	Myers	Williams
Dyer	Klein	Ostalkiewicz	

Nays—8

Bronson	Burt	Diaz-Balart	Grant
Brown-Waite	Campbell	Dudley	Hargrett

**CS for HB 1151**—A bill to be entitled An act relating to law enforcement; amending s. 384.287, F.S.; permitting certain support personnel, including a crime scene analyst, forensic technologist, and crime lab analyst, to request, and seek court orders for, screening of a person for a sexually transmissible disease, under specified circumstances; amending s. 943.03, F.S.; requiring the Department of Law Enforcement to develop and maintain, in consultation with the Criminal and Juvenile Justice Information Systems Council, an information system in administrative support of the state criminal and juvenile justice system; providing duties of the department as custodial manager; amending s. 20.315, F.S.; providing for maintenance by the Department of Corrections of an offender-based information system; amending s. 20.316, F.S.; conforming terminology relating to development by the Department of Juvenile Justice of a juvenile justice information system; removing a provision requiring a report by the department to the council; amending s. 186.022, F.S., relating to state agency strategic plans; providing for review by the Executive Office of the Governor of recommendations of the council; amending s. 282.1095, F.S., relating to the state agency law enforcement radio system; reducing the membership of the Joint Task Force on State Agency Law Enforcement Communications to eliminate a representative of the council; amending s. 282.111, F.S., relating to the statewide system of regional law enforcement communications; removing a provision requiring certain consultation by the Division of Communications with the council; amending s. 318.18, F.S., relating to civil penalties; redesignating regional criminal justice assessment centers as criminal justice selection centers; amending s. 943.031, F.S., relating to the Florida Violent Crime Council; conforming cross references; amending s. 943.08, F.S.; deleting obsolete provisions; requiring the council to review proposed plans and policies for the information system of the specified agencies to assist in facilitating the standardization, sharing, and coordination of criminal and juvenile justice data and other specified data; requiring the council to make recommendations to specified agencies; requiring recommendations regarding the installation and operation of the Florida Criminal Justice Intranet Service Network, of which the department will be the custodial manager, and specifying its functions; requiring recommendations concerning installation and operation of such a statewide network in each judicial circuit; providing legislative intent that future equipment capable of certain technologies within the specified entities be compatible with certain standards; amending s. 943.135, F.S.; allowing law enforcement officers who are also elected or appointed public officials to maintain certification in a special status while holding office; creating s. 943.146, F.S., relating to copyrighting and sale of work products of the Department of Law Enforcement; defining "product"; prescribing powers and duties of the department and guidelines for securing and enforcing copyrights; providing for certain notification to the Department of State; providing for deposit of proceeds of sales or products or certain rights in products; amending s. 943.256, F.S.; providing for the regional criminal justice assessment centers, which are directed by a postsecondary public school or a criminal justice agency, to be redesignated as criminal justice selection centers; amending s. 943.325, F.S., relating to blood specimen testing for DNA analysis; requiring entities responsible for a county jail, correctional facility, or juvenile facility to ensure that required blood specimens from certain offenders are secured and transmitted to the department under specified provisions; prohibiting release of the offender from the custody of the court and release of bond or surety until blood specimens have been taken as required; prescribing duties of the chief administrative judge of each circuit and the sheriff or other entity maintaining the county jail with respect to collection and forwarding of blood specimens; providing for a statewide protocol for securing blood specimens of certain offenders

to be developed by the department in conjunction with the sheriffs, the court, the Department of Corrections, and the Department of Juvenile Justice; requiring certain offenders to submit or resubmit to blood testing, under specified circumstances; providing for certain immunity from liability as a result of withdrawal of blood specimens; providing for court orders authorizing the taking of the person into custody for purposes of securing the required blood specimens; providing for issuance of the court order; providing for transportation or release of the person taken into custody, under specified circumstances; providing that the offender is liable for actual costs of blood collection, unless declared indigent; providing for construction; reenacting s. 760.40(2)(a), F.S., relating to genetic testing and informed consent therefor, and s. 948.03(10), F.S., relating to terms and conditions of probation or community control, to incorporate said amendment in references; amending s. 943.33, F.S., relating to state-operated criminal analysis laboratories; defining "good cause" for purposes of certifying court orders for state-operated laboratory services to the criminal defendant; requiring the laboratory to include a cost statement with the report of the service provided; requiring provision of a copy of the report and the cost statement to prosecutor and court; providing an effective date.

—was read the third time by title.

On motions by Senator Burt, **CS for HB 1151** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Crist	Holzendorf	Myers
Bankhead	Diaz-Balart	Horne	Ostalkiewicz
Bronson	Dudley	Kirkpatrick	Rossin
Brown-Waite	Dyer	Klein	Scott
Burt	Forman	Kurth	Silver
Campbell	Geller	Latvala	Sullivan
Casas	Grant	Laurent	Thomas
Childers	Gutman	Lee	Turner
Clary	Hargrett	McKay	Williams
Cowin	Harris	Meadows	

Nays—None

### SPECIAL ORDER CALENDAR, continued

**CS for SB 2014**—A bill to be entitled An act relating to the WAGES Program; creating s. 414.155, F.S.; providing a relocation assistance program for families receiving or eligible to receive WAGES Program assistance; providing responsibilities of the Department of Children and Family Services and the Department of Labor and Employment Security; providing for a relocation plan and for monitoring of the relocation; requiring agreements restricting application for temporary cash assistance for a specified period; providing exceptions; requiring repayment of temporary cash assistance provided under certain circumstances, and reduced eligibility for future assistance; providing rulemaking authority for the Department of Children and Family Services and the Department of Labor and Employment Security; providing legislative intent with respect to encouraging the employment of participants in the WAGES Program; requiring the Office of Tourism, Trade, and Economic Development to certify to the President of the Senate and the Speaker of the House of Representatives the amount of taxes and the economic benefit generated by the restaurant industry from employing WAGES participants and to add that amount to the total amount of certain beverage taxes and penalties paid during a specified calendar year; providing for the repeal of s. 561.501, F.S., relating to the surcharge on the sale of alcoholic beverages, if the total amount of the surcharge exceeds a specified figure; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Bankhead and adopted:

**Amendment 1**—On page 2, line 18, after "a" insert: *voluntary*

**Amendment 2**—On page 4, between lines 12 and 13, insert:

(4) *Nothing herein shall be construed to allow any WAGES Coalition or state agency to require relocation of a WAGES participant for the purposes of this section or any other.*

Senator Bankhead moved the following amendment:

**Amendment 3 (with title amendment)**—On page 4, line 13 through page 5, line 2, delete those lines and insert:

Section 2. *The Legislature recognizes that the restaurant industry is uniquely positioned to provide employment opportunities for a significant number of WAGES participants. Therefore, it is the intent of the Legislature to encourage employment of WAGES participants by the food and beverage industry. By March 1, 1999, and each March thereafter, the Office of Tourism, Trade, and Economic Development shall certify the total number of WAGES participants employed by the food and beverage industry during the prior calendar year, using data from the Department of Labor's WAGES Information System as summarized in the Employment Information Report prepared by the Bureau of Labor Market and Performance Information and information from the Florida Education and Training Placement Information Program at the Department of Education. To be counted for purposes of this act, each WAGES participant must have been on welfare for at least 3 months and must remain off of the welfare rolls for the 3 calendar quarters immediately following the calendar quarter in which the individual is first employed by the food and beverage industry. By July 1, 1999, and each year thereafter, the Department of Business and Professional Regulation shall recalculate and reduce the tax rate imposed by section 561.501, Florida Statutes, by the following formula: each WAGES participant job certified in the report shall be given a value of \$3,500, which shall then be multiplied by the total number of WAGES participant jobs certified in the report to arrive at a "gross economic benefit." The "gross economic benefit" shall then be subtracted from the total amount collected from the tax imposed under section 561.501, Florida Statutes, and shall not exceed 33 1/3 percent reduction in any given year, to arrive at a "remainder." The Department of Business and Professional Regulation shall then recalculate and reduce the tax rate imposed by section 561.501, Florida Statutes, to generate the revenue represented by the "remainder." The Department of Business and Professional Regulation shall adopt procedures for administering these provisions and adopt rules pursuant to the provisions of this section.*

And the title is amended as follows:

On page 1, line 24 through page 2, line 3, delete those lines and insert: the amount of economic benefit generated by the restaurant industry employing WAGES participants; providing for recalculation of alcoholic beverage tax surcharges; providing

Senator Bankhead moved the following amendments to **Amendment 3** which were adopted:

**Amendment 3A**—On page 2, lines 3-6, delete those lines and insert: *at least 3 months within the 6 months prior to first being employed by the food and beverage industry, must remain off of the welfare rolls for the 3 calendar quarters immediately following the calendar quarter in which the individual is first employed by the food and beverage industry, and must have been employed in the food and beverage industry for at least 3 calendar quarters. A participant meeting these requirements may only be counted in the first year in which the requirements are met. By July 1, 1999, and each year*

**Amendment 3B**—On page 2, line 16, before "and" insert: *during the most recent calendar year*

**Amendment 3C**—On page 2, line 19, after "rate" insert: *, rounded to the nearest tenth of a cent.*

### MOTION

On motion by Senator Thomas, the rules were waived and time of recess was extended until completion of **CS for SB 2014**, motions and announcements.

**Amendment 3** as amended was adopted.

Senator Bankhead moved the following amendment which was adopted:

**Amendment 4 (with title amendment)**—On page 5, between lines 2 and 3, insert:

Section 3. *When the relocation plan for a WAGES participant involves relocating the participant within the state, the plan must be ap-*

proved by the local WAGES coalition in the district from which the participant is moving and the local WAGES coalition in the district to which the participant is moving before the effective date of the move.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: requiring approval of the relocation plan of a WAGES participant;

Senator Holzendorf moved the following amendment:

**Amendment 5 (with title amendment)**—On page 5, between lines 2 and 3, insert:

Section 3. Section 290.00651, Florida Statutes, is created to read:

290.00651 *Designation of Enterprise Zone Pilot Area.*—

(1) *The Office of Tourism, Trade, and Economic Development shall designate one pilot project area within one state enterprise zone. The Office of Tourism, Trade, and Economic Development shall select the pilot area by July 1, 1998, which meets the following qualifications:*

(a) *The area is contained within an enterprise zone that is composed of one contiguous area and is placed in the category delineated in s. 290.0065(3)(a)1.*

(b) *The local government having jurisdiction over the enterprise zone grants economic development ad valorem tax exemptions in the enterprise zone pursuant to s. 196.1995, and electrical energy public service tax exemptions pursuant to s. 166.231.*

(c) *The local government having jurisdiction over the enterprise zone has developed a plan for revitalizing the pilot project area or for revitalizing an area within the enterprise zone that contains the pilot project area, and has committed at least \$5 million to redevelop an area including the pilot project area.*

(d) *The pilot project area is contiguous and is limited to no more than 70 acres, or equivalent square miles, to avoid a dilution of additional state assistance effectively concentrating those additional resources on revitalizing the acute area of economic distress.*

(e) *The pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurants, or service related businesses, necessary to an overall revitalization of surrounding neighborhoods through community involvement, investment, enhancement of employment markets.*

(2)(a) *Beginning December 1, 1998, no more than four businesses located within the pilot project area are eligible for a credit against any tax due for a taxable year under part I, chapter 212, and chapter 220.*

(b) *The credit shall be computed as \$5,000 times the number of full-time employees of the business and \$2,500 times the number of part-time employees of the business. For purposes of this section, a person shall be deemed to be employed by such a business if the person performs duties in connection with the operations of the business on a full-time basis, provided he or she is performing such duties for an average of at least 36 hours per week each month, or a part-time basis, provided he or she is performing such duties for an average of at least 20 hours per week each month through the year. The person must be performing such duties at a business site located in the pilot project area.*

(c) *The total amount of tax credits that may be granted under this section is \$2 million annually. In the event the Office of Tourism, Trade, and Economic Development receives applications that total more than \$2 million each year, the director shall pro-rate the amount of tax credit each applicant is eligible to receive to ensure that all eligible applicants receive a tax credit.*

(d) *In order to be eligible to apply to the Office of Tourism, Trade, and Economic Development for tax credits under this section a business must:*

1. *Have entered into a contract with the developer of the diverse cluster or grouping of facilities or space located in the pilot project area, governing lease of commercial space in the facility;*

2. *Have commenced operations in the facility after July 1, 1998, and before July 1, 1999; and*

3. *Be a business predominantly engaged in activities usually provided for consideration by firms classified with the Standard Industrial Classification SIC 5311, SIC 7832, or SIC 5399.*

(e) *All applications for the granting of the tax credits allowed under this section shall require the prior approval of the director of the Office of Tourism, Trade, and Economic Development. The director shall provide one submittal date each year for the receipt of applications for such tax credits.*

(f) *Any business wishing to receive a tax credit pursuant to this section must submit an application to the Office of Tourism, Trade, and Economic Development which sets forth the business name and address, and the number of employees of the business.*

(g) *The decision of the director shall be in writing, and, if approved, the application shall state the maximum credit allowable to the business. A copy of the decision shall be transmitted to the Executive Director of the Department of Revenue, who shall apply such credit to the tax liability of the business firm.*

(h) *If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the business, the unused amount may be carried forward for a period not to exceed 5 years.*

(4) *The Office of Tourism, Trade, and Economic Development is authorized to promulgate all rules necessary to administer this section, including rules for the approval or disapproval of applications for tax incentives by businesses.*

(5) *The Department of Revenue shall promulgate any rules necessary to ensure the orderly implementation and administration of this section.*

(6) *For purposes of this section, "business" and "taxable year" shall have the same meaning as in s. 220.03.*

(7) *The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the pilot project area created in subsection (1) as part of the review of state enterprise zones performed pursuant to s. 290.015(2). The office shall specifically evaluate whether relief from certain taxes induced new investment and development in the area, increased the number of jobs created or retained in the area, induced the renovation, rehabilitation, restoration, improvement, or new construction of businesses or housing within the area, and contributed to the economic viability and profitability of business and commerce located within the area.*

(8) *This section shall stand repealed on June 30, 2014, and any designation made pursuant to this section shall be revoked on that date.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: creating s. 290.00651, F.S.; directing the Office of Tourism, Trade, and Economic Development to designate a pilot project area within an enterprise zone; providing qualifications for such area; providing that certain businesses in the pilot project area are eligible for tax credits; prescribing application criteria and procedures governing such tax credits; providing rulemaking authority; requiring a review by the Office of Program Policy Analysis and Government Accountability; providing for repeal and revocation of designation as an enterprise zone pilot project area;

Senator Holzendorf moved the following amendment to **Amendment 5** which was adopted:

**Amendment 5A**—On page 3, lines 5 and 7, delete "\$2 million" and insert: \$500,000

**Amendment 5** as amended was adopted.

**POINT OF ORDER**

Senator Sullivan raised a point of order that pursuant to Rule 4.8 the bill should be referred to the Committee on Ways and Means.



## RULING ON POINT OF ORDER

The President ruled the point well taken and **CS for SB 2014** as amended was referred to the Committee on Ways and Means.

### MOTION

On motion by Senator Bankhead, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Friday, April 24.

## REPORTS OF COMMITTEES

The Committee on Judiciary recommends committee substitutes for the following: CS for SB 356, SB 494, CS for SB 910, SB 2158

The Committee on Regulated Industries recommends a committee substitute for the following: SB 640

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.**

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 1456

The Committee on Judiciary recommends committee substitutes for the following: SB 516, CS for SB 820, SB 1538, SB 1606, CS for SB 2104

The Committee on Ways and Means recommends committee substitutes for the following: CS for SB 714, CS for SB 882, CS for SB 1074, CS for SB's 1124, 2048 and 1120, CS for SB 1512, CS for SB 1576, SB 1636, SB 1698

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Judiciary, Criminal Justice and Senators Williams, Kirkpatrick and Brown-Waite—

**CS for CS for SB 356**—A bill to be entitled An act relating to appellate review; creating a task force to review the death penalty appeal process; providing for the composition of the task force; providing for the term of the task force; providing for organization and composition; providing for powers and duties; requiring the task force to maintain the confidentiality of certain documents and other information; providing an effective date.

By the Committee on Judiciary and Senator Silver—

**CS for SB 494**—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; providing for instruction for circuit and county judges in domestic violence; redefining the term "domestic violence" for purposes of training provided by the Florida Court Educational Council; defining "judge who has responsibility for cases of domestic violence"; revising duties of the council; providing for a comprehensive domestic violence education plan and tools; requiring the council to develop educational programs on domestic violence; providing the programs may be a part of other programs offered by the Office of State Courts Administrator; providing for maintenance by the office of certain records of judicial attendance of such programs; providing for public inspection of the records; providing for inclusion of certain information with respect to the programs in the annual report by the council to the Governor and Legislature; amending s. 44.102, F.S.; providing for nonreferral of a case to court-ordered family mediation upon the court's own motion, under specified circumstances; amending s. 61.13, F.S.; prohibiting the court from awarding visitation rights to a parent who has been convicted of a capital felony or a first-degree felony that involved domestic violence; providing certain exceptions; requiring that the Supreme

Court through The Florida Bar annually report to the Governor and Legislature on its courses of continuing legal education on domestic violence; amending s. 741.28; deleting requirement that victim and alleged perpetrator currently or formerly have resided in the same single dwelling unit; providing an effective date.

By the Committee on Judiciary and Senator Hargrett—

**CS for SB 516**—A bill to be entitled An act relating to Murphy Act lands; amending s. 253.82, F.S.; providing for conveyance of all Murphy Act transportation easements to the governmental entity currently having title to the adjacent roadway; requiring the establishment of a procedure for review of deeds containing Murphy Act transportation reservations; setting requirements for the review process; providing for compensation of certain property owners if the reservation denies the property owner the current economic use of the property; amending s. 712.04, F.S.; providing for reservations of easements in deeds by the Board of Trustees of the Internal Improvement Trust Fund to be extinguished on a specified date, subject to certain limitations; amending s. 712.05, F.S.; providing procedures by which a governmental entity may preserve a road reservation; requiring notice; providing an effective date.

By the Committee on Regulated Industries—

**CS for SB 640**—A bill to be entitled An act relating to telecommunications services; amending s. 364.025, F.S.; providing duties and responsibilities of the Florida Public Service Commission to assist the Legislature in establishing a permanent universal service mechanism; requiring the commission to select a cost proxy model; providing for the calculation of small local exchange companies' costs to provide basic service; providing legislative determinations; directing the commission to make recommendations relating to fair and reasonable basic local telecommunications service rates; providing criteria; requiring a report to the Legislature; requiring local exchange companies to provide certain information to the commission; requiring the provision of discounted rates for services for certain subscribers; amending s. 364.163, F.S.; providing a cap for certain rates; requiring reductions in certain rates; providing legislative findings; requiring the commission to study the provision of telecommunications service to multi-tenant environments; requiring a report to the Legislature; requiring the commission to conduct workshops; requiring the commission to consider promotion of a competitive telecommunications market to end users; providing duties of the Public Service Commission relating to its consumer education program; creating part III of chapter 364, F.S.; providing a short title; providing definitions; requiring the commission to adopt rules to prevent unauthorized changing of certain services; providing requirements; providing requirements for billing practices; amending s. 364.051, F.S.; delaying the date for removing the cap on certain rates; amending s. 364.161, F.S.; requiring local exchange telecommunications companies to timely provide certain services; requiring the commission to maintain a file of certain complaints; requiring inclusion of certain information in the commission's annual report to the Legislature on competition; amending ss. 166.231 and 203.01, F.S.; requiring the Public Service Commission to publish certain rates for commonly used services; amending s. 364.02, F.S.; revising a definition; amending s. 364.336, F.S.; providing for deducting certain amounts from gross operating revenues for certain purposes; amending s. 364.337, F.S.; requiring provision of 911 service at certain levels; subjecting intrastate interexchange telecommunications companies to certain access to records provisions; deleting provisions relating to certain deductions from gross operating revenues; amending s. 364.339, F.S.; including residential tenants in shared tenant service provisions; providing an effective date.

By the Committees on Ways and Means; Health Care; and Senator Forman—

**CS for CS for SB 714**—A bill to be entitled An act relating to health quality assurance; amending s. 112.0455, F.S., relating to the Drug-Free Workplace Act; requiring background screening for an applicant for licensure of certain laboratories; authorizing the use of certain body hair for drug testing; creating s. 381.60225, F.S.; requiring background screening for an applicant for certification to operate an organ procurement organization, a tissue bank, or an eye bank; amending s. 383.302,

F.S., relating to the regulation of birth centers; revising definitions to reflect the transfer of regulatory authority from the Department of Health and Rehabilitative Services to the Agency for Health Care Administration; amending s. 383.305, F.S.; requiring background screening for an applicant for licensure of a birth center; amending ss. 383.308, 383.309, 383.31, 383.312, 383.313, 383.318, 383.32, 383.324, 383.325, 383.327, 383.33, 383.331, F.S., relating to the regulation of birth centers; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 390.015, F.S.; requiring background screening for an applicant for licensure of an abortion clinic; amending s. 391.206, F.S.; requiring background screening for an applicant for licensure to operate a pediatric extended care center; amending s. 393.063, F.S., relating to developmental disabilities; providing a definition; amending s. 393.067, F.S.; requiring background screening for an applicant for licensure to operate an intermediate care facility for the developmentally disabled; amending s. 394.4787, F.S., relating to the regulation of mental health facilities; conforming a cross-reference to changes made by the act; amending s. 394.67, F.S., relating to community alcohol, drug abuse, and mental health services; revising definitions; amending s. 394.875, F.S.; requiring background screening for an applicant for licensure of a crisis stabilization unit or residential treatment facility; amending ss. 394.876, 394.877, 394.878, 394.879, 394.90, 394.902, 394.903, 394.904, 394.907, F.S., relating to the regulation of mental health facilities; conforming provisions to reflect the transfer of regulatory authority to the Agency for Health Care Administration; amending s. 395.002, F.S., relating to hospital licensing and regulation; providing definitions; creating s. 395.0055, F.S.; requiring background screening for an applicant for licensure of a facility operated under ch. 395, F.S.; amending s. 395.0199, F.S.; requiring background screening for an applicant for registration as a utilization review agent; amending s. 400.051, F.S.; conforming a cross-reference; amending s. 400.071, F.S.; requiring background screening for an applicant for licensure of a nursing home; amending s. 400.411, F.S.; requiring background screening for an applicant for licensure of an assisted living facility; amending ss. 400.414, 400.417, 400.4174, 400.4176, F.S., relating to the regulation of assisted living facilities; providing additional grounds for denial, revocation, or suspension of a license; requiring background screening for employees hired on or after a specified date; amending ss. 400.461, F.S., relating to the regulation of home health agencies; conforming a cross-reference; amending s. 400.471, F.S.; requiring background screening for an applicant for licensure of a home health agency; amending s. 400.506, F.S.; requiring background screening for an applicant for licensure of a nurse registry; amending s. 400.555, F.S.; requiring background screening for an applicant for licensure of an adult day care center; amending s. 400.556, F.S., relating to disciplinary actions against adult day care center licensees; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.557, F.S., relating to renewal of an adult day care center license; requiring an affidavit of compliance with background screening requirements when a license is renewed; creating s. 400.5572, F.S.; requiring background screening for employees of an adult day care center hired on or after a specified date; amending s. 400.606, F.S.; requiring background screening for an applicant for licensure of a hospice; creating s. 400.6065, F.S.; providing requirements for background screening of hospice employees; amending s. 400.607, F.S., relating to disciplinary actions against a hospice license; making noncompliance with background screening requirements a basis for disciplinary action; amending s. 400.619, F.S.; revising background screening requirements for an applicant for licensure of an adult family care home; providing screening requirements for designated relief persons; deleting agency authority to take disciplinary action against an adult family-care-home license; revising rulemaking authority; creating s. 400.6194, F.S.; providing for disciplinary action against an adult family-care-home license; making noncompliance with screening requirements a basis for disciplinary action; amending s. 400.801, F.S.; requiring background screening for an applicant for licensure of a home for special services; amending s. 400.805, F.S.; requiring background screening for an applicant for licensure of a transitional living facility; amending s. 430.04, F.S.; providing duties and responsibilities of the Department of Elderly Affairs; requiring the department to take disciplinary action against an area agency on aging for failure to implement and maintain a department-approved grievance resolution procedure; amending s. 455.654, F.S., relating to referring health care providers; conforming cross-references to changes made by the act; amending s. 468.505, F.S., relating to disciplinary action against certain medical professionals and activities exempt from regulation; updating provisions and conforming cross-references; amending s. 483.101, F.S.; requiring background screening for an applicant for licensure of a clinical laboratory; amending s. 483.106, F.S., relating to a certificate of

exemption; correcting terminology; amending s. 483.30, F.S.; requiring background screening for an applicant for licensure of a multiphasic health testing center; repealing s. 455.661, F.S., which provides for licensure of designated health care services; providing appropriations and authorizing positions; providing for applicability of background screening requirements; providing for future repeal; providing for a review of certain background screening requirements; providing an effective date.

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By the Committees on Judiciary, Community Affairs and Senator Kurth—

**CS for CS for SB 820**—A bill to be entitled An act relating to skateboarding, freestyle bicycling, and rollerblading activities; creating s. 316.0085, F.S.; providing legislative purpose; providing definitions; providing that the act does not limit liability of independent concessionaires or other persons or organizations for certain injuries or damages; providing for the assumption of certain risks; providing for the effect of certain insurance; providing an effective date.

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By the Committees on Ways and Means; Natural Resources; and Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner, Rossin, Scott, Meadows, Clary, Childers, McKay, Kurth, Silver, Williams, Thomas and Geller—

**CS for CS for SB 882**—A bill to be entitled An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; amending s. 163.335, F.S.; providing legislative intent for the scope of activities included in community redevelopment; amending s. 163.340, F.S.; redefining the terms "blighted area," "community redevelopment," and "community redevelopment area"; amending s. 163.360, F.S.; requiring additional findings before approval of certain community redevelopment plans; creating s. 163.336, F.S.; providing legislative intent; providing for the geographical location of a pilot project; providing for pilot project administration; providing exemptions to certain coastal construction requirements; providing for the scheduled expiration of these provisions; providing an effective date.

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By the Committees on Judiciary, Criminal Justice and Senators Gutman and Hargrett—

**CS for CS for SB 910**—A bill to be entitled An act relating to false identification; prohibiting a person from assuming the identity of another person and thereby causing an economic loss or legal disability; providing penalties; authorizing any person who suffers such economic loss or legal disability to apply to the court for an order to correct certain records; prohibiting a person who has been arrested or lawfully detained from giving a false name or false identification to a law enforcement officer or jail personnel; providing penalties; providing an enhanced penalty if any person suffers an economic loss or legal disability due to the offense; defining the term "economic loss"; providing an effective date.

By the Committees on Ways and Means; Governmental Reform and Oversight; and Senator Silver—

**CS for CS for SB 1074**—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.055, F.S.; adding assistant state attorneys, assistant statewide prosecutors, and assistant public defenders to the Senior Management Service Class of the Florida Retirement System; authorizing the state courts to pay Select Exempt benefits to judicial assistants; providing an effective date.

By the Committees on Ways and Means; Education; and Senators Grant, Horne, Diaz-Balart and Turner—

**CS for CS for SB's 1124, 2048 and 1120**—A bill to be entitled An act relating to workforce development; creating an incentive grant program; requiring certain administrative procedures; requiring certain data analysis and reports; providing an implementation schedule; providing a definition; amending s. 229.551, F.S.; providing for nonpublic postsecondary education institutions to use the common course designation and numbering system used by public institutions; amending s. 229.8075, F.S.; requiring job retention data to be collected; amending s. 236.081, F.S.; deleting a school district responsibility for funding certain community college programs; amending s. 239.105, F.S.; amending definitions; amending s. 239.115, F.S., relating to funds for operation of adult general education and vocational education programs; revising provisions relating to workforce development education programs; changing the name of the associate in applied technology degree to the applied technology diploma; revising provisions relating to funding through the Workforce Development Education Fund; providing duties relating to workforce development programs and funding; providing for use of funds; amending s. 239.117, F.S.; revising calculation of fees required of students in workforce development programs; deleting certain requirements for application for student financial assistance; amending ss. 240.3031, 240.311, F.S.; renaming the State Community College System; amending s. 239.213, F.S., relating to vocational-preparatory instruction; deleting obsolete provisions; amending s. 239.229, F.S., relating to vocational standards; conforming provisions; amending s. 239.233, F.S.; requiring job-retention data; amending s. 239.301, F.S.; revising adult general education provisions; amending s. 240.115, F.S.; providing guidelines for awarding credit for transfer students; revising s. 240.35, F.S.; revising calculation of fees required of students in community college programs; amending s. 240.359, F.S.; providing funding for college preparatory coursework; amending ss. 446.011, 446.041, 446.052, F.S.; deleting responsibilities of the Division of Public Schools and Community Education; providing a 1998-1999 fee schedule for certain programs; authorizing waivers; providing an effective date.

By the Committees on Community Affairs, Transportation and Senator Hargrett—

**CS for CS for SB 1456**—A bill to be entitled An act relating to economic development; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 163.3191, F.S.; authorizing the Department of Community Affairs to grant an extension of the Evaluation and Appraisal Report submission from local governments in order to coordinate planning efforts with Metropolitan Planning Organizations; amending s. 253.77, F.S.; providing that certain ports and inland navigation districts are not required to pay fees for activities involving the use of sovereign lands; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; amending s. 315.03, F.S.; delineating powers for certain local governmental entities that consist of three or more ports; amending s. 320.20, F.S.; authorizing such entities to exercise the authority granted under chapter 315, F.S.; amending s. 334.046, F.S.; providing program objectives for enhancing position in world economy; providing for work program development; amending s. 339.175, F.S.; providing that plans and

programs developed by metropolitan planning organizations shall not be considered agency action or agency rules; providing planning factors to be considered in Metropolitan Planning Organization transportation plans; providing for the creation of planning goals; creating the Land-Use Transportation Planning Reconciliation Committee; providing for its membership and duties; amending s. 341.053, F.S.; providing for the creation of the Strategic Intermodal Transportation and Economic Development Planning Council within the Department of Transportation; providing an effective date.

By the Committees on Ways and Means; Banking and Insurance; and Senators Latvala and Forman—

**CS for CS for SB 1512**—A bill to be entitled An act relating to certified capital companies; amending s. 14.2015, F.S.; requiring the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor to administer tax credits; creating s. 288.99, F.S.; creating the "Certified Capital Company Act"; providing a short title; providing a purpose; providing definitions; providing certification procedures; providing deadlines; requiring an application fee; providing grounds for application denial or decertification; requiring the Department of Banking and Finance to enforce certification and decertification procedures; requiring certification reports filed with the Office of Tourism, Trade, and Economic Development; requiring an annual renewal fee; specifying investment benchmarks; specifying depositories for funds not invested in qualified businesses; providing a credit against premium tax liability; specifying effect of credit on retaliatory tax; providing an aggregate premium tax credit cap; providing a tax credit allocation formula; requiring forfeiture of tax credits under certain circumstances; providing for an annual report by each certified capital company; requiring the Office of Tourism, Trade, and Economic Development to review and verify annual reports; authorizing the Department of Revenue to audit and examine books of certified capital companies and investors; providing for distributions to debt holders; requiring the Department of Banking and Finance to conduct annual reviews of certified capital companies; providing requirements for distributions; providing decertification procedures; providing a cure period; providing recapture of tax credits under certain circumstances; providing a schedule for tax credit recapture and penalties; providing for transfer of tax credits; requiring the Office of Tourism, Trade, and Economic Development to annually report to the Governor and the Legislature; providing for application and renewal fees; providing rulemaking authority; providing appropriations; providing effective dates.

By the Committee on Judiciary and Senator Turner—

**CS for SB 1538**—A bill to be entitled An act relating to the Florida Evidence Code; amending s. 90.612, F.S., relating to mode and order of interrogation of witnesses and presentation of evidence; providing for the court to protect a witness under 14 years of age from undue harassment or embarrassment; providing for the court to ensure that questions are stated in a form appropriate to the witness's age and understanding and to forbid certain questions upon objection by a party; providing an effective date.

By the Committees on Ways and Means; Judiciary; and Senators Rossin, Harris, Meadows, Dudley, Kurth, Kirkpatrick, Campbell, Forman, Ostalkiewicz, Grant and Cowin—

**CS for CS for SB 1576**—A bill to be entitled An act relating to marriage; creating the "Marriage Preparation and Preservation Act"; providing legislative findings; amending s. 232.246, F.S.; prescribing a high school graduation requirement; amending s. 741.01, F.S.; providing for a reduction of the marriage license fee under certain circumstances; creating a waiting period before a marriage license is issued; creating s. 741.0305, F.S.; providing for a premarital preparation course; providing for modification of marriage license fees; specifying course providers; providing course contents; providing for a review of such courses; providing for compilation of information and report of findings; providing for pilot programs; creating s. 741.0306, F.S.; providing for creation of a marriage law handbook created by the Family Law Section of The Florida Bar; amending s. 741.04, F.S.; prohibiting issuance of a marriage

license until petitioners verify certain facts and complete a questionnaire; providing for a waiting period; amending s. 741.05, F.S.; conforming provisions; amending s. 61.043, F.S.; providing for completion of an informational questionnaire upon filing for dissolution of marriage; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; providing legislative findings and purpose; requiring judicial circuits to approve a parenting course; requiring parties to a dissolution proceeding with a minor child to attend a court-approved parenting family course; providing procedures and guidelines and course objectives; requiring parties to file proof of compliance with the court; authorizing the court to require parties to a modification of a final judgment of dissolution to take the course under certain circumstances; amending s. 28.101, F.S.; providing a fee for filing for dissolution of marriage; providing an appropriation; providing an effective date.

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By the Committee on Judiciary and Senator Harris—

**CS for SB 1606**—A bill to be entitled An act relating to statute of limitations; amending s. 95.051, F.S.; providing that the fraudulent concealment of the cause of action or the identity of the person to be sued tolls the statute; providing legislative intent; providing effective dates.

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By the Committee on Ways and Means; and Senators Brown-Waite, Grant, Hargrett and Latvala—

**CS for SB 1636**—A bill to be entitled An act relating to the Cigarette Tax Collection Trust Fund; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer and Research Institute, for the purpose of financing a cancer-research facility at the University of South Florida; providing duties of the institute's board of directors; providing for uses of the transferred moneys, including the issuance of tax-exempt bonds, to be used as specified; providing that proceeds of the cigarette tax which are transferred under this act are pledged to cover the costs of constructing, furnishing, and equipping the cancer-research facility; providing an effective date.

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By the Committee on Ways and Means; and Senator Ostalkiewicz—

**CS for SB 1698**—A bill to be entitled An act relating to financial matters (RAB); amending s. 72.011, F.S.; providing for adoption of procedures for notifying a taxpayer of an assessment or denial of a refund; amending s. 199.052, F.S.; prescribing conditions under which a trust will be considered a Florida-situs trust; amending s. 213.21, F.S.; providing for conferences relating to denial of refunds; providing for closing agreements; amending s. 220.222, F.S.; prescribing conditions under which a taxpayer will be considered not in compliance with s. 220.32, F.S., for purposes of granting extensions; amending s. 624.515, F.S.; providing for determination of the percentage of fire insurance within an insurance line; amending s. 896.102, F.S.; authorizing the Department of Revenue to adopt rules for reporting certain business transactions; providing an effective date.

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By the Committees on Judiciary, Agriculture and Senator Kurth—

**CS for CS for SB 2104**—A bill to be entitled An act relating to dogs; amending s. 767.11, F.S.; redefining the term "dangerous dog"; amending s. 767.13, F.S.; providing penalties for a dog owner that disregards the dog's dangerous propensities; amending s. 767.12, F.S.; amending procedures relating to imposing restrictions upon dogs classified as dangerous; including dogs that are subject to similar restrictions imposed by jurisdictions outside this state; amending s. 784.05, F.S.; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a "pack of dogs," as defined, and the pack of dogs inflicts significant personal injury; providing penalties; providing that a person commits the offense of exposing another to personal injury through culpable negligence when such person knowingly has permitted the person's dog to run at large as a pack of dogs and

the death of any person occurs from injury inflicted by the pack of dogs; providing penalties; providing an effective date.

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By the Committee on Judiciary and Senator Dudley—

**CS for SB 2158**—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; providing for the filling of vacancies occurring as a result of the creation of judicial offices; amending s. 318.37, F.S.; providing funds to establish the Civil Traffic Infraction Hearing Officer Program; providing for method of payment; providing for funds for the judicial branch to contract for the development of a specified type system to use in determining the need for additional judges; giving the Office of Program Policy Analysis and Government Accountability certain responsibilities with regard to the development of a system to determine the need for additional judges; providing effective dates.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 3549, CS for CS for HB 3657, CS for HB 3905, HB 4219, HB 4687; has passed as amended HB 909, HB 1019, HB 1317, HB 3115, HB 3141, CS for CS for HB 3211, CS for CS for HB 3265, CS for HB 3605, CS for HB 3671; has passed by the required Constitutional three-fifths vote of the membership HJR 3151 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

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By the Committee on Civil Justice and Claims; and Representative Littlefield and others—

**CS for HB 3549**—A bill to be entitled An act relating to government; creating the "Citizen Participation in Government Act" and providing for its purposes; providing procedures for the judiciary to respond to lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

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By the Committees on Governmental Operations; Crime and Punishment; and Representative Sindler and others—

**CS for CS for HB 3657**—A bill to be entitled An act relating to culpable negligence; providing definitions; specifying conditions for committing culpable negligence causing public financial injury; providing penalties; requiring certain contracts to provide notice of such conditions; providing construction; providing for prosecution by a state attorney or the Statewide Prosecutor; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; Criminal Justice; and Ways and Means.

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By the Committee on Governmental Operations and Representative Fasano and others—

**CS for HB 3905**—A bill to be entitled An act relating to the state lotteries; creating s. 24.1153, F.S.; authorizing the assignment of certain prizes pursuant to a court order and providing requirements therefor; providing for the securing of funds offset for child support payments or debts owed to a state agency; exempting the Department of the Lottery from liability upon payment of an assigned prize; authorizing a fee to defray the administrative expenses associated with such assignments;

providing circumstances under which such court orders may no longer be issued; amending ss. 24.115 and 24.118, F.S., relating to payment of prizes and unlawful assignment or transfer of a right to claim a prize, to conform; providing an effective date.

—was referred to the Committees on Regulated Industries; Judiciary; and Ways and Means.

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By the Committee on Law Enforcement and Public Safety; and Representative Futch and others—

**HB 4219**—A bill to be entitled An act relating to mutual aid agreements; amending s. 23.1225, F.S.; redefining the term “mutual aid agreement” to include certain agreements between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers; providing for a state university to enter and lend assistance pursuant to such agreements; providing an effective date.

—was referred to the Committees on Criminal Justice; and Governmental Reform and Oversight.

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By the Committee on Water and Resource Management; and Representative Carlton—

**HB 4687**—A bill to be entitled An act relating to regional water supply authorities; amending s. 120.52, F.S.; providing that a member government is not considered a party in administrative proceedings under certain conditions; amending s. 373.1963, F.S.; revising criteria for governance of the West Coast Regional Water Supply Authority and its member governments under interlocal agreements; repealing s. 373.1963(5), F.S., relating to a process for review of a consumptive use permit; amending s. 682.02, F.S.; providing for the arbitration of certain controversies concerning water use; amending s. 768.28, F.S.; allowing an authority to indemnify its member governments; declaring legislative intent to supersede other laws; providing an effective date.

—was referred to the Committees on Natural Resources and Community Affairs.

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By Representative Crady and others—

**HB 909**—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing an effective date.

—was referred to the Committee on Criminal Justice.

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By Representative Bloom and others—

**HB 1019**—A bill to be entitled An act relating to marriage; creating ss. 741.0305, 741.0306, and 741.0307, F.S., the “Marriage Preparation and Preservation Act of 1998”; providing legislative findings and purpose; requiring the creation of a handbook pertaining to the rights and responsibilities under Florida law of marital partners; amending s. 741.0306, F.S., to provide criteria to be contained in the handbook; amending s. 741.04, F.S.; providing that verification that both parties contemplating marriage have obtained and read the information contained in the handbook created pursuant to s. 741.0307, F.S., is a condition precedent to issuance of a marriage license; amending s. 741.05, F.S., to conform; amending s. 61.21, F.S.; revising provisions relating to the authorized parenting course offered to educate, train, and assist divorcing parents in regard to the consequences of divorce on parents and children; designating such course as the parent education and fam-

ily stabilization course; providing legislative findings and purpose; authorizing the court in any action between parents in which the custody or support of a minor child is an issue to order parties to attend the family education and stabilization course if the court finds attendance to be in the best interests of the child or children; providing procedures and guidelines for required attendance; requiring parties to file proof of compliance with the court; authorizing a course fee; authorizing each judicial circuit to establish a registry of course providers and sites; authorizing the court to grant exemption from required course attendance; providing parent education and family stabilization course curriculum; providing qualifications and duties of course providers; amending s. 232.246, F.S.; including marriage and relationship education within the life management skills credit required for graduation from high school; amending s. 28.101, F.S.; providing an additional charge for petition for a dissolution of marriage; providing for deposit of such funds in the Family Courts Trust Fund; amending s. 25.388, F.S.; providing an additional source of funding for the Family Courts Trust Fund; providing an effective date.

—was referred to the Committees on Judiciary; and Ways and Means.

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By Representative Argenziano and others—

**HB 1317**—A bill to be entitled An act relating to obtaining personal property or certain services illegally; amending s. 812.15, F.S.; prohibiting the possession or advertisement for sale of certain equipment designed and primarily useful for unauthorized reception of cable system communications; providing penalties; amending s. 812.155, F.S.; prescribing acts that constitute prima facie evidence of intent to defraud; providing authorized means for demand for return; requiring notice on rental agreements; providing penalties; providing an effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Judiciary.

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By Representative Futch and others—

**HB 3115**—A bill to be entitled An act relating to animals; amending s. 828.30, F.S.; providing for the rabies vaccination of ferrets; providing for quarantine according to rules; providing an effective date.

—was referred to the Committee on Agriculture.

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By the Committee on Family Law and Children; and Representative Lynn and others—

**HB 3141**—A bill to be entitled An act restricting to specified criminal provisions the applicability provision of s. 64 of ch. 95-228, Laws of Florida, relating to offenses against children, which was inadvertently attributed to the entire act; providing legislative findings and intent; providing for retroactivity; providing an effective date.

—was referred to the Committee on Commerce and Economic Opportunities.

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By the Committees on Community Affairs; Real Property and Probate; Business Regulation and Consumer Affairs; and Representative Ogles and others—

**CS for CS for HB 3211**—A bill to be entitled An act relating to real estate; amending s. 475.01, F.S.; revising definitions; amending s. 475.15, F.S.; providing registration and licensing requirements for additional business entities; eliminating a conflicting provision relating to automatic cancellation of the registration of a real estate broker partnership; amending s. 475.17, F.S.; providing additional requirements for licensure as a real estate broker; amending s. 475.183, F.S.; revising the period after which involuntarily inactive licenses expire; revising the time for the required notice to the licensee; amending s. 475.25, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; providing that violations of certain standards of the Appraisal Foundation are grounds for the Florida Real Estate

Commission to deny, revoke, or suspend the license of, or to fine, real estate brokers or salespersons; reenacting s. 475.482(1), F.S., relating to recovery from the Real Estate Recovery Fund, to incorporate the amendment to s. 475.25, F.S., in a reference thereto; amending s. 475.272, F.S.; deleting a provision that restricts a real estate licensee to operating as a single agent or as a transaction broker; creating s. 475.2755, F.S.; providing for designated salespersons under certain circumstances; providing disclosure requirements; amending ss. 475.274, 475.2801, and 475.5015, F.S.; applying to designated salespersons provisions relating to scope of coverage, rule authority relating to disciplinary measures, and retention of brokerage records, to conform; amending s. 475.276, F.S.; providing an exception to requirement that real estate licensees provide a notice of nonrepresentation; amending s. 475.278, F.S.; revising provisions relating to disclosure of authorized brokerage relationships and the corresponding duties of real estate licensees; creating s. 475.279, F.S.; providing for the acceptance of facsimile signatures or writing; amending s. 475.451, F.S.; revising provisions relating to the permitting of instructors for proprietary real estate schools or state institutions; providing permit renewal requirements; revising references relating to examinations; amending s. 475.452, F.S.; providing requirements applicable to advance expenses, commissions, or fees for brokers auctioning real property; amending s. 475.484, F.S.; providing applicability with respect to a conflict with federal law in the disciplining of certain licensees against whom a judgment has been paid from the Real Estate Recovery Fund; creating s. 475.5016, F.S.; granting the department authority to inspect and audit brokers and brokerage offices; amending ss. 475.611 and 475.612, F.S.; redesignating registered appraisers as registered assistant appraisers; amending ss. 475.011, 475.616, 475.618, 475.619, 475.620, 475.622, 475.623, 475.626, 475.627, 475.628, 475.629, and 475.630, F.S., to conform and correct references; creating s. 475.6145, F.S.; providing for a seal for the Florida Real Estate Appraisal Board to authenticate its proceedings, records, and acts; creating s. 475.6147, F.S.; providing a separate section relating to establishment of fees applicable to the regulation of real estate appraisers; amending s. 475.615, F.S.; revising provisions relating to qualifications for registration, licensure, or certification of appraisers; providing for a charge for application for a change in status of appraisal licensure; amending s. 475.617, F.S.; revising continuing education and experience requirements for real estate appraisers; amending s. 475.624, F.S.; revising a ground for disciplinary action to exempt licensees from the reporting of certain violators; creating s. 475.6295, F.S.; granting the department authority to inspect appraisers and appraisal offices; amending ss. 489.103 and 489.503, F.S., relating to exemptions from statutory provisions regulating construction contracting and electrical and alarm system contracting; providing exemptions relating to contracting for certain repairs, maintenance, remodeling, or improvement by a real estate licensee acting as the owner's agent; providing circumstances under which such exemptions do not apply; amending s. 553.991, F.S.; limiting the purpose of the "Florida Building Energy-Efficiency Rating Act" to providing for a statewide uniform system for rating the energy efficiency of buildings; amending s. 553.994, F.S.; deleting the schedule for phasing in the rating system; amending s. 553.996, F.S.; requiring provision of an information brochure to prospective purchasers of certain real property; deleting a provision authorizing such prospective purchasers to receive a rating on the property upon request; providing an effective date.

—was referred to the Committees on Regulated Industries; and Ways and Means.

By the Committees on General Government Appropriations; Law Enforcement and Public Safety; and Representative Ziebarth and others—

**CS for CS for HB 3265**—A bill to be entitled An act relating to boating safety and emergency responses; creating the "Kelly Johnson Act"; amending s. 316.003, F.S.; redefining the term "authorized emergency vehicles" to include reference to vehicles of the Department of Environmental Protection; amending s. 327.02, F.S.; redefining the term "operate" with respect to vessels; amending s. 327.03, F.S.; directing the Department of Highway Safety and Motor Vehicles to keep certain records and perform certain duties; amending s. 327.352, F.S.; revising language with respect to the operation of a vessel while under the influence; providing legislative intent; restoring a penalty for refusal to submit to chemical or physical testing; conforming provisions relating to boating under the influence to driving under the influence; creating s. 327.35215, F.S.; restoring a penalty for refusal to submit to chemical

testing; amending s. 327.50, F.S.; revising language with respect to vessel safety regulations and equipment and lighting requirements to clarify responsibility for compliance; creating s. 327.355, F.S.; prohibiting the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages; providing penalties; defining the term "conviction" for purposes of the section; amending s. 327.731, F.S.; increasing the number of convictions necessary for mandatory education; clarifying compliance procedures; providing effective dates.

—was referred to the Committees on Natural Resources; Transportation; and Ways and Means.

By the Committee on Governmental Operations and Representative Fasano and others—

**CS for HB 3605**—A bill to be entitled An act relating to public hospital meetings and records; amending s. 395.3035, F.S.; defining "strategic plan" for purposes of provisions which provide for the confidentiality of such plans and of meetings relating thereto; providing an exemption from open meetings requirements for meetings at which such plans are modified or approved by the hospital's governing board; prohibiting public hospitals from taking certain specified actions at closed meetings; authorizing the governing board of a public hospital to study issues relating to reduction or termination of a health service; requiring a public meeting for presentation of proposals; providing for public comment; restricting governing board adoption to proposals presented; providing for a public meeting and notice regarding strategic plans; providing for future review and repeal; providing conditions for the early release of transcripts of meetings at which such plans are discussed; providing a finding of public necessity; providing an effective date.

—was referred to the Committees on Health Care; and Governmental Reform and Oversight.

By the Committee on Agriculture and Representative Sembler—

**CS for HB 3671**—A bill to be entitled An act relating to timber management; creating s. 253.036, F.S.; requiring the Division of Forestry of the Department of Agriculture and Consumer Services, or other qualified professional forester, to assess the feasibility of managing timber in land management plans; providing legislative intent; providing for the reimbursement of management services performed by the division; amending s. 259.035, F.S.; requiring the Land Acquisition and Management Advisory Council to consider timber management as a feasible multiple-use strategy; amending s. 373.591, F.S.; specifying circumstances under which the land managing agency must provide an explanation to the management review team concerning the management of lands; amending s. 589.04, F.S.; directing the Division of Forestry to begin certain forestation programs on certain lands; providing appropriations; providing an effective date.

—was referred to the Committee on Agriculture.

By Representative Villalobos and others—

**HJR 3151**—A joint resolution proposing an amendment to Section 6, Article VII of the State Constitution relating to an additional homestead tax exemption.

—was referred to the Committees on Community Affairs; Ways and Means; and Rules and Calendar.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 22 was corrected and approved.

**CO-SPONSORS**

Senators Diaz-Balart—SB 1750; Geller—CS for CS for SB 294, CS for SB 1460; Hargrett—CS for SB 1540, CS for SB 2014; Kirkpatrick—CS for SB 2136; Silver—SJR 610; Turner—SB 1080

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 6:14 p.m. to reconvene at 9:00 a.m., Friday, April 24.