



# The Journal OF THE House of Representatives

Number 1

Tuesday, March 2, 1999

Journal of the House of Representatives for the 101st Regular Session since Statehood in 1845, convened under the Constitution of 1968, begun and held at the Capitol in the City of Tallahassee in the State of Florida on Tuesday, March 2, 1999, being the day fixed by the Constitution for the purpose.

This being the day fixed by the Constitution for the convening of the Legislature, the Members of the House of Representatives met in the Chamber at 10:20 a.m. for the beginning of the 101st Regular Session and were called to order by the Speaker, the Honorable John Thrasher.

## Prayer

The following prayer was offered by the Reverend R. B. Holmes, Jr., of Bethel Missionary Baptist Church of Tallahassee:

Eternal God, Loving Father, Wonderful Counselor, Ruler and Maker of all good things, we come to thank you for this day, for this hour, for this last legislative session of the 20th century. This is the day which the Lord has made; we will rejoice and be glad in it.

O God, bless this House of Representatives as they come this season to embark upon the great works of this most blessed state. Lord, empower our leaders with your Holy Spirit, your power, your peace, and your divine presence. Merciful God, bless their staff and families with your richest blessings from above.

Mighty God, bless our Speaker of this great House, Mr. Thrasher. Lord, give him the strength to lead, the spirit to stay renewed, the wisdom to seek the truth, and the courage of his faith to do what is right and pleasing in your holy sight.

And now, Lord God, visit this House daily. Smile upon this House. Bring unity into this House. Create your spirit in this House. Bless this House, and let your will be done. In the name of God the Father, God the Son, and God the Holy Ghost, we pray. Amen, Amen, and Amen.

The following Members were recorded present:

The Chair	Boyd	Crow	Fuller
Albright	Bradley	Dennis	Futch
Alexander	Bronson	Detert	Garcia
Andrews	Brown	Diaz de la Portilla	Gay
Argenziano	Brummer	Dockery	Goode
Arnall	Bush	Edwards	Goodlette
Bainter	Byrd	Effman	Gottlieb
Ball	Cantens	Eggelletion	Green, C.
Barreiro	Casey	Farkas	Greene, A.
Bense	Chestnut	Fasano	Greenstein
Betancourt	Constantine	Feeney	Hafner
Bilirakis	Cosgrove	Fiorentino	Harrington
Bitner	Craday	Flanagan	Hart
Bloom	Crist	Frankel	Healey

Henriquez	Maygarden	Rayson	Stafford
Heyman	Melvin	Reddick	Stansel
Hill	Merchant	Ritchie	Starks
Jacobs	Miller, J.	Ritter	Sublette
Johnson	Miller, L.	Roberts	Trovillion
Jones	Minton	Rojas	Turnbull
Kelly	Morrioni	Russell	Valdes
Kilmer	Murman	Ryan	Villalobos
Kosmas	Ogles	Sanderson	Wallace
Kyle	Patterson	Sembler	Warner
Lacasa	Peaden	Smith, C.	Wasserman Schultz
Lawson	Posey	Smith, K.	Waters
Levine	Prieguez	Sobel	Wiles
Logan	Pruitt	Sorensen	Wilson
Lynn	Putnam	Spratt	Wise

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

A quorum was present.

## Pledge

The Members, led by the following representatives of veterans' organizations pledged allegiance to the Flag: Al Linden, Disabled American Veterans; Dick Griese, Disabled American Veterans; Klyne D. Nowlin, Retired Officers Association; Julie Nowlin, Retired Officers Association; Duke Peters, The American Legion; Ken Powell, Sr., The American Legion; Frank Reese, The American Legion; Lawrence E. Strainge, The American Legion; John H. Anderson, American Ex-POWs; Fred Edwards, Retired Officers Association; Pauline Edwards, Retired Officers Wives Club; Stephen Bowers, Seminole Tribe of Florida; Billy L. Cypress, Seminole Tribe of Florida; Clyde Tiger, Seminole Tribe of Florida; Shirley A. Jones, Air Force Association; Pete Ballas, Air Force Association; John Brennan, Florida Civil Air Patrol; Ed Kaminski, Veterans of Foreign Wars; Bill Kling, Florida Commission on Veterans Affairs; Earnest Black, Disabled American Veterans; Leroy Hill, Disabled American Veterans; Curt Craig, Disabled American Veterans; Charley D. Price, Vietnam Veterans of America; Michael R. Rennick, Vietnam Veterans of America and Charles Jones, Reserve Officers Association.

## House Physician

The Speaker introduced Dr. James Dolan of Jacksonville, who served in the Clinic today upon invitation of the Speaker.



**Presentation of Former Republican Leaders**

The Speaker presented the following former Republican Leaders who were present today at his invitation: the Honorable William C. Cramer, the Honorable Jim Tillman, the Honorable Ronald R. "Ron" Richmond, the Honorable R. Dale Patchett, the Honorable Sandra Barringer Mortham, and the Honorable S. Curtis "Curt" Kiser.

**Presentation of Former Speakers**

The Speaker presented the following former Speakers who were present today at his invitation: the Honorable Doyle E. Conner, the Honorable Mallory E. Horne, the Honorable Ralph D. Turlington, the Honorable T. Terrell Sessums, the Honorable Donald L. Tucker, the Honorable Ralph H. Haben, Jr., the Honorable James Harold Thompson, the Honorable T. K. Wetherell, the Honorable Peter Rudy Wallace, the Honorable H. Lee Moffitt, and the Honorable Daniel Webster.

**Presentation of the Smith Family**

The Speaker presented Janet Smith and son Gregory from Orange Park.

**Presentation of Guests**

The Speaker presented Mark Hulsey and Steve Busey of the Smith Hulsey & Busey law firm.

**Correction of the Journal**

The *Journal* of November 17, 1998, Organization Session, was corrected and approved as corrected.

**Communications**

Governor Jeb Bush advised that he desired to address the Legislature in Joint Session today.

**Certificate of Judicial Manpower**

The following Certificate of Judicial Manpower was received:

No. 94,890

In Re: CERTIFICATION OF THE NEED FOR ADDITIONAL JUDGES

[February 18, 1999]

HARDING, C.J.

Under the provisions of article V, section 9 of the Florida Constitution, the Supreme Court of Florida is responsible for certifying its findings and recommendations concerning the need for increasing or decreasing the number of judges required to consider cases filed before the respective courts. We appreciate the fiscal ramifications of certifying the need for new judges and have adopted a policy of doing so only when we are certain that such a need exists. To this end, we have analyzed case filings and evaluated the growth in judicial workload over the past several years. Our analysis included consideration of a variety of supplemental data related to workload as well. These data and the requests of the various circuit and district courts have been made available to the Legislature through the Office of the State Courts Administrator.

After carefully reviewing requests for a total of 45 new judges, we hereby certify the need for 1 additional district court of appeal judge, 25 additional circuit judges, and 6 additional county judges, for a total of 32 new judicial positions. We recognize this is an unusually large request for new judgeships. However, the size of this year's certification is largely attributable to the fact that authorizing legislation for 18 additional circuit and 5 additional county judgeships, certified as necessary last year, failed to pass during the 1998 legislative session. A comparison of the requests for new judges filed by the respective courts and the new judges certified as needed for Fiscal Year 1999-00 follows:

District Court Fifth	Request 1	Certified 1	County Court		
	Circuit Courts		County	Request	Certified
	Request	Certified			
Circuit First	1	1	Okaloosa	1	
Second	1	1	Leon	1	1
Third	1	1	Columbia	1	
Fourth	1	1	Duval	1	1
Fifth	2	2	Lake	1	
Sixth	2	2			
Seventh	1	1	Putnam	1	1
Eighth	1	1			
Ninth	2	2	Orange	1	
Tenth	1	1	Polk	2	2
Eleventh	2	1	Dade	1	
Twelfth	1	1	Sarasota	1	
Thirteenth	2	2	Hillsborough	1	1
Fifteenth	2	1	Palm Beach	2	
Seventeenth	3	3	Broward	2	
Eighteenth	1	1	Brevard	1	
Nineteenth	2	2			
Twentieth	1	1			
Totals	27	25	Totals	17	6

*Appellate Courts*

The criteria for certification of the need for additional judges in the district courts of appeal are set forth in rule 2.035(b)(2), Florida Rules of Judicial Administration. The last new judgeships for the district courts were authorized in 1993. Since that time the numbers of annual filings in each district court have risen steadily. In 1998 a total of 21,334 cases were filed in the district courts for an increase of 15.5 percent since 1993.

Each of the district courts have employed an array of strategies to address increased workload pressures. They have streamlined internal operating procedures, established central legal research staff to handle selected matters, and assigned senior (retired) judges to hear appeals on a temporary basis. The First and Fourth district courts of appeal utilize appellate mediation to improve case resolution. We have encouraged the district courts to continue to explore and develop alternative and creative means to efficiently and fairly hear the cases brought before them. Such efforts have enabled the district courts to address increases in judicial workload without the continued addition of new appellate judges. However, several of these courts are approaching the point when additional judgeships will be needed.

In 1997 this Court directed the Judicial Management Council to conduct an in-depth study of workload, jurisdiction and related policy issues for the district courts of appeal. The Council's Committee on Appellate Court Workload and Jurisdiction proposed the adoption of a new appellate court workload standard of 225 dispositions after submission on the merits per judge and an additional appellate court workload standard of 385 case filings per judge. These two standards, whether considered separately or together, represent the levels at which a district court, presumptively, is in need of additional judicial resources. These standards are significantly higher than the current standard of 250 case filings per judge, and reflect the infusion of support staff and other resources over the last decade which have enabled the district courts to keep pace with workload increases.

We certify the need for one additional judgeship for the Fifth District Court of Appeal. In 1998 the statewide average for dispositions after submission on the merits per judge was 209. The Fifth District Court of Appeal ranked first among these courts with a total of 264 dispositions after submission on the merits per judge in 1998. The 1998 statewide average for filings per judge was 349. The Fifth District Court of Appeal ranked first with 393 filings per judge in 1998.

In addition to authorizing and funding an additional judge for the Fifth District Court of Appeal, we strongly urge the Legislature to fund the budget requests of the district courts of appeal for mediation services, central staff attorneys, computer technology, and additional technology staff.

In examining the workload of the intermediate appellate courts we also considered the report of the Committee to Study the Need for Additional District Courts of Appeal, of the Judicial Management Council. The Committee was charged with studying both the need for and location of additional district courts. The Legislature has been provided copies of the Committee's report pursuant to proviso language in the FY 1998-99 General Appropriations Act.

The Committee studied and reported on the past and projected growth in volume and distribution of caseload for the district courts of appeal, as well as their effect on court collegiality. Also considered were population projections, alternative sites for additional courts, a variety of possible realignments of the judicial circuits, and public input on draft recommendations. The Committee concluded that "[w]ithin five years, there will be a need for two additional district courts of appeal. This recommendation is based upon a workload standard of 385 filings per judge and an allocation of ten judges in each court with a maximum of 12 judges in any court," and that "planning should begin now for implementing this recommendation." The creation of two additional districts would require realignment of numerous judicial circuits among the district courts of appeal. The Committee proposed that the seven district courts of appeal be headquartered in Tallahassee, Orlando, Miami, West Palm Beach, Jacksonville, Tampa, and western Broward County.

The Court is appreciative of the extraordinary time and effort the members of the Committee to Study the Need for Additional District Courts of Appeal gave to their assigned task. Their report is thoughtful and well substantiated. It is clear the historical growth in district court caseloads may require us to revisit this concern in the future.

However, there are several reasons the Court is reluctant to recommend the Legislature initiate planning on the Committee's recommended plan for seven district courts at this time. First, while case filings from 1993 through 1998 increased by 25 percent, the rate of growth in district court of appeal caseloads in the past few years has slowed. There were actually 891 fewer total filings in 1998 than in 1997.

A number of other factors outside the Committee's charge need to be addressed as a plan for increasing the number of district courts is developed. This Court is concerned that as new courts are brought on line the number of conflicting rulings will increase. The creation of additional courts will require the development of plans for and reallocation of judges and court staff. Further, the substantial fiscal implications of the Committee's proposals or others the Legislature may consider should be examined carefully.

Again, it is noted that the Committee was not asked to make an assessment of either the fiscal or operational impacts of the various alternatives for increasing or reconfiguring the district courts. These and other pertinent factors should, however, be part of the future dialogue between the judicial and legislative branches on the need for additional courts.

#### *Trial Courts*

The criteria for certification of the need for judges in trial courts are set forth in rule 2.035(b)(1), Florida Rules of Judicial Administration. Consistent with previous practice, we have placed the greatest weight on quantitative data reflecting the growth and composition of caseloads in the various circuits and counties. We have determined that the most consistent and reliable measure of workload at the trial court level is total case filings per judge. Courts at or above a threshold of 1,865 filings per judge are presumed to be working beyond capacity, though those data alone are not sufficient to either guarantee or preclude a certification of need. In addition to filings data, other quantitative and qualitative data on factors described in rule 2.035(b)(1)(B), Florida Rules of Judicial Administration, were considered.

It is noted that in response to a report by the Office of Program Policy Analysis and Governmental Accountability in January of 1998, this Court initiated several enhancements to the current certification process. All requests for additional circuit and county court judges were required to be submitted on a standardized judgeship needs application so that data related to the workloads of the respective jurisdictions could be more effectively evaluated and compared. This format enabled the Court to assess more accurately the extent to which the requesting courts were employing best practices in managing their caseloads. For instance, more uniform information was provided on how trial courts were able to utilize senior judges; county court judges on temporary assignment to circuit court; supplemental hearing officers; various types of mediation; and case management policies and personnel. We recognize that some courts do not have the level of resources enjoyed by others.

The application for additional judges also yielded more complete and uniform information on factors which made the mix of cases in the various trial courts more or less demanding of judicial resources. Factors evaluated in this regard included jury trial rates; the extent and type of complex litigation being filed in the jurisdiction; requirements for foreign language translation; geographical constraints on judicial assignments and work; and the ratio of defendants to counts in criminal cases. A summary of the factors considered with regard to each trial court will be provided separately from this opinion by the Office of the State Courts Administrator.

After reviewing all the available data, we find it necessary to certify the need for 25 additional circuit court judges for Fiscal Year 1999-00, as follows: one additional circuit court judge each for the First, Second, Third, Fourth, Seventh, Eighth, Tenth, Eleventh, Twelfth, Fifteenth, Eighteenth, and Twentieth judicial circuits; two additional circuit court judges each for the Fifth, Sixth, Ninth, Thirteenth, and Nineteenth judicial circuits; and three additional circuit court judges for the Seventeenth Judicial Circuit.

The overall workload of Florida's circuit courts continues to grow at a steady rate. From actual 1993 data through forecasted 1999 data, total filings are projected to increase 16 percent. One category of cases that has grown dramatically statewide and has significantly impacted judicial workloads is domestic violence. Filings in this category have grown from 44,932 in 1992 to a projected 74,906 for 1999, or approximately 67 percent. Many of the trial courts have created specialized divisions to handle these cases, which often limits the availability of judges assigned to those divisions to hear other matters.

Not only are circuit court filings increasing, but also the collective perception of the trial court bench is that many categories of cases being filed are more labor intensive than in previous years. Changes in the statutes, case law, and court procedure in recent years have necessitated more hearings for various types of cases, mandated priority handling for certain matters, and required judges to render written findings of fact and conclusions of law more frequently. Often these changes cannot be measured in terms of a need for full-time judicial positions in a particular jurisdiction, but instead serve to gradually increase workload across the board.

We also recognize the obligation of the Judicial Branch to join with the Executive and Legislative Branches to give priority to our State's most precious resource—our children. Two recent laws enacted by the Legislature are expected to have substantial impacts on judicial workload statewide. Chapter 98-403, Laws of Florida, made significant changes in Florida's child welfare system, with regard to children who are dependent on the state for protection. Prior to the effective date of the new law the courts were required to conduct judicial review hearings every six months, but only in cases where the children were placed in foster care. These foster care cases comprised less than 40 percent of the total dependency caseload. As of October 1, 1998, the courts are now mandated to conduct judicial review hearings every six months on all dependency cases. Mandatory pretrial status conferences are now required in every case involving termination of parental rights. Not only have more hearings been added, the length of such hearings is often greater because the new statutory provisions expanded the information

which the court must consider at each hearing. Courts are now required to make lengthy written findings of fact for each hearing that they conduct as well.

Additionally, Chapter 98-64, Laws of Florida, referred to as the "Jimmy Ryce Act," is expected to result in a substantial increase in judicial workload. We considered a range of estimates from several legislative and executive branch sources on the number of civil petitions that may be filed on adults and juveniles under this law, and the resulting trials. The anticipated growth in the total number of civil trials in the circuit courts is expected to range from 8 to 13 percent, depending on which data are considered. This could translate into the need for several additional judgeships on a statewide basis, though few, if any, circuits are expected to require a full-time equivalent judge for this purpose alone. To some extent, this workload may be cumulative since persons who are subject to involuntary civil commitment under the Act, as the result of a unanimous jury verdict, are eligible to seek review of their cases on an annual basis. Further, where a jury fails to reach a unanimous verdict, under certain circumstances the case may be retried.

We gave careful consideration to all of the foregoing factors in establishing the necessity for additional judgeships not only for trial courts at or above the threshold, but also for trial courts that are somewhat below the standard as well. Ten of the courts for which we are currently certifying a need for an additional circuit court judge or judges are forecast to exceed the 1,865 filings per judge threshold in 1999, including the Second, Third, Fifth, Sixth, Ninth, Tenth, Twelfth, Eighteenth, Nineteenth and Twentieth judicial circuits. We also certify the need for one additional circuit court judge each to the First, Fourth, Seventh and Eighth judicial circuits, which are expected to have 1999 workloads marginally below the threshold. Other circuits whose projected filings per judge were below the threshold, but for which we found justification to certify the need for additional judgeships included the Eleventh (one judge), Thirteenth (two judges), Fifteenth (one judge), and Seventeenth (three judges) judicial circuits.

While we recognize that all of the circuits are faced with mounting workload pressures, we continue to limit the number of new judgeships certified by supplementing the available judicial resources with senior (retired) judges. We also encourage the circuits to maximize the use of county court judges on temporary assignment to the circuit bench where appropriate. In addition to the effective and cost efficient use of senior (retired) judges and county judges on temporary assignment, trial courts have employed an array of resources and case management strategies including: differentiated case management to consolidate and expedite certain types of cases; the use of general or special masters and child support enforcement hearing officers; court-ordered mediation or arbitration of family, civil, and selected juvenile matters; and the assignment of trial court law clerks to assist with case reviews, improved case management practices, and legal research. This Court encourages the continued use of these alternatives.

Caseloads in Florida's county courts continue to increase at a steady rate as well. County court case filings increased 5.1 percent from 1993 to 1997. This increase is attributable to growth in both criminal and civil case filings, and was considered in evaluating the need for additional county court judges. We relied principally on case filings data that were adjusted to include only criminal, civil, and driving under the influence and other criminal traffic cases. As in the past, worthless check cases and civil traffic infractions were not included in the threshold. This is due to the volume of such cases, their limited requirements for judicial attention per case, diversion of large numbers of worthless check cases in selected jurisdictions, and variability in numbers of such cases reported from county to county.

County courts with caseload forecasts at or exceeding 6,114 filings per judge are presumed to be operating at or above capacity. All of the counties for which we certify the need for an additional county court judge are projected to exceed the 6,114 threshold in 1999. We certify the need for six new county court judgeships for Fiscal Year 1999-00: one each for Leon, Duval, Hillsborough, and Putnam counties, and two for Polk County.

The decision not to certify the need for an additional county court judge in several counties at or near the threshold was difficult. Such county courts are realizing growing workload pressures and may require relief during the upcoming year. We are committed to providing necessary senior (retired) judge days and working with the respective chief judges on other measures to provide relief in those county courts.

Many of the county courts, particularly in the urban jurisdictions, have used available state and local funding for civil traffic infraction hearing officers. Preliminary data from these courts indicate that such hearing officers preside over between 20 percent and 95 percent of civil infractions, depending on the county. Hearing officers have thus provided much needed relief in such courts and, to some extent, obviated the need for additional county court judges. We are grateful to the Legislature for providing matching funds for hearing officers and find the hearing officers a necessary adjunct to the county court judiciary.

Proviso language in the FY 1998 General Appropriations Act directed this Court to undertake development of Delphi-based case weights and measures of optimum caseload, to be used in the process of certifying the need for additional judges in the future. The State Courts System has contracted with the National Center for State Courts in that regard. The timetable for this effort provides for completion of the case weights and standards for optimum caseload for use in next year's judicial certification process, contingent upon additional funds being appropriated by the Legislature.

This Court is of the opinion that the serial addition of circuit and county court judges will not in and of itself ensure the increased efficiency and performance of the Florida State Courts System that the citizens expect and deserve. We will continue to rely heavily on the allocation of alternative resources as stated in our Fiscal Year 1999-00 Legislative Budget Request for additional senior (retired) judge days, law clerks, automation and other technology, and specialized case management programs and personnel.

Nevertheless, full funding of the requests certified in this opinion is absolutely essential if Florida's courts are to meet the workload challenges documented herein and fulfill their constitutional mandate to resolve cases in a fair, impartial, and timely manner. Therefore, this Court encourages the Florida Legislature to authorize the judgeships certified herein, effective not later than October 1, 1999.

It is so ordered.

SHAW, WELLS, ANSTEAD, PARIENTE, LEWIS and QUINCE, JJ., concur.

Original Proceeding - Certification of the Need for Additional Judges

**Vetoed Bills**

The following veto messages were received:

*The Honorable John Thrasher* February 23, 1999  
*Speaker, House of Representatives*

Dear Mr. Speaker:

In compliance with the provisions of Article III, Section 8(b) of the State Constitution, I am transmitting to you for consideration of the House, the following 1998 vetoed bills, Regular Session. The Governor's objections are attached thereto.

CS/CS/HB	757	An act relating to public records
HB	909	An act relating to weapons and firearms
HB	1945	An act relating to public records
CS/CS/CS/HB	3075	An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds
CS/HB	3107	An act relating to sexual predators
HB	3999	An act relating to termination of pregnancies
CS/HB	4051	An act relating to agriculture
CS/HB	4071	An act relating to environmental protection
CS/CS/HB	4141	An act relating to water resources

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

**3.2—Policies**

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

**Joint Rule Four**

**Joint Legislative Auditing Committee**

**4.1—Responsibilities**

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall review the budget request submitted by the Auditor General and the Office of Program Policy Analysis and Government Accountability and may amend or change it as deemed necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General or the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(5) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(6) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

(7) Upon completion of the initial program evaluation and justification review of each state agency listed in s. 216.0172, Florida Statutes, the Office of Program Policy Analysis and Government Accountability shall conduct such reviews only at the direction of the Legislative Auditing Committee.

**4.2—Annual Audit of Financial Records**

(1) The Legislative Auditing Committee shall contract with a certified public accountant licensed under chapter 473, Florida Statutes, for an annual audit of the financial records of the Legislative Auditing Committee, the Auditor General, and the Office of Program Policy Analysis and Government Accountability.

(2) Copies of the audit shall be delivered to the President of the Senate, the Speaker of the House of Representatives, the Auditor General or the director of the Office of Program Policy Analysis and Government Accountability, as appropriate, and the members of the Legislative Auditing Committee.

**Joint Rule Five**

**Auditor General**

**5.1—Rulemaking Authority**

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits which he or she is authorized to perform.

**5.2—Budget and Accounting**

(1) The Auditor General shall prepare and submit annually to the Joint Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request, as amended or changed by the committee, shall become the operating budget of the Auditor General for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses, except expenses of members of the Legislative Auditing Committee, before the same shall be paid.

**5.3—Audit Report Distribution**

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) Other copies may be furnished to other persons who, as in the opinion of the Auditor General, may be directly interested in the audit or who may have some duty to perform in connection therewith.

**Joint Rule Six**

**Office of Program Policy Analysis and Government Accountability**

**6.1—Responsibilities of the Director**

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director, with the consent of the Legislative Auditing Committee, may enter into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(3) The director shall prepare and submit annually to the Legislative Auditing Committee a proposed budget for the ensuing fiscal year. The committee shall review the budget request and may amend or change the budget request as it deems necessary. The budget request shall become the operating budget of the Office of Program Policy Analysis and Government Accountability for the ensuing fiscal year; provided that the budget so adopted may subsequently be amended under the same procedure.

(4) Within the limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of

Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

#### Joint Rule Seven

#### Continuing Existence of Joint Rules

##### 7.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.

STAND>

### STANDING ORDERS

#### 1. Prime Sponsors and Sponsors—

(a) The sponsor of a committee substitute is the committee. The introducer of the original bill, since it is laid upon the table upon introduction of the committee substitute, has no right to move for the withdrawal of the substitute from further consideration.

(b) For the purpose of withdrawing bills from further consideration, the first-named Member shall be regarded as the “prime sponsor” and the only Member empowered to move for the withdrawal of a bill.

(c) In moving for the withdrawal of a bill by floor motion from further consideration, the introducer shall be required to identify the nature of the bill so that the Members will not be taken by surprise.

**2. Distribution of Materials in Chamber; Meals in Chamber—**  
The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms' Office and pages:

(a) All material prior to such distribution must be approved by the Committee on Rules & Calendar, acting through its Chair.

(b) The following official materials have heretofore been approved and will continue to be approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; committee meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of standing or select committees or of the majority or minority parties.

(c) No meals will be allowed on the floor without waiver of policy by two-thirds vote of the Members present and voting. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

(d) No newspapers may be distributed or otherwise permitted in the House Chamber while the House is in session without waiver of policy by two-thirds vote of the Members present and voting. This subsection does not apply to personal use by an individual Member of a newspaper as resource or reference material for purposes of debate nor to the transmittal of material from one Member to another on the floor of the House.

### CHAMBER ACTION ON BILLS

TUESDAY, MARCH 2, 1999

HB 261—Read second time; Amendment(s) adopted; Read third time; CS passed as amended 113-2; Immediately certified

[Source: Legislative Information Services Division]

JOURNAL OF THE HOUSE OF REPRESENTATIVES

Daily Indices for  
March 2, 1999

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