



# Journal of the Senate

Number 3—Regular Session

Monday, March 9, 1998

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## CALL TO ORDER

The Senate was called to order by President Jennings at 1:30 p.m. A quorum present—32:

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

Excused: Senator Ostalkiewicz

## PRAYER

The following prayer was offered by Rev. Jesse London, St. Gabriel's Episcopal Church, Jacksonville:

Most gracious Savior, who has given us this good line for our heritage, we humbly beseech you that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless our land with honorable industry, good help, some learning and pure manners. Save us from violence, discord and confusion; from pride and arrogance and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Deal with the spirit of wisdom those whom in your name we entrust the authority of government.

We pray especially for the members of this Senate that there may be justice and peace at home and that through obedience to your law, we may show forth thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in you to fail. All which we ask through the Creator of all things. Amen.

## PLEDGE

Senate Pages Bryan Jones of Duck Key and Chaundra Williams of Delray Beach, led the Senate in the pledge of allegiance to the flag of the United States of America.

## ADOPTION OF RESOLUTIONS

At the request of Senator Thomas—

By Senator Thomas—

**SR 1938**—A resolution recognizing Insurance Week.

WHEREAS, most families in Florida own life, health, and property/casualty insurance as the primary forms of personal financial protection, and

WHEREAS, insurance renders a great service by carrying policyholder dollars back to our communities, where they aid all segments of the economy, and

WHEREAS, insurance underwriting, performed by agents, is the process of identifying risks and offering solutions that protect and enhance the financial lives of families, individuals, and businesses using life, health, and property/casualty insurance and other closely related financial products, and

WHEREAS, the licensed, professional insurance agent helps families, individuals, and businesses find the insurance products that best fit their needs, thereby providing a valuable service to society, and

WHEREAS, all persons can benefit by professional financial advice and informed decisions about life, health, and property/casualty insurance, and

WHEREAS, adherence by agents to a professional code of ethics emphasizing the highest standards of conduct and service to consumers is essential in protecting the citizens of Florida, and

WHEREAS, the Florida Association of Life Underwriters is sponsoring a program to inform the public of the importance of insurance, the services of insurance agents, and the varied aspects of insurance, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That the week of March 9-13, 1998 is recognized by the Florida Senate as Insurance Week in Florida.

—**SR 1938** was introduced, read and adopted by publication.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Williams, by two-thirds vote **SB 1474** was withdrawn from the committees of reference and further consideration.

On motion by Senator Klein, by two-thirds vote **SB 750** was withdrawn from the committees of reference and further consideration.

On motion by Senator Hargrett, by two-thirds vote **SB 718** was withdrawn from the committees of reference and further consideration.

On motion by Senator Bankhead, by two-thirds vote **SB 970** was withdrawn from the Committees on Education; Community Affairs; and Ways and Means; and referred to the Committees on Community Affairs; Education; and Ways and Means; and **SB 672** was withdrawn from the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator Sullivan, the rules were waived and the meeting of the Committee on Ways and Means scheduled this day was cancelled.

MOTIONS

On motion by Senator Bankhead, a deadline of 9:00 a.m. Wednesday, March 11, was set for filing amendments to Bills on Third Reading to be considered that day.

CONSIDERATION OF BILLS ON THIRD READING

Consideration of CS for SB's 360 and 350, SB 198 and CS for SJR 964 was deferred.

SB 898—A bill to be entitled An act relating to postconviction proceedings in capital cases; repealing Rule 3.852, Florida Rules of Criminal Procedure, relating to the production of records in postconviction proceedings in capital cases; providing a contingent effective date.

—was read the third time by title.

On motions by Senator Burt, SB 898 was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—32

Table with 4 columns: Madam President, Clary, Harris, Meadows, Bankhead, Cowin, Holzendorf, Rossin, Bronson, Crist, Horne, Scott, Brown-Waite, Diaz-Balart, Jones, Silver, Burt, Dudley, Klein, Sullivan, Campbell, Dyer, Latvala, Thomas, Casas, Forman, Lee, Turner, Childers, Gutman, McKay, Williams

Nays—None

Vote after roll call:

Yea—Grant, Hargrett, Kirkpatrick, Kurth, Myers

CS for SB 1328—A bill to be entitled An act relating to postconviction capital collateral proceedings; requesting that the Division of Statutory Revision designate part IV of ch. 27, F.S., as "Capital Collateral Representation"; amending s. 27.702, F.S.; deleting a requirement that specifies the time for the capital collateral regional counsel to commence the representation of a person sentenced to death; creating s. 27.710, F.S.; requiring that the executive director of the Commission on the Administration of Justice in Capital Cases maintain a registry of attorneys in private practice who are available to be appointed to represent defendants in postconviction capital collateral proceedings; authorizing the executive director to obtain names of attorneys who may register for appointment; providing eligibility requirements for appointment as counsel in postconviction capital collateral proceedings; providing for appointment of an attorney selected from the registry; limiting the circumstances under which the court may permit an attorney to withdraw from representation following appointment; authorizing the court to impose sanctions; requiring that appointed counsel enter into a contract with the Comptroller; providing for the Comptroller to enforce performance of the contract; providing that more than one attorney may not be appointed at any one time to represent a capital defendant; creating s. 27.711, F.S.; requiring that an attorney appointed to represent a capital defendant file a notice of appearance; providing a schedule of fees to which the attorney is entitled for specified appearances and representations; requiring that the trial court approve the payment of costs and fees; providing that such fees constitute the exclusive means of compensation for such representation; authorizing compensation as provided by federal law under certain circumstances; authorizing the use of investigative services and the payment of fees for such services; providing that by accepting appointment to represent a capital defendant the attorney

agrees to continue such representation until the defendant's sentence is reversed, reduced, or carried out; limiting the number of capital defendants that an attorney may represent; prohibiting a claim of ineffective assistance of counsel based on an action by the attorney who represents a capital defendant; prohibiting the attorney from representing the capital defendant in certain other proceedings; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Burt, CS for SB 1328 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Table with 4 columns: Madam President, Cowin, Holzendorf, Scott, Bankhead, Crist, Horne, Silver, Bronson, Diaz-Balart, Jones, Sullivan, Brown-Waite, Dudley, Klein, Thomas, Burt, Dyer, Latvala, Turner, Campbell, Forman, McKay, Williams, Casas, Gutman, Meadows, Childers, Hargrett, Myers, Clary, Harris, Rossin

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

CS for SB 1330—A bill to be entitled An act relating to the administration of capital cases; creating s. 119.19, F.S.; defining terms; requiring that the Secretary of State establish a records repository for archiving capital postconviction records; requiring that the law enforcement agencies and the state attorney copy and deliver to the records repository public records produced in capital cases; requiring the Department of Corrections to copy and deliver to the records repository public records that pertain to the defendant; providing requirements for notifying the Attorney General upon delivery of such records to the repository; requiring that the Attorney General request public records from certain additional persons and agencies; providing requirements for sealing confidential records and records that are exempt from disclosure under the Public Records Law; prohibiting the opening of such records without a court order; providing for written demand for additional public records; prohibiting the capital collateral regional counsel or private counsel from obtaining the production of additional public records in a capital case until after filing an affidavit and obtaining a court order; requiring that the capital collateral regional counsel or private counsel provide the personnel and equipment for copying records held at the repository; providing for resolving certain disputes with respect to the production of records; prohibiting the capital collateral regional counsel or private counsel from soliciting another person to make a request for public records on the counsel's behalf; providing for sanctions; specifying circumstances under which the Secretary of State may destroy records held by a repository; clarifying the application of provisions governing the production of records in capital postconviction proceedings; amending s. 27.702, F.S.; requiring that the capital collateral regional counsel or private counsel notify the Commission on the Administration of Justice in Capital Cases and the trial court of pleadings filed in capital cases; requiring that a notice of hearing be filed with each pleading; requiring that the trial court expedite the hearings in capital cases; amending s. 27.708, F.S.; deleting references to Rule 3.852; limiting certain public-records requests made on behalf of clients; providing an appropriation; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Burt, CS for SB 1330 as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

Table with 4 columns: Madam President, Burt, Childers, Crist, Bankhead, Campbell, Clary, Diaz-Balart, Brown-Waite, Casas, Cowin, Dudley

Dyer	Horne	Meadows	Thomas
Forman	Jones	Myers	Turner
Gutman	Klein	Rossin	Williams
Hargrett	Latvala	Scott	
Harris	Lee	Silver	
Holzendorf	McKay	Sullivan	

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

**CS for SB 188**—A bill to be entitled An act relating to transitional living facilities for brain-injured and spinal-cord-injured persons; amending s. 400.805, F.S.; providing for the regulation of transitional living facilities; providing for right of entry and inspection; providing for injunctive proceedings; providing for a moratorium on admissions; amending s. 413.49, F.S.; providing duties of transitional living facilities to provide certain therapies and plans; amending s. 413.605, F.S.; providing additional duties of the advisory council on brain and spinal cord injuries; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Brown-Waite, **CS for SB 188** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Grant, Hargrett, Kirkpatrick, Kurth

**CS for SB 358**—A bill to be entitled An act relating to controlled substances; amending s. 893.13, F.S., relating to prohibitions against selling, manufacturing, or delivering, or possessing with intent to sell, manufacture, or deliver, controlled substances within 200 feet of the real property comprising a public housing facility; defining “real property comprising a public housing facility”; providing penalties; amending s. 921.022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Burt, **CS for SB 358** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth, Scott

**SB 112**—A bill to be entitled An act relating to public records; amending s. 110.1091, F.S.; revising provisions which specify that communications relating to a state employee's participation in an employee assistance program are confidential, and which provide a public records exemption for records relating thereto; creating ss. 125.585, 166.0444, F.S.; providing that certain communications relating to a county or municipal employee's participation in such a program are confidential; providing an exemption from public records requirements for records relating to such participation; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—was read the third time by title.

On motions by Senator Latvala, **SB 112** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Kurth

**SB 348**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for a videotaped statement of a minor who is the victim of specified crimes involving sexual battery, lewd acts, or other sexual misconduct regarding such offenses; authorizing access by certain governmental agencies; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

—as amended March 5 was read the third time by title.

On motions by Senator Cowin, **SB 348** as amended was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Bankhead, Kirkpatrick, Kurth

On motion by Senator Burt, by two-thirds vote **CS for HB 3033** was withdrawn from the Committees on Criminal Justice; and Ways and Means.

On motion by Senator Burt, the rules were waived and by two-thirds vote—

**CS for HB 3033**—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—a companion measure, was substituted for **CS for SB's 360 and 350** and by two-thirds vote read the second time by title.

Senator Burt moved the following amendment:

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

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—

(1) A death sentence shall be executed by electrocution. *If electrocution is held to be unconstitutional by the Florida Supreme Court, the United States Court of Appeals for the Eleventh Circuit, or the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The superintendent warden of the state prison shall designate the executioner. Information which, if released, would identify the executioner is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

(2) *The provisions of the opinion and all points of law decided by the United States Supreme Court in Malloy v. South Carolina, 237 U.S. 180(1915), finding that the Ex Post Facto Clause of the United States Constitution is not violated by a legislatively enacted change in the method of execution for a sentence of death validly imposed for previously committed capital murders, are adopted by the Legislature as the statute law of this state.*

(3) *A change in the method of execution does not increase the punishment or modify the statutory penalty of death for capital murder. Any legislative change to the method of execution for the crime of capital murder does not violate s. 10, Art. I, or s. 9, Art. X of the State Constitution.*

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing legislative intent; providing an effective date.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in *Jones v. Butterworth*, Case No. 90,231 (October 20, 1997), has held death by electrocution to be a constitutional method of imposing the death penalty in Florida, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide an alternative method for imposing death only in the event that the United States Supreme Court, the United States Court of Appeals for the Eleventh Circuit, or the Florida Supreme Court declares death by electrocution to be unconstitutional, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, *Malloy v. South Carolina*, 237 U.S. 180 (1915), and *Ex Parte Kenneth Granviel*, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, in the case of *Malloy v. South Carolina*, 237 U.S. 180 (1915), the United States Supreme Court held that a change in the method of execution does not change the penalty for the crime of murder, but only the method of inducing death, when under such a change some of the odious features incident to the old method are abated by the new method, and

WHEREAS, the Florida Supreme Court has previously declared, in the case of *Dobbert v. State*, 375 So.2d 1069 (Fla. 1979), affirmed in *Dobbert v. Florida*, 432 U.S. 282, that changing the practices and procedures of the application of the death penalty statute does not violate the provisions of Article X, Section 9 of the Florida Constitution or the "ex post facto" clauses of the Florida and United States Constitutions, NOW, THEREFORE,

On motion by Senator Burt, further consideration of **CS for HB 3033** with pending **Amendment 1** was deferred.

On motion by Senator Lee, by two-thirds vote **HJR 3505** was withdrawn from the Committees on Criminal Justice; and Rules and Calendar.

On motions by Senator Lee, by two-thirds vote—

**HJR 3505**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—a companion measure, was substituted for **CS for SJR 964** and by two-thirds vote read the second time by title.

Senator Lee moved the following amendment which was adopted:

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

That the following amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1998:

ARTICLE I  
DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.—Excessive fines, cruel and ~~or~~ unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. *The death penalty is an authorized punishment for capital crimes designated by the legislature and is not limited or restrained by this constitution. The prohibition against cruel or unusual punishment and the prohibition against cruel and unusual punishment shall be construed in conformity*

with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. However, any method of execution shall be allowed, unless specifically prohibited by the United States Supreme Court. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which a method of execution is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE I, SECTION 17

CRUEL AND UNUSUAL PUNISHMENT.—Proposing an amendment to the State Constitution to authorize the death penalty; require construction of “cruel or unusual” and “cruel and unusual” punishment to conform to the United States Supreme Court’s interpretation of the Eighth Amendment; authorize execution methods not specifically prohibited by the United States Supreme Court; allow the retroactive application of execution methods; prohibit the reduction of a death sentence based on invalidity of the execution method; and provide retroactive applicability.

And the title is amended as follows:

Delete everything before the resolving clause and insert: House Joint Resolution No. \_\_\_\_ A joint resolution proposing an amendment to s. 17, Art. I of the State Constitution, relating to excessive punishment.

On motions by Senator Lee, by two-thirds vote **HJR 3505** as amended was read the third time in full as follows:

**HJR 3505**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution, relating to excessive punishment.

*Be It Resolved by the Legislature of the State of Florida:*

That the following amendment to Section 17 of Article I of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1998:

ARTICLE I  
DECLARATION OF RIGHTS

SECTION 17. Excessive punishments.—Excessive fines, cruel and unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden. The death penalty is an authorized punishment for capital crimes designated by the legislature and is not limited or restrained by this constitution. The prohibition against cruel or unusual punishment and the prohibition against cruel and unusual punishment shall be construed in conformity with decisions of the United States Supreme Court which interpret the prohibition against cruel and unusual punishment provided in the Eighth Amendment to the United States Constitution. However, any method of execution shall be allowed, unless specifically prohibited by the United States Supreme Court. Methods of execution may be designated by the legislature, and a change in any method of execution may be applied retroactively. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which a method of execution is declared invalid, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method. This section shall apply retroactively.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT  
ARTICLE I, SECTION 17

CRUEL AND UNUSUAL PUNISHMENT.—Proposing an amendment to the State Constitution to authorize the death penalty; require construction of “cruel or unusual” and “cruel and unusual” punishment to conform to the United States Supreme Court’s interpretation of the Eighth Amendment; authorize execution methods not specifically prohibited by the United States Supreme Court; allow the retroactive appli-

cation of execution methods; prohibit the reduction of a death sentence based on invalidity of the execution method; and provide retroactive applicability.

—and **HJR 3505** as amended passed by the required constitutional three-fifths vote of the membership and was immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Latvala

On motion by Senator Klein, by two-thirds vote **CS for HB 3053** was withdrawn from the Committee on Criminal Justice.

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

**CS for HB 3053**—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—a companion measure, was substituted for **SB 198** and by two-thirds vote read the second time by title. On motions by Senator Klein, by two-thirds vote **CS for HB 3053** was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Latvala

**SPECIAL ORDER CALENDAR**

On motion by Senator Forman—

**SB 4**—A bill to be entitled An act relating to the City of Miami Beach; providing for the relief of Juan A. Garcia, Jr., and Juan and Barbara Garcia, as natural parents of Juan A. Garcia, Jr.; providing for an appropriation to compensate them for injuries and damages sustained as a result of the negligence of the City of Miami Beach; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 4** was placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

**SB 8**—A bill to be entitled An act for the relief of Heather Roszell, a minor; providing appropriations to compensate her for injuries and damages sustained as a result of the negligence of the State of Florida, Board of Regents and the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 1 (with title amendment)**—On page 4, lines 5-15, delete those lines and insert:

Section 2. The Board of Regents is authorized to direct the expenditure from the University of South Florida Self-Insurance Program Accounts in the sum of \$1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained due to the negligence of the University of South Florida.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after “appropriations” insert: and expenditures

The Committee on Health Care recommended the following amendment which was moved by Senator Grant and failed:

**Amendment 2**—On page 4, line 25, delete “July 1, 1998” and insert: upon becoming a law

The Committee on Ways and Means recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 3 (with title amendment)**—On page 4, lines 5-24, delete those lines and insert:

Section 2. The Board of Regents is authorized to direct the expenditure from the University of South Florida Self-Insurance Program Accounts in the sum of \$1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, to be placed in the Trust created for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained due to the negligence of the University of South Florida.

Section 3. The Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital, is authorized and directed to appropriate from funds of the district not otherwise appropriated and to draw a warrant in the sum of \$1,775,000 payable to Terry Michael Roszell, as father and legal guardian of Heather Roszell, to be placed in the Trust created for the benefit of Heather Roszell, a minor, to compensate her for injuries and damages sustained as a result of the negligence of the Hillsborough County Hospital Authority, d.b.a. Tampa General Hospital.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after “appropriations” insert: and expenditures

Pursuant to Rule 4.19, **SB 8** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

**SB 10**—A bill to be entitled An act for the relief of the Estate of Alice Berdat, deceased; providing an appropriation to compensate the Estate of Alice Berdat for the death of Alice Berdat due to the negligence of the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 10** was placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

**SB 12**—A bill to be entitled An act for the relief of Mary Beth Wiggers; providing an appropriation to compensate Mary Beth Wiggers for injuries she sustained due to the negligence of the Department of Corrections; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 12** was placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**SB 16**—A bill to be entitled An act relating to the Dade County School Board; providing for the relief of Lazaro Gutierrez; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Dade County School Board; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Turner and adopted:

**Amendment 1**—On page 4, between lines 6 and 7, insert:

Section 3. Future damages shall be paid out according to terms of an annuity.

(Redesignate subsequent sections.)

The Committee on Ways and Means recommended the following amendment which was moved by Senator Turner and adopted:

**Amendment 2 (with title amendment)**—On page 4, between lines 6 and 7, insert:

Section 3. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to the disbursement of funds to the claimant, except that the amount due to the agency shall be reduced by the agency's proportionate share of legal costs and attorney's fees. However, the amount due to the Agency for Health Care Administration shall be reduced by no more than 25 percent. The amount due to the agency shall be calculated based on medical payments paid up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 16** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**SB 26**—A bill to be entitled An act providing for the relief of Adela Azcuy, for injuries suffered as a result of the negligence of Dade County; providing for an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Turner and adopted:

**Amendment 1**—On page 3, lines 4 and 5, delete those lines and insert: of \$144,000 in case number 94-08893 CA 13, in favor of

Pursuant to Rule 4.19, **SB 26** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Forman—

**SB 30**—A bill to be entitled An act relating to Collier County; providing for the relief of Franklin David Messick as Personal Representative of the Estate of Arthur D. Messick; providing for an appropriation to compensate him for the wrongful death of his son, Arthur D. Messick, which occurred as a result of the negligence of Collier County; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Forman and adopted:

**Amendment 1 (with title amendment)**—On page 2, line 16, delete "\$201,639.55" and insert: \$101,639.55

And the title is amended as follows:

On page 2, lines 6 and 7, delete those lines and insert: WHEREAS, the unpaid balance of the claim against Collier County is \$101,639.55, NOW, THEREFORE,

Pursuant to Rule 4.19, **SB 30** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

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

**CONSIDERATION OF BILLS ON THIRD READING**

The Senate resumed consideration of—

**CS for HB 3033**—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—with pending **Amendment 1** by Senator Burt.

Senator Silver moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A**—On page 1, lines 21-25, delete those lines and insert: electrocution. *If electrocution is held to be unconstitutional by the United States Supreme Court or if the United States Supreme Court declines to review any such judgment made by the Florida Supreme*

*Court or the United States Court of Appeals that has jurisdiction over Florida, all persons sentenced to death for a capital crime shall be executed by lethal injection. The superintendent*

**Amendment 1** as amended was adopted.

On motions by Senator Burt, by two-thirds vote **CS for HB 3033** as amended was read the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Kirkpatrick, McKay, Thomas

**SPECIAL ORDER CALENDAR, continued**

On motion by Senator Silver—

**SB 32**—A bill to be entitled An act providing for the relief of Kathryn Malloy, formerly known as Kathryn Sperdute; providing for an appropriation to reimburse her for injuries suffered in an accident that was caused by the negligence of an employee of the Palm Beach County School Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 32** was placed on the calendar of Bills on Third Reading.

On motion by Senator Horne—

**SB 36**—A bill to be entitled An act providing for the relief of Carrie A. Wilson; providing an appropriation to reimburse Carrie A. Wilson, a minor, and her mother, Barbara Britt, for injuries sustained by Carrie A. Wilson as a result of the negligence of the Duval County School Board; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Horne and adopted:

**Amendment 1**—On page 1, line 27, delete "682" and insert: 6A-2

The Committee on Education recommended the following amendment which was moved by Senator Horne:

**Amendment 2**—On page 3, lines 18-23, delete those lines and insert:

Section 2. The Duval County School Board is authorized and directed to appropriate and to pay Carrie A. Wilson the amount of \$1,759,157 reduced by \$200,000 already paid by the School Board to compensate her for injuries sustained by Carrie A. Wilson due to the negligence of the School Board. The balance of \$1,559,157 shall be paid in three equal annual installments commencing 30 days after enactment.

The Committee on Ways and Means recommended the following amendment to **Amendment 2** which was moved by Senator Horne and adopted:

**Amendment 2A**—On page 1, lines 19-25, delete those lines and insert:

Section 2. The Duval County School Board is authorized and directed to appropriate and to pay Carrie A. Wilson the amount of \$1,350,000, reduced by \$200,000 already paid by the School Board to compensate her for injuries sustained by Carrie A. Wilson due to the negligence of the School Board. The balance of \$1,150,000 shall be paid in four equal annual installments commencing 30 days after enactment.

**Amendment 2** as amended was adopted.

Pursuant to Rule 4.19, **SB 36** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Thomas—

**SB 38**—A bill to be entitled An act relating to the City of Tallahassee and the Leon County School Board; providing for the relief of Dena Sheryl Steels; providing for an appropriation by the City of Tallahassee and the Leon County School Board to compensate her for the wrongful death of Kenneth Michael Pyles, her son, resulting from the negligence of the City of Tallahassee and the Leon County School Board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 38** was placed on the calendar of Bills on Third Reading.

On motion by Senator Silver—

**SB 42**—A bill to be entitled An act relating to the Department of Health; providing an appropriation for the relief of Vernelle Lowder, to compensate her for damages she sustained due to the negligence of the Department of Health and Rehabilitative Services; providing an effective date.

—was read the second time by title.

The Committee on Health Care recommended the following amendment which was moved by Senator Silver and adopted:

**Amendment 1**—On page 2, lines 8 and 9, delete those lines and insert: warrant in favor of Vernelle Lowder in the amount of \$250,000 plus interest in the amount of 12 percent per annum, \$180,000 of which will be placed in a structured payment annuity, out of

The Committee on Ways and Means recommended the following amendment which was moved by Senator Silver and adopted:

**Amendment 2 (with title amendment)**—On page 2, between lines 12 and 13, insert:

Section 4. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration as complete payment and satisfaction of any and all Medicaid liens for past benefits provided, prior to the disbursement of funds to the claimant. The lien amount shall be calculated up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 42** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Turner—

**SB 44**—A bill to be entitled An act relating to Manatee County; providing for the relief of Frank H. Holliday; providing for an appropriation to compensate him for injuries and damages sustained as a result of the negligence of the Manatee County Sheriff's Department; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 44** was placed on the calendar of Bills on Third Reading.

**MOTION**

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of **SB 52** and announcements.

On motion by Senator Grant—

**SB 52**—A bill to be entitled An act relating to the City of Tampa; providing for the relief of Jemal Kurein, by and through his wife and natural guardian, Semira Kurein, and for Semira Kurein, individually, and for Remzu Kurein and Nima Kurein, minor children of Jemal Kurein and Semira Kurein, by and through their mother, Semira Kurein; providing for an appropriation to compensate them for injuries and damages sustained by Jemal Kurein as a result of the negligence of the City of Tampa; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendment which was moved by Senator Grant:

**Amendment 1**—On page 4, delete line 25 and insert: *appropriated and to draw a warrant in the sum of \$739,904*

The Committee on Ways and Means recommended the following amendment to **Amendment 1** which was moved by Senator Grant and failed:

**Amendment 1A**—On page 1, line 18, delete “\$739,904” and insert: *\$290,930.30*

The question recurred on **Amendment 1** which failed.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Grant and adopted:

**Amendment 2 (with title amendment)**—On page 5, between lines 2 and 3, insert:

Section 3. The governmental entity responsible for payment of the warrant shall make payment to the Florida Agency for Health Care Administration the amount due under section 409.910, Florida Statutes, prior to the disbursement of funds to the claimant, except that the amount due shall be reduced by the agency's proportionate share of legal costs and attorney's fees. However, the amount due to the Agency for Health Care Administration shall be reduced by no more than 25 percent. The amount due to the agency shall be calculated based on medical payments paid up to the date that this bill becomes law.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: providing for payment of Medicaid liens prior to disbursement of the warrant;

Pursuant to Rule 4.19, **SB 52** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, March 9, 1998: SB 4, SB 8, SB 10, SB 12, SB 16, SB 26, SB 30, SB 32, SB 36, SB 38, SB 42, SB 44, SB 52, SB 54, SB 70, CS for SB 2, SB 6, SB 14, SB 18, SB 20, SB 22, SB 34, SB 40, SB 56, SB 66, SJR 1234

Respectfully submitted,  
W. G. (Bill) Bankhead, Chairman



The Committee on Judiciary recommends the following pass: SB 264 with 1 amendment

**The bill was referred to the Committee on Children, Families and Seniors under the original reference.**

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The Committee on Natural Resources recommends the following pass: SB 814 with 2 amendments

**The bill was referred to the Committee on Community Affairs under the original reference.**

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The Committee on Regulated Industries recommends the following pass: SB 1220

**The bill was referred to the Committee on Education under the original reference.**

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The Committee on Natural Resources recommends the following pass: SB 516 with 1 amendment

**The bill was referred to the Committee on Judiciary under the original reference.**

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The Committee on Natural Resources recommends the following pass: SJR 542

The Committee on Regulated Industries recommends the following pass: SB 1370

**The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.**

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The Committee on Judiciary recommends the following pass: SB 548

The Committee on Regulated Industries recommends the following pass: SB 370, SB 836

**The bills contained in the foregoing reports were placed on the calendar.**

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The Committee on Natural Resources recommends committee substitutes for the following: SB 812, SB 1202, SB 1204

The Committee on Regulated Industries recommends a committee substitute for the following: SB 720

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

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The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 742

**The bill with committee substitute attached was referred to the Committee on Education under the original reference.**

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The Committee on Agriculture recommends a committee substitute for the following: SB 1046

The Committee on Judiciary recommends a committee substitute for the following: SB 272

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.**

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 518

The Committee on Regulated Industries recommends a committee substitute for the following: SB 626

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary under the original reference.**

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The Committee on Education recommends committee substitutes for the following: SB 706, SB 954

The Committee on Health Care recommends a committee substitute for the following: SB 294

The Committee on Regulated Industries recommends a committee substitute for the following: SB 880

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.**

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The Committee on Governmental Reform and Oversight recommends a committee substitute for the following: SB 1144

The Committee on Health Care recommends committee substitutes for the following: SB 260, SB 776

The Committee on Regulated Industries recommends committee substitutes for the following: SB 482, SB 1052, SB 1054, SB 1164, SB 1452

**The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

By Senator Dudley—

**SJR 1580**—A joint resolution proposing the creation of Section 18 of Article X of the State Constitution to specify the duties of boards of trustees or fiduciaries of retirement systems and plans for public employees.

—was referred to the Committees on Governmental Reform and Oversight; Ways and Means; and Rules and Calendar.

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By Senators Kurth and Grant—

**SB 1582**—A bill to be entitled An act relating to weapons and firearms; creating s. 790.233, F.S.; prohibiting a person who has been issued a currently effective final injunction against committing acts of domestic violence from possessing any firearm or ammunition; providing penalties; providing an exception for law enforcement officers; amending s. 741.30, F.S.; requiring that a final injunction for protection against domestic violence indicate that possessing any firearm or ammunition is prohibited; amending s. 741.31, F.S.; providing that it is a first degree misdemeanor to violate a final injunction by possessing a firearm or ammunition; providing an exception for law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant under certain circumstances when there is probable cause to believe that the person has committed a crime in violation of specified provisions prohibiting possession of firearm or ammunition by person restrained by final injunction from committing acts of domestic violence; amending s. 790.06, F.S., relating to issuance by the Department of State of license to carry a concealed weapon or firearm; revising qualifications for such license to include restrictions that the applicant has not had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence within a specified period and is not enjoined from committing acts of domestic violence or repeat

violence; requiring denial or revocation of such license under specified circumstances; requiring that the department suspend such license, or the processing of the license application, if the licensee or applicant is issued an injunction against committing acts of domestic violence or acts of repeat violence; amending s. 790.065, F.S.; removing obsolete provisions; requiring that the Department of Law Enforcement determine if a potential buyer or transferee of a firearm has been convicted of a misdemeanor crime of domestic violence or had adjudication of guilt withheld or imposition of sentence suspended for committing a misdemeanor crime of domestic violence; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

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By Senator Campbell—

**SB 1584**—A bill to be entitled An act relating to medicaid health maintenance organizations; creating s. 409.91221, F.S.; prescribing time for paying claims for services or goods by a provider; providing procedures for denying or contesting a claim; providing time limitations; providing notice; providing method for making payments, denying or contesting a claim, providing notice; providing interest on overdue payment of claim; providing for a waiver of a medicaid health maintenance organization's rights under a provider contract and consequences for failure of an organization to comply with the provisions of the act; providing an effective date.

—was referred to the Committee on Banking and Insurance.

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By Senator Meadows—

**SB 1586**—A bill to be entitled An act relating to juvenile justice; amending s. 121.021, F.S.; redefining the term "special risk member" of the Florida Retirement System to include certain juvenile justice direct care workers; amending s. 121.0515, F.S.; extending membership in the Special Risk Class of the Florida Retirement System to juvenile justice direct care workers; amending s. 985.406, F.S.; prescribing minimum qualifications for Department of Juvenile Justice direct care staff and providers; 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 Senator Dudley—

**SJR 1588**—A joint resolution proposing an amendment to Section 10 of Article V of the State Constitution to allow a candidate for judicial office to take a public position on issues.

—was referred to the Committees on Judiciary; Executive Business, Ethics and Elections; and Rules and Calendar.

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By Senator Holzendorf—

**SB 1590**—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.031, F.S.; exempting property used as a travel center/truck stop facility from the tax on the rental or lease of, or grant of a license to use, real property; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

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By Senator Klein—

**SJR 1592**—A joint resolution proposing an amendment to Section 4 of Article IX of the State Constitution relating to school districts.

—was referred to the Committees on Education; Ways and Means; and Rules and Calendar.

By Senator Klein—

**SB 1594**—A bill to be entitled An act relating to telephonic solicitations; amending s. 501.059, F.S.; providing legislative intent; revising provisions relating to telephonic solicitations; revising definitions; revising procedures for limiting or prohibiting telephonic solicitations; revising certain fees; providing for notification of candidates for public office; revising requirements regulating telephonic solicitations; providing for legislative review of certain fees; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce and Economic Opportunities; and Ways and Means.

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By Senator Rossin—

**SB 1596**—A bill to be entitled An act relating to water control districts; amending s. 298.005, F.S.; deleting the definition of the term "water control district" and revising the definition of the term "water control plan"; amending s. 298.11, F.S.; providing for landowner vote of fractional acreage; providing quorum requirements; amending s. 298.12, F.S.; providing for appointment of a supervisor; amending s. 298.16, F.S.; eliminating surety bond requirements for district engineers; amending s. 298.22, F.S.; providing criteria for awarding construction contracts; providing clarification of when districts may assess and collect fees for connection to district works; amending s. 298.225, F.S.; revising requirements for the development and amendment of district water control plans; amending s. 298.26, F.S.; revising use of the district engineer's annual report; amending s. 298.301, F.S.; providing for the determination of benefits and damages; revising notice and report requirements; providing that the approval of a district water control plan and assessments is final unless court action is brought within 30 days after approval; amending s. 298.329, F.S.; conforming a statutory cross-reference; amending s. 298.337, F.S.; providing for the assessment of land less than an acre; amending s. 298.353, F.S.; revising notice requirements; providing that district bonds may be payable from assessments on more than one unit; amending s. 298.76, F.S.; providing authority for special laws relating to public infrastructure for agricultural or urban development if approved by a three-fifths vote of the membership of the Legislature; providing an effective date.

—was referred to the Committees on Natural Resources; Community Affairs; and Ways and Means.

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By Senator Gutman—

**SJR 1598**—A joint resolution proposing amendments to Sections 1, 2, and 3 of Article V of the State Constitution relating to the judicial branch of government.

—was referred to the Committees on Criminal Justice; Judiciary; Rules and Calendar; and Ways and Means.

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By Senator Cowin—

**SB 1600**—A bill to be entitled An act relating to water and wastewater utilities; amending s. 125.01, F.S.; providing for county governing bodies to approve or disapprove changes in water and wastewater utility rates; amending s. 367.081, F.S.; requiring the Florida Public Service Commission to notify the county governing body of certain proposed changes in water and wastewater utility rates; providing that such changes may not be implemented without approval of the county governing body; amending s. 367.011, F.S.; removing exclusive authority of the commission with respect to water and wastewater utility rates; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

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By Senator Grant—

**SB 1602**—A bill to be entitled An act relating to water and wastewater utility systems; amending ss. 125.3401, 153.90, 153.91, 153.92, 153.93,

153.94, 180.301, 189.423, 190.0125, F.S.; authorizing counties, municipalities, special districts, community development districts to enter into water facility privatization contracts; providing legislative findings and declaration; providing definitions; providing responsibility of such entities to set user fees; providing requirements and conditions for such contracts; exempting such contracts from the requirements of ch. 287, F.S.; amending s. 367.022, F.S.; exempting facilities operated under a privatization contract from regulation by the Public Service Commission; reenacting s. 367.171(8), F.S.; relating to county regulation of utility rates; to incorporate the amendment to s. 367.022, F.S., in a reference; providing an effective date.

—was referred to the Committees on Regulated Industries and Community Affairs.

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By Senator Harris—

**SB 1604**—A bill to be entitled An act relating to county clerks; creating the “County Clerks Public Records Access Act”; requiring the clerks to publish certain public records and public information on the internet; providing for security; providing a declaration of an important state interest; providing an effective date.

—was referred to the Committees on Judiciary; and Governmental Reform and Oversight.

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By Senator Harris—

**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 identity of the person to be sued tolls the statute; providing an effective date.

—was referred to the Committee on Judiciary.

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By Senator Harris—

**SB 1608**—A bill to be entitled An act relating to credits against taxes; amending s. 220.02, F.S.; providing the order of credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; amending the definition of the term “child care facility startup costs” and defining the term “operation of a child care facility”; amending s. 220.12, F.S.; revising the definition of a taxpayer’s net income for corporate income tax purposes to delete the deduction of child care facility startup costs; creating s. 220.19, F.S.; authorizing a credit against the corporate income tax for child care facility startup costs and operation, and for payment of an employee’s child care costs; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Children and Family Services; providing for future expiration; defining the term “corporation”; creating s. 624.5107, F.S.; authorizing a credit against insurance premium taxes for child care facility startup costs and operation and for payment of an employee’s child care costs; providing definitions; providing limitations; requiring a recipient to refund a portion of tax credits received under certain conditions; providing eligibility and application requirements; providing for administration by the Department of Children and Family Services; providing for future expiration; providing an effective date.

—was referred to the Committees on Ways and Means Subcommittee E (Finance and Tax); Ways and Means; and Commerce and Economic Opportunities.

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By Senator Harris—

**SJR 1610**—A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Harris—

**SB 1612**—A bill to be entitled An act relating to the “Florida Entertainment Industry Growth Act”; creating s. 288.125, F.S.; providing a short title; creating s. 288.1251, F.S.; providing definitions; creating s. 288.1252, F.S.; creating the Entertainment Florida Council within the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; providing purpose, membership, terms, organization, powers, and duties of the council; renumbering and amending s. 288.12285, F.S.; correcting a reference; creating s. 288.1254, F.S.; creating the Office of Entertainment Industry Commissioner; providing procedure for appointment of the Entertainment Industry Commissioner; providing powers and duties of the office; creating s. 288.1255, F.S.; requiring the Office of Tourism, Trade, and Economic Development to adopt rules by which it may make specified expenditures for expenses incurred in connection with the performance of the duties of the Office of the Entertainment Industry Commissioner; requiring approval of such rules by the Comptroller; requiring an annual report; authorizing the solicitation, acceptance, and use of specified goods and services by employees and representatives of the Office of the Entertainment Industry Commissioner; providing certain requirements with respect to claims for expenses; providing a penalty for false or fraudulent claims; providing for civil liability; creating s. 288.1256, F.S.; creating the Florida Entertainment Industry Incentive Grant Program; providing purpose of the program; providing for the development of grant criteria; providing for the administration and distribution of grant funds; requiring specified documentation prior to the release of funds; renumbering and amending s. 288.055, F.S.; redesignating the Florida Film and Television Investment Trust Fund as the Florida Entertainment Industry Incentive Grant Program Trust Fund; providing for use of the trust fund; requiring the maintenance of a specified trust fund balance; specifying funds from which initial grants may be awarded; specifying sources from which the trust fund may receive moneys; creating s. 288.1258, F.S.; authorizing application for approval by the Office of the Entertainment Industry as a qualified production company for purposes of receiving sales tax exemptions and refunds; providing application procedure; providing for denial and revocation of a certificate of exemption; providing a penalty for falsification or unauthorized use of an application for certificate of exemption; providing categories of qualification for certificate of exemption; providing for renewal of a certificate of exemption; providing for duties of the Department of Revenue with respect to sales tax exemption to qualified production companies; creating the Florida Entertainment Industry Model Permitting Task Force; providing purpose of the task force; providing for appointment of members to the task force; amending s. 14.2015, revising purposes of the Office of Tourism, Trade, and Economic Development of the Executive Office of the Governor; amending s. 212.031, F.S., relating to the lease or rental of or license in real property; revising language with respect to property used as an integral part of the performance of qualified production services; amending s. 212.06, F.S., relating to the tax on sales, use, and other transactions; revising language with respect to the exemption for fabrication labor used in the production of a qualified motion picture; amending s. 212.0602, F.S., which exempts the purchase or lease of materials, equipment, and other items by specified educational entities, institutions, or organizations from the sales and use tax under certain limited circumstances; expanding the exemption to include real or personal property and support operations of such educational institutions; conforming references; amending s. 212.08, F.S.; revising the partial exemption from the tax on sales, use, and other transactions for master tapes, records, films, or video tapes to include entertainment industry production services and equipment within the exemption; specifying the rate of the exemption; providing a limitation on refunds; providing procedure for obtaining refunds; revising the term “amounts paid for the tangible elements”; clarifying definitions; providing definitions; requiring the Office of Entertainment Industry Commissioner to keep specified records; requiring an annual report to the Legislature; repealing s. 212.08(12), F.S., on October 1, 2008; providing for review by the Legislature prior to repeal; amending s. 212.20, F.S., relating to the distribution of proceeds from the tax on sales, use, and other transactions; providing for the transfer of specified tax proceeds to the Entertainment Industry Grant Program Trust Fund; amending s. 213.053, F.S., relating to confidentiality and information sharing by the Department of Revenue; providing for the sharing of specified information; amending ss. 212.0602, 288.108, 288.90152, F.S.; conforming cross-references; repealing s. 212.08(5)(f), F.S.; repealing the exemption from the tax on sales use and other transactions for specified motion picture or video equipment, and specified sound recording equipment, effective January 1, 1999; repealing s. 288.051, F.S., which provides a short title; repealing s. 288.052, F.S.,

relating to legislative findings and intent with respect to the "Florida Film and Television Investment Act"; repealing s. 288.053, F.S., relating to the Florida Film and Television Investment Board; repealing s. 288.054, F.S., relating to the administration and powers of the Florida Film and Television Investment Board; repealing s. 288.056, F.S., relating to conditions for film and television investment by the board; repealing s. 288.057, F.S., which requires an annual report by the board; repealing s. 288.1228, F.S., relating to the direct-support organization authorized by the Office of Tourism, Trade, and Economic Development to assist in the promotion and development of the entertainment industry; repealing s. 288.12285, F.S., relating to confidentiality of identities of donors to the direct-support organization; providing effective dates.

—was referred to the Committees on Commerce and Economic Opportunities; and Ways and Means.

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By Senator Harris—

**SB 1614**—A bill to be entitled An act relating to public records; amending s. 288.1254, F.S.; providing an exemption from public records requirements for records of the Office of Entertainment Industry Commissioner relating to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested; providing a penalty for violation of the act; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was referred to the Committees on Commerce and Economic Opportunities; and Governmental Reform and Oversight.

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By Senator Dudley—

**SB 1616**—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; creating a clinic at Lee Memorial Hospital; providing an effective date.

—was referred to the Committees on Children, Families and Seniors; Health Care; and Ways and Means.

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By Senator Grant—

**SB 1618**—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.08058, F.S.; providing for a generic collegiate specialty license plate for independent universities and community colleges in the state; providing for an individual decal representing the specific independent university or community college; reducing the number of signatures required to be obtained for the issuance of such specialty plates; providing an effective date.

—was referred to the Committees on Transportation; and Ways and Means.

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By Senator Williams—

**SB 1620**—A bill to be entitled An act relating to consumer protection; amending s. 216.053, F.S.; authorizing the Department of Revenue to provide certain information to the Division of Consumer Services of the Department of Agriculture and Consumer Services; amending s. 496.404, F.S.; modifying the definition of "parent organization" for purposes of the charitable solicitation law; amending s. 496.405, F.S.; providing a registration fee for certain charitable organizations; amending s. 496.406, F.S.; deleting an exemption from the registration requirements for charitable organizations; amending s. 501.143, F.S.; deleting a specified date for the registration of ballroom dance studios; amending s. 501.607, F.S.; modifying the information to be included on an application for licensure as a salesperson under the Florida Telemarketing Act; amending s. 539.001, F.S.; prescribing an annual renewal for pawnbroker's licenses; providing a license fee of a specific amount; requiring applicants to pay the cost of fingerprinting analysis; prescribing additional information that must accompany an application; requiring an

applicant to provide notice of changes in information required in the application; providing for suspension, revocation, or surrender of a license if the licensee fails to meet the eligibility requirements; prohibiting a licensee, or its agent or employee, from employing felons and other specified criminals; amending s. 559.725, F.S.; prescribing duties of the Department of Agriculture and Consumer Complaints relating to consumer complaints; amending s. 559.805, F.S.; prescribing responsibilities of business opportunity sellers; amending s. 559.904, F.S.; providing for payment of a late fee by motor vehicle repair shops that fail to timely renew their registrations; providing an effective date.

—was referred to the Committees on Governmental Reform and Oversight; and Ways and Means.

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By Senator Brown-Waite—

**SB 1622**—A bill to be entitled An act expressing legislative intent to revise the laws relating to water resource development and supply in Hillsborough, Pasco, and Pinellas counties.

—was referred to the Committee on Natural Resources.

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By Senator Dudley—

**SB 1624**—A bill to be entitled An act relating to condominiums; amending s. 718.111, F.S.; providing for the regulation of resort condominiums; amending s. 718.112, F.S.; revising criteria for a unit owner to become a candidate for the board of administration; amending s. 718.116, F.S.; providing for the assessment of uninsured common expenses under certain circumstances; providing an effective date.

—was referred to the Committee on Regulated Industries.

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By Senator Harris—

**SB 1626**—A bill to be entitled An act relating to rulemaking authority of the Department of Labor (RAB); expressing the legislative intent to revise the rulemaking authority of the Department of Labor.

—was referred to the Committee on Commerce and Economic Opportunities.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Health Care—

**CS for SB 260**—A bill to be entitled An act relating to confidentiality of records; providing definitions; providing for the confidentiality of health, health insurance, medical, and patient records and for data or information pertaining to individuals contained in such records; providing exceptions; amending s. 455.677, F.S., relating to disposition of certain medical records held by practitioners; requiring rules to provide for specific methods of disposal following expiration of the mandatory retention period; providing for alternatives for electronic records; providing an effective date.

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By the Committee on Judiciary and Senator Grant—

**CS for SB 272**—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 in responding to lawsuits relating to the constitutional right to petition the government for redress of grievances; defining terms; providing an effective date.

By the Committee on Health Care and Senators Brown-Waite and Forman—

**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.

By the Committee on Regulated Industries and Senator Rossin—

**CS for SB 482**—A bill to be entitled An act relating to educational facilities; amending s. 235.31, F.S.; requiring boards to prequalify bidders for construction contracts according to Commissioner of Education rule; requiring certification or licensure of bidders or contractors; amending s. 489.125, F.S.; conforming language relating to construction contractors; repealing s. 489.527, F.S., relating to electrical and alarm system contractors, to conform; repealing section 633.551(5), F.S., relating to fire protection system contractors, to conform; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Grant—

**CS for SB 518**—A bill to be entitled An act relating to mergers of business entities or corporations; amending s. 607.0730, F.S.; removing 10-year limit on voting trusts; creating holding company formation by merger by certain corporations; amending s. 608.407, F.S.; reducing minimum number of members necessary to form a limited liability company; creating ss. 607.1108, 607.1109, 607.11101, F.S.; providing for mergers of domestic corporations and other business entities under certain circumstances; requiring a plan of merger; providing criteria; providing for articles of merger; providing for effect of merger; creating ss. 608.438, 608.4381, 608.4382, 608.4383, 608.4384, F.S.; providing for mergers of limited liability companies under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting members; providing procedures; creating ss. 620.201, 620.202, 620.203, 620.204, 620.205, F.S.; providing for mergers of domestic limited partnerships under certain circumstances; requiring a plan of merger; providing criteria; providing for action on a plan of merger; providing procedures; providing for articles of merger; providing for effect of merger; providing for rights of dissenting partners; providing procedures; providing an effective date.

By the Committee on Regulated Industries and Senators Silver and Dyer—

**CS for SB 626**—A bill to be entitled An act relating to timeshare plans; amending s. 721.03, F.S.; revising provisions with respect to the scope of the chapter; providing for certain rules; amending s. 721.05, F.S.; defining the term "regulated short-term product"; amending s. 721.06, F.S.; revising provisions with respect to contracts for the purchase of timeshare periods; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; providing a time period for

amendments that add a new component site to an approved multisite timeshare plan; amending s. 721.075, F.S.; deleting provisions with respect to certain incidental benefits offered by a developer; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; providing for cancellation of such agreements under certain circumstances; amending s. 721.11, F.S.; requiring that advertisements of regulated short-term products be filed with the division; requiring disclosure statements for purchase agreements; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.18, F.S.; revising a time period with respect to the filing of certain information concerning exchange programs; amending s. 721.26, F.S.; authorizing the imposition of penalties with respect to certain rules; amending s. 721.265, F.S.; providing service of process in receivership proceedings; creating part III of chapter 721, F.S.; creating the "Timeshare Lien Foreclosure Act"; providing legislative purpose; providing definitions; providing for a registered agent; providing for the consolidation of foreclosure actions; creating part IV of ch. 721, F.S.; creating timeshare commissioners of deeds; providing an effective date.

By the Committee on Education and Senator Sullivan—

**CS for SB 706**—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; revising provisions relating to high school graduation credit requirements; providing for early graduation; amending s. 236.081, F.S., relating to funds for operation of schools; providing for calculation of full-time-equivalent student membership for students who graduate early; providing an effective date.

By the Committee on Regulated Industries and Senators Hargrett and Holzendorf—

**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.

By the Committee on Commerce and Economic Opportunities; and Senators Clary and Diaz-Balart—

**CS for SB 742**—A bill to be entitled An act relating to sponsored research and development; amending s. 220.15, F.S.; providing that certain property and payroll associated with sponsored research and development at a state university will be disregarded in calculating apportionment of adjusted federal income and that such research will not, alone, cause a corporation to incur state income tax liability; authorizing the Department of Revenue to adopt rules; requiring a report; providing an effective date.

By the Committee on Health Care and Senator Clary—

**CS for SB 776**—A bill to be entitled An act relating to physician assistants; amending ss. 39.01, 154.04, 232.465, 395.0191, 458.347, 459.022, 627.351, 627.357, 766.105, 766.1115, 984.03, 985.03, F.S.; providing for licensure of physician assistants rather than certification; prescribing qualifications for licensure and revising provisions governing examinations; conforming statutory provisions; providing an effective date.

By the Committee on Natural Resources and Senators Dyer, Latvala, Williams, Brown-Waite, Diaz-Balart and Forman—

**CS for SB 812**—A bill to be entitled An act relating to clean air; creating ss. 252.934, 252.935, 252.936, 252.937, 252.938, 252.939, 252.940, 252.941, 252.942, 252.944, 252.945, 252.946, F.S.; providing for

the Florida Accidental Release Prevention and Risk Management Planning Act; providing a short title and purpose; defining terms; directing the Department of Community Affairs to seek delegation from the U.S. Environmental Protection Agency to implement the Accidental Release Prevention Program under the federal Clean Air Act or specified sources; providing for funding and fees; providing enforcement authority; providing penalties; authorizing the department to conduct inspections and audits; providing for tort liability; providing for a start-up loan; providing procedures for the release of information; amending s. 252.85, F.S.; deleting certain standard industrial classification codes from certain annual reporting requirements; allowing the Department of Community Affairs to consider certain factors in assessing late fees; providing an effective date.

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By the Committee on Regulated Industries and Senator Clary—

**CS for SB 880**—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; repealing s. 476.134, F.S., relating to time, place, and subjects of examination; amending s. 476.144, F.S.; revising requirements for licensure to practice barbering; amending s. 477.013, F.S.; redefining 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 the circumstances for practicing as a hair wrapper or hair braider pending receipt of registration; amending s. 477.0135, F.S.; 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 by examination; 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; repealing s. 477.022, F.S., relating to examinations; amending s. 477.025, F.S.; authorizing the board to adopt rules for mobile cosmetology salons; 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; providing an effective date.

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By the Committee on Education and Senator Grant—

**CS for SB 954**—A bill to be entitled An act relating to community colleges; amending s. 240.353, F.S.; revising standards for calculating instruction units in community colleges; providing a conditional effective date.

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By the Committee on Agriculture and Senator Bronson—

**CS for SB 1046**—A bill to be entitled An act relating to rulemaking authority with respect to the regulation of the citrus industry; creating s. 601.9918, F.S.; authorizing the Florida Citrus Commission to refer to national or state requirements in rules relating to issuance and use of symbols, certification marks, service marks, and trademarks; amending s. 601.10, F.S.; authorizing the Department of Citrus to adopt a rule listing forms to be used in conducting its business; providing an effective date.

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By the Committee on Regulated Industries and Senator Lee—

**CS for SB 1052**—A bill to be entitled An act relating to rulemaking authority of the Florida Public Service Commission (RAB); authorizing the Florida Public Service Commission to adopt rules relating to purchasing, to ensuring adequate ownership or continued use of real prop-

erty upon which water and wastewater treatment facilities are located, and to notification when a water and wastewater utility changes its name; providing an effective date.

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By the Committee on Regulated Industries and Senator Dudley—

**CS for SB 1054**—A bill to be entitled An act relating to rulemaking authority of the Department of Business and Professional Regulation (RAB); amending s. 718.104, F.S.; requiring notification; amending s. 718.112, F.S.; providing requirements relating to association meetings; amending s. 718.117, F.S.; requiring notification; amending s. 718.301, F.S.; providing rulemaking authority for requirements relating to the transition of a condominium; amending s. 718.403, F.S.; requiring filing of recording information; amending s. 718.502, F.S.; providing certain requirements prior to the closure on any contract for sale or lease of over 5 years; providing rulemaking authority for requirements relating to filing and review programs and timetables; amending s. 718.503, F.S.; providing requirements relating to the closure of a transaction for the purchase of a condominium unit; creating s. 718.621, F.S.; providing rulemaking authority for requirements relating to condominium conversion; providing an effective date.

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By the Committee on Governmental Reform and Oversight; and Senator Gutman—

**CS for SB 1144**—A bill to be entitled An act relating to the rulemaking authority of the Department of Management Services and other agencies (RAB); creating s. 110.224, F.S.; requiring a review and performance planning system; requiring the department to adopt rules to implement a review and performance planning system to assess employee performance; amending s. 110.1095, F.S.; directing the department to provide technical assistance; requiring annual review of state training programs; requiring agencies to develop and implement training programs; directing the department to adopt rules for training programs; amending s. 110.207, F.S.; prohibiting positions from being filled before they have been classified; amending s. 110.227, F.S.; directing the department to adopt a grievance procedure for career service employees; requiring a grievance process to be available for career service employees; defining the term “grievance”; authorizing the adoption of rules for the grievance process; amending s. 216.262, F.S.; providing rulemaking authority; detailing use and value of perquisites; amending s. 946.515, F.S.; making a determination not to use corporation products or services; providing an effective date.

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By the Committee on Regulated Industries and Senator Clary—

**CS for SB 1164**—A bill to be entitled An act relating to rulemaking authority with respect to professional regulation (RAB); amending s. 475.17, F.S.; authorizing the Florida Real Estate Commission to adopt rules requiring written evidence to establish good character; amending s. 475.25, F.S.; authorizing the Florida Real Estate Commission to adopt rules concerning the advertising of property or services and extending certain time limits for licensees on probation; amending s. 489.115, F.S.; providing for the adoption of rules relating to continuing education requirements by the Construction Industry Licensing Board; amending s. 489.1195, F.S.; authorizing the Construction Industry Licensing Board to adopt rules defining the qualifications for financially responsible officers; amending s. 492.105, F.S.; authorizing the Board of Professional Geologists to determine acceptable geology education; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

**CS for SB 1202**—A bill to be entitled An act relating to brownfields redevelopment; amending s. 376.77, F.S.; correcting a cross-reference; amending s. 376.79, F.S.; redefining terms and defining the term “secretary”; amending s. 376.80, F.S.; providing that closed military bases may be designated as brownfield areas; clarifying the job-creation criteria for the designation of a brownfield site; clarifying certain terms; amending s. 376.81, F.S.; deleting a duplicative provision relating to the issuance of no-further-action orders; amending s. 376.82, F.S.; providing clarification regarding the eligibility of certain brownfield sites; clarifying the provisions relating to the job creation eligibility criteria; providing liability protection for properties acquired by local or state governments under certain conditions; amending s. 376.83, F.S.; correcting a cross-reference; amending s. 288.106, F.S.; providing that the wage requirement criteria may be waived for a designated brownfield area; requiring the Director of the Office of Tourism, Trade, and Economic Development to approve certain wage requirement waiver requests; amending s. 288.107, F.S.; defining the terms “brownfield area” and “brownfield site”; providing legislative intent regarding the inefficient use of public facilities and services in brownfield areas; creating the Brownfield Areas Loan Guarantee Program; creating the Brownfield Areas Loan Guarantee Council; providing duties and membership; providing that not more than \$5 million of the investment earnings on the investment of the minimum balance of the Nonmandatory Land Reclamation Trust Fund in a fiscal year shall be at risk at any time on one or more loan guarantees, or as loan loss reserves; requiring lenders seeking loan guarantees from the council to follow certain specified procedures; limiting the circumstances under which a lender may file a claim for a loss pursuant to the guaranty; providing the council with certain rulemaking authority; authorizing the council to receive certain funds; requiring the council to file an annual report to the Legislature; providing for future legislative review; amending s. 288.9602, F.S.; providing for the redevelopment of brownfield areas to be included in the declaration of findings regarding economic development; amending s. 288.9605, F.S.; expanding the powers and duties of the Florida Development Finance Corporation to authorize the corporation to make determinations regarding participation in certain partnerships and agreements concerning the redevelopment of brownfield areas and the guaranty of revenue bonds, loan guarantees, or loan loss reserves; requiring the Board of Regents to establish a Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program in the College of Arts and Sciences at the University of South Florida; specifying the purpose and duties of the center; amending s. 163.3187, F.S.; providing that local government comprehensive plan amendments directly related to proposed redevelopment of designated brownfield areas may be approved without regard to certain statutory limits on the frequency of amendments to the local comprehensive plan; providing legislative findings and intent regarding lienholders on brownfield property; providing that certain counties and municipalities may apply for designation of an enterprise zone encompassing a brownfield pilot project under certain circumstances; providing an effective date.

By the Committee on Natural Resources and Senator Latvala—

**CS for SB 1204**—A bill to be entitled An act relating to brownfield redevelopment; creating the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund to be administered by the Office of Tourism, Trade, and Economic Development; authorizing the office to make loans for brownfield site rehabilitation; specifying loan terms and interest rates; providing rulemaking authority; providing a contingent effective date.

By the Committee on Regulated Industries and Senator Dudley—

**CS for SB 1452**—A bill to be entitled An act relating to condominiums and cooperative property; amending ss. 718.103, 719.103, F.S.; defining the term “buyer”; amending s. 721.05, F.S.; conforming a cross-reference; providing an effective date.

## 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 as amended CS for HB 3033, CS for HB 3053; has passed by the required Constitutional three-fifths vote of the membership HJR 3505 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By the Committee on Crime and Punishment; and Representative Stafford and others—

**CS for HB 3033**—A bill to be entitled An act relating to execution of the death sentence; creating s. 922.105, F.S.; providing for execution of the death sentence by means of lethal injection if electrocution is declared invalid by any one of specified courts, unless overruled; providing that a person authorized by state law to prescribe medication, when designated by the Department of Corrections, may prescribe the drugs necessary to compound a lethal injection; providing that a person authorized by state law to prepare, compound, or dispense medication, when designated by the Department of Corrections, may prepare, compound, or dispense the lethal injection; providing that the prescription, preparation, compounding, dispensing, or administration of a lethal injection does not constitute practicing medicine, nursing, or pharmacy; providing for execution of the death sentence by other means not declared unconstitutional by the United States Supreme Court, if lethal injection is declared invalid; providing for determination and supervision of execution procedure by the Secretary of Corrections or the secretary's designee, under specified circumstances when execution by means of electrocution or lethal injection has been declared invalid; providing an exemption from ch. 120, F.S., for the policies and procedures of the Department of Corrections for execution; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; prohibiting health care provider or employee of the Department of Corrections from being required to assist in an execution contrary to the person's moral or ethical beliefs; amending s. 775.082, F.S., relating to penalties and mandatory minimum sentences for certain reoffenders previously released from prison; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; amending s. 790.161, F.S., relating to the offense of making, possessing, throwing, projecting, placing, or discharging a destructive device, or attempt so to do, and penalties; conforming provisions to changes made by the act; prohibiting reduction of a sentence of death as the result of a method of execution being declared invalid; providing an effective date.

—was referred to the Committees on Criminal Justice; and Ways and Means.

By the Committee on Crime and Punishment; and Representative Stafford and others—

**CS for HB 3053**—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information of the Department of Corrections, to conform; providing a contingent effective date.

—was referred to the Committee on Criminal Justice.

By Representative Crist and others—

**HJR 3505**—A joint resolution proposing an amendment to Section 17 of Article I of the State Constitution relating to excessive punishment.

—was referred to the Committees on Criminal Justice; and Rules and Calendar.

**SELECT COMMITTEE APPOINTED**

The President announced the appointment of Senator Kirkpatrick, Chairman; Senators Bronson, Clary, Gutman, Hargrett, Harris, Holzen-dorf and McKay to the Select Committee on WAGES Targeted Economic Development.

**RECESS**

On motion by Senator Bankhead, the Senate recessed at 3:06 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:00 p.m., Wednesday, March 11.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 5 was corrected and approved.

**SENATE PAGES**

March 9-13

**CO-SPONSORS**

Senators Bronson—SB 228, SB 1550; Clary—SB 160, SB 606, SB 882, SB 1550; Cowin—SB 228; Crist—SB 854; Dudley—SB 1550; Grant—SB 228; Gutman—SB 970; Harris—SB 98; Kirkpatrick—SB 228; Latvala—SB 228, SB 960; Ostalkiewicz—SB 1192; Sullivan—SB 854, SB 1172; Thomas—SB 1550

Augusto Brian Amoris, North Fort Myers; Diana L. Campbell, Pace; Joanna Clary, Destin; Alphonso Y. Craig, Tallahassee; Tanjeneque R. Hardy, Tallahassee; David Michael Horst, Tampa; Bryan Edward Jones, Duck Key; Michelle Quirk, St. Cloud; Melissa Renwick, Tallahassee; Anna K. Shumpert, Ft. Lauderdale; Chaundra V. Williams, Delray Beach; Kavell D. Willis, Eustis