



# Journal of the Senate

Number 2—Special Session E

Tuesday, April 30, 2002

## CONTENTS

Announcements . . . . .	12
Call to Order . . . . .	9
Committee Substitutes, First Reading . . . . .	13
Co-Sponsors . . . . .	11, 14
Introduction and Reference of Bills . . . . .	10, 13
Motions . . . . .	10, 13
Motions Relating to Committee Reference . . . . .	13
Proclamation . . . . .	9
Reports of Committees . . . . .	13
Special Order Calendar . . . . .	11

## CALL TO ORDER

The Senate was called to order by President McKay at 9:00 a.m. A quorum present—36:

Mr. President	Geller	Pruitt
Brown-Waite	Holzendorf	Rossin
Burt	King	Sanderson
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Clary	Laurent	Silver
Constantine	Lawson	Smith
Cowin	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Futch	Peaden	Webster
Garcia	Posey	Wise

Excused: Senators Dyer, Jones and Mitchell

## PRAYER

The following prayer was offered by Senator Wise:

Dear God, thank you for the many blessings which you have given us. We especially thank you for allowing Senator Dawson, from the 30th District, to return to us and ask that you continue to heal her body and give her strength. We ask that you be with each of our family members during this special session; watch over them and give them peace.

I ask you, dear God, to please guide the Senators in all the many decisions that must be made to serve the people of our great State. I also ask you, dear God, that you would give each of us wisdom and humility in all we do. I thank you for the privilege of serving the people of our State.

In your holy name, I pray. Amen.

## PLEDGE

Senator Clary led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the Secretary read the following proclamation:

### PROCLAMATION

State of Florida  
Executive Office of the Governor  
Tallahassee

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

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

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

WHEREAS, it is in the best interest of the people of the state of Florida that the legislature act expeditiously to complete its work to provide appropriations for the upcoming fiscal year, and to complete its consideration of other legislation important for the efficient and safe operation of the state; and

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

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

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

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

- A. SB 40-E and identical House legislation, economic development incentives involving the Qualified Targeted Industry and Qualified Defense contractor programs.
- B. SB 46-E and identical House legislation, health care reform.
- C. SB 24-E and identical House legislation, a public records exemption relating to military discharge papers.
- D. Legislation dealing with requiring a sound fiscal impact to be established and noted on the ballot for all citizen initiative constitutional amendments.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 29th day of April, 2002.

Jeb Bush  
GOVERNOR



ATTEST:  
Katherine Harris  
SECRETARY OF STATE

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

#### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bills were admitted for introduction outside the purview of the Governor's call:

By Senator Saunders—

**SB 62-E**—A bill to be entitled An act relating to health regulation; amending s. 20.43, F.S.; updating a reference to provide the name of a regulatory board under the Division of Medical Quality Assurance; eliminating the Department of Health's authority to enter into a contract with the Agency for Health Care Administration for consumer complaint services, investigations, and prosecutorial services; repealing s. 456.047, F.S.; terminating the standardized credentialing program for health care practitioners; prohibiting the refund of moneys collected through the credentialing program; amending ss. 456.039, 456.0391, 456.077, F.S.; removing references, to conform; amending s. 456.072, F.S.; revising provisions governing grounds for discipline; amending s. 458.309, F.S.; requiring accreditation of physician offices in which surgery is performed; amending s. 459.005, F.S.; requiring accreditation of osteopathic physician offices in which surgery is performed; amending s. 456.004, F.S., relating to powers and duties of the department; requiring performance measures for certain entities; amending s. 456.009, F.S.; requiring performance measures for certain legal and investigative services and annual review of such services to determine whether such performance measures are being met; amending s. 456.011, F.S.; requiring regulatory board committee meetings, including probable cause panels, to be held electronically unless certain conditions are met; amending s. 456.026, F.S.; requiring inclusion of performance measures for certain entities in the department's annual report to the Legislature; creating s. 458.3093, F.S.; requiring submission of credentials for initial physician licensure to a national licensure verification service; requiring verification of such credentials by that service or an equivalent program; creating s. 459.0053, F.S.; requiring submission of credentials for initial osteopathic physician licensure to a national licensure verification service; requiring verification of such credentials by that service, a specified association, or an equivalent program; amending ss. 458.331, 459.015, F.S.; revising the definition of the term "repeated malpractice" for purposes of disciplinary action against physicians and osteopaths; increasing the monetary limits of claims against certain health care providers which result in investigation; amending s. 627.912, F.S.; raising the malpractice closed claims reporting requirement amount; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; creating s. 456.0165, F.S.; restricting the costs that may be charged by educational institutions hosting health care practitioner licensure examinations; amending s. 468.302, F.S.; authorizing certified nuclear medicine technologists to administer X radiation from certain devices under certain circumstances; exempting certain persons from radiologic technologist certification and providing certain training requirements for such exemption; amending s. 468.352, F.S.; revising and providing definitions applicable to the regulation of respiratory therapy; amending s. 468.355, F.S.; revising provisions relating to respiratory therapy licensure and testing requirements; amending s. 468.368, F.S.; revising exemptions from respiratory therapy licensure requirements; repealing s. 468.356, F.S., relating to the approval of educational programs; repealing s. 468.357, F.S., relating to licensure by examination; renumbering ss. 381.0602, 381.6021, 381.6022, 381.6023, 381.6024, 381.6026, F.S., and renumbering and amending ss. 381.60225, 381.6025, F.S., to move provisions relating to organ and tissue procurement, donation, and transplantation to part V, ch. 765, F.S., relating to anatomical gifts; conforming cross-references; amending ss. 395.2050, 409.815, 765.5216, 765.522, F.S.; conforming cross-references; amending s. 395.002, F.S.; defining the term "medically unnecessary procedure"; amending s. 395.0161, F.S.; requiring the Agency for Health Care Administration to adopt rules governing the conduct of inspections or investigations; amending s. 395.0197, F.S.; revising provisions governing the internal risk management program; amending s. 456.0375, F.S.; redefining the term "clinic"; amending s. 465.019, F.S.; redefining the term "Class II institutional pharmacies"; amending s. 631.57, F.S.; exempting medical professional liability insurance premiums from an assessment; amending s. 766.101,

F.S.; redefining the term "medical review committee"; providing an appropriation for a feasibility study; amending s. 393.064, F.S.; transferring to the Department of Health the responsibility for managing the Raymond C. Philips Research and Education Unit; amending s. 627.6425, F.S., relating to renewability of individual coverage; providing for circumstances relating to nonrenewal or discontinuance of coverage; amending s. 627.638, F.S.; revising requirements relating to direct payment of benefits to specified providers under certain circumstances; amending s. 381.003, F.S.; requiring the Department of Health to adopt certain standards applicable to all public-sector employers; requiring the compilation and maintenance of certain information by the department for use by employers; amending ss. 765.510, 765.512, 765.516, 765.517, F.S.; amending the declaration of legislative intent with respect to certain anatomical gifts; prohibiting modification of a donor's intent; providing that a donor document is legally binding; authorizing specified persons to furnish donors' medical records upon request; revising procedures by which the terms of an anatomical gift may be amended or the gift may be revoked; revising rights and duties with respect to the disposition of a body at death; proscribing legal liability; amending s. 381.0034, F.S.; providing a requirement for instruction of certain health care licensees on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as a condition of relicensure; amending s. 381.0035, F.S.; providing a requirement for instruction of employees at certain health care facilities on conditions caused by nuclear, biological, and chemical terrorism, upon initial employment, and, in lieu of the requirement of instruction on HIV and AIDS, as biennial continuing education; amending s. 401.23, F.S.; redefining the terms "advanced life support" and "basic life support"; defining the term "emergency medical condition"; amending s. 401.27, F.S.; providing that the course on conditions caused by nuclear, biological, and chemical terrorism shall count toward the total required hours for biennial recertification of emergency medical technicians and paramedics; amending s. 456.033, F.S.; providing a requirement for instruction of certain health care practitioners on conditions caused by nuclear, biological, and chemical terrorism, as a condition of initial licensure, and, in lieu of the requirement for instruction on HIV and AIDS, as part of biennial relicensure; creating s. 456.0345, F.S.; providing continuing education credits to health care practitioners for certain life support training; amending ss. 458.319, 459.008, F.S.; conforming provisions relating to exceptions to continuing education requirements for physicians and osteopathic physicians; amending ss. 401.2715, 633.35, 943.135, F.S.; authorizing the substitution of a specified number of hours of qualifying terrorism-response training for a like number of hours of training required for certification; creating s. 381.0421, F.S.; requiring that individuals enrolled in a postsecondary educational institution be provided information regarding meningococcal meningitis and hepatitis B vaccines and, if residing in on-campus housing, provide documentation of vaccination against meningococcal meningitis and hepatitis B, or a statement declining such vaccination; amending s. 394.4574, F.S.; requiring publicly announced meetings with respect to certain mental health residents in assisted living; specifying additional requirements for district plans; amending s. 394.74, F.S.; authorizing the Department of Children and Family Services to use case rates or per-capita contracts in contracting for the provision of services for local substance abuse and mental health programs; specifying additional requirements relating to such contracts; amending s. 400.141, F.S.; revising requirements for licensed nursing home facilities; amending s. 400.147, F.S.; revising reporting requirements; requiring the Agency for Health Care Administration to report to the Governor and the Legislature concerning nursing homes; amending s. 499.007, F.S.; redefining circumstances that cause a drug or device to be considered misbranded; amending s. 627.357, F.S.; revising provisions governing medical malpractice self-insurance; amending s. 631.54, F.S.; redefining the term "member insurer"; transferring to the Department of Health the powers, duties, functions, and assets that relate to the consumer complaint services, investigations, and prosecutorial services performed by the Agency for Health Care Administration under contract with the department; transferring full-time equivalent positions and the practitioner regulation component from the agency to the department; amending s. 408.7056, F.S.; redesignating the Statewide Provider and Subscriber Assistance Program as the Subscriber Assistance Program; requiring the Subscriber Assistance Panel to hold the record of a grievance hearing open for a specified period after the hearing; revising the Agency for Health Care Administration's authority to obtain records associated with subscriber grievances; requiring the Agency for Health Care Administration to impose a fine for each violation relating to the production of records from a health care provider or managed care entity; specifying procedures for handling a tie vote by the

Subscriber Assistance Panel; specifying circumstances under which the agency or the Department of Insurance may delay issuance of a proposed final order or emergency order recommended by the panel; requiring that the Agency for Health Care Administration develop a training program for panel members; amending ss. 641.3154, 641.511, 641.58, F.S.; redesignating the Statewide Provider and Subscriber Assistance Panel as the Subscriber Assistance Panel; requiring that a subscriber or the provider acting on behalf of a subscriber be notified of the right to submit a written grievance if a case is unresolved; amending s. 400.925, F.S.; eliminating the regulation of certain home medical equipment by the Agency for Health Care Administration; amending s. 766.302, F.S.; defining the terms “family member” and “family residential or custodial care”; amending s. 766.31, F.S.; authorizing compensation awards for professional or family residential or custodial care; amending s. 766.314, F.S.; revising requirements for assessments used for certain supervised personnel; amending s. 627.6475, F.S.; revising criteria for reinsuring individuals under an individual health reinsurance program; amending s. 627.667, F.S.; deleting an exception to an extension-of-benefits application provision for out-of-state group policies; amending s. 627.6692, F.S.; extending a time period for premium payment for continuation of coverage; amending s. 627.6699, F.S.; redefining terms; authorizing certain small employers to enroll with alternate carriers under certain circumstances; revising certain criteria of the small-employer health reinsurance program; requiring the Insurance Commissioner to appoint a health benefit plan committee to modify the standard and basic health benefit plans; amending s. 627.911, F.S.; including health maintenance organizations under certain information-reporting requirements; amending s. 627.9175, F.S.; revising health insurance reporting requirements for insurers; amending s. 627.9403, F.S.; clarifying application of exceptions to certain long-term-care insurance policy requirements for certain limited-benefit policies; amending s. 641.31, F.S.; exempting contracts of group health maintenance organizations covering a specified number of persons from the requirements of filing with the department; specifying the standards for department approval and disapproval of a change in rates by a health maintenance organization; amending s. 641.3111, F.S.; revising extension-of-benefits requirements for group health maintenance contracts; providing legislative findings and intent; providing for construction of laws enacted at the 2002 Regular Session in relation to this act; providing effective dates.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Senator Klein—

**SB 64-E**—A bill to be entitled An act relating to license plates; amending ss. 320.08056, 320.08058, F.S.; creating a “Live the Dream” license plate; providing for the distribution of annual use fees received from the sale of such plates; providing a contingent effective date.

—was referred to the Committee on Transportation.

By Senators Sullivan, King and Lee—

**SB 66-E**—A bill to be entitled An act relating to cigarette taxes; amending s. 210.20, F.S.; providing for a portion of the revenues from the cigarette tax to be paid monthly to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, to finance a cancer research facility at the University of South Florida; amending s. 210.201, F.S.; providing for the use of the transferred moneys; providing for construction of the act in pari materia with laws enacted at the 2002 Regular Session; providing an effective date.

—was referred to the Committee on Finance and Taxation.

**SPECIAL ORDER CALENDAR**

**SB 6-E**—A bill to be entitled An act relating to the Excellent Teaching Program; creating ss. 1012.72, 1010.72, F.S.; redesignating a program and trust fund as the “Dale Hickam Excellent Teaching Program” and the “Dale Hickam Excellent Teaching Program Trust Fund”; repealing ss. 236.08106, 236.08107, F.S., relating to the Excellent Teaching Program and the Excellent Teaching Program Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Sullivan, by two-thirds vote **SB 6-E** was read the third time by title, passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Holzendorf	Rossin
Brown-Waite	King	Saunders
Campbell	Klein	Sebesta
Carlton	Latvala	Silver
Clary	Laurent	Smith
Constantine	Lawson	Sullivan
Cowin	Lee	Villalobos
Crist	Meek	Wasserman Schultz
Diaz de la Portilla	Miller	Webster
Futch	Peaden	Wise
Garcia	Posey	
Geller	Pruitt	

Nays—None

Vote after roll call:

Yea—Burt, Sanderson

**CO-SPONSORS**

On motion by Senator Sullivan, all Senators not previously shown as co-sponsors were recorded as co-sponsors of **SB 6-E**.

**SB 20-E**—A bill to be entitled An act relating to education and matters connected therewith; creating the “Florida K-20 Education Code”; creating ch. 1000, F.S., entitled “K-20 General Provisions,” consisting of part I relating to general provisions, part II relating to systemwide definitions, and part III relating to educational compacts; creating ch. 1001, F.S., entitled “K-20 Governance,” consisting of part I relating to state-level governance, part II relating to school district governance, part III relating to community colleges, and part IV relating to state universities; creating ch. 1002, F.S., entitled “Student and Parental Rights and Educational Choices,” consisting of part I relating to general provisions, part II relating to student and parental rights, part III relating to educational choice, and part IV relating to home education, private schools, and other education options; creating ch. 1003, F.S., entitled “Public K-12 Education,” consisting of part I relating to general provisions, part II relating to school attendance, part III relating to control of students, part IV relating to public K-12 educational instruction, part V relating to specialized instruction for certain public K-12 students, and part VI relating to pilot public K-12 education programs; creating ch. 1004, F.S., entitled “Public Postsecondary Education,” consisting of part I relating to general provisions, part II relating to state universities, part III relating to community colleges, and part IV relating to workforce development education; creating ch. 1005, F.S., entitled “Nonpublic Postsecondary Education,” consisting of part I relating to general provisions, part II relating to the Commission for Independent Education, and part III relating to licensure of nonpublic postsecondary educational institutions; creating ch. 1006, F.S., entitled “Support for Learning and Student Services,” consisting of part I relating to public K-12 education support for learning and student services and part II relating to postsecondary educational institutions; creating ch. 1007, F.S., entitled “Access and Articulation,” consisting of part I relating to general provisions, part II relating to articulation, and part III relating to access to postsecondary education; creating ch. 1008, F.S., entitled “Assessment and Accountability,” consisting of part I relating to assessment, part II relating to accountability, and part III relating to the Council for Education Policy Research and Improvement; creating ch. 1009, F.S., entitled “Educational Scholarships, Fees, and Financial Assistance,” consisting of part I relating to general provisions, part II relating to postsecondary student fees, part III relating to financial assistance, part IV relating to prepaid college board programs, and part V relating to the Florida higher education loan authority; creating ch. 1010, F.S., entitled “Financial Matters,” consisting of part I relating to general accounting requirements, part II relating to financial reporting, part III relating to audit requirements and procedures, part IV relating to bonding, and part V relating to trust funds; creating ch. 1011, F.S., entitled “Planning and Budgeting,” consisting of part I relating to preparation, adoption, and implementation of budgets, part II relating to

funding for school districts, part III relating to funding for workforce education, part IV relating to funding for community colleges, and part V relating to funding for state universities; creating ch. 1012, F.S., entitled "Personnel," consisting of part I relating to general provisions, part II relating to K-20 personnel issues, part III relating to public schools personnel, part IV relating to public postsecondary educational institutions personnel, part V relating to professional development, and part VI relating to the interstate compact on qualifications of educational personnel; creating ch. 1013, F.S., entitled "Educational Facilities," consisting of part I relating to functions of the Department of Education, part II relating to use and management of educational facilities, part III relating to planning and construction of educational facilities, and part IV relating to funding for educational facilities; reenacting and amending s. 20.15, F.S., relating to the Department of Education, to conform; amending ss. 11.061, 11.40, 11.45, 23.1225, 24.121, 39.0015, 39.407, 61.13015, 105.061, 110.1228, 110.123, 110.151, 110.181, 110.205, 112.1915, 112.313, 120.52, 120.55, 120.81, 121.051, 121.091, 145.131, 145.19, 153.77, 159.27, 163.3177, 163.3191, 195.096, 196.012, 196.031, 196.1983, 200.001, 200.065, 200.069, 201.24, 210.20, 212.04, 212.0602, 212.08, 213.053, 215.20, 215.82, 216.181, 216.301, 218.39, 220.183, 222.22, 250.115, 255.0515, 255.0516, 265.2861, 265.603, 267.173, 267.1732, 282.005, 282.103, 282.105, 282.106, 282.3031, 282.3063, 282.310, 284.34, 285.18, 287.042, 287.055, 287.064, 288.039, 288.8175, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 316.003, 316.027, 316.515, 316.6145, 316.615, 316.70, 316.72, 318.12, 318.14, 320.08058, 320.20, 320.38, 322.031, 322.091, 322.095, 322.21, 333.03, 364.508, 380.0651, 381.003, 381.005, 381.0056, 381.0302, 391.055, 393.0657, 394.4572, 394.495, 394.498, 395.602, 395.605, 397.405, 397.451, 397.951, 402.22, 402.302, 402.3057, 409.145, 409.1757, 409.2598, 409.9071, 409.908, 409.9122, 411.01, 411.203, 411.223, 414.1251, 440.16, 445.04, 445.0121, 445.024, 447.203, 447.301, 447.403, 450.081, 450.121, 458.3145, 458.324, 459.0125, 468.1115, 468.607, 468.723, 471.0035, 476.114, 476.144, 476.178, 477.0132, 477.019, 477.0201, 477.023, 480.033, 481.229, 488.01, 553.415, 559.902, 589.09, 627.733, 627.742, 627.912, 633.445, 633.50, 732.402, 784.081, 817.566, 817.567, 877.18, 921.187, 943.10, 943.22, 944.801, 948.03, 984.03, 984.05, 984.151, 984.19, 985.03, 985.04, 985.316, and 985.412, F.S.; conforming provisions and cross references; revising provisions relating to audits of the accounts and records of district school boards; providing purpose of this act; authorizing activities relating to the reorganization of the Department of Education and implementation of changes to the state system of education; repealing s. 187.201(1), F.S., relating to the education goals and policies of the State Comprehensive Plan; repealing s. 2 of ch. 2000-181, Laws of Florida, relating to the repeal of s. 236.081, F.S., effective June 30, 2004; repealing part I of ch. 243, F.S., relating to the educational institutions law, and ch. 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 244, and 246, F.S., relating to public education general provisions, functions of state educational agencies, the district school system, personnel of the school system, compulsory school attendance and child welfare, courses of study and instructional aids, transportation of school children, educational facilities, finance and taxation of schools, financial accounts and expenditures for public schools, vocational, adult, and community education, postsecondary education, distance learning, specialized state educational institutions, educational compacts, and nonpublic postsecondary institutions; providing duties of the Division of Statutory Revision; providing for review of ch. 1000-1013, F.S., during the 2003 Regular Session; requiring each district school board to develop a plan for a K-12 foreign language curriculum; amending s. 110.1099, F.S.; deleting a requirement that credit hours generated by state employee fee waivers be fundable credit hours; providing for severability; providing effective dates.

—was read the second time by title.

Senators Villalobos, Klein, Geller, Wasserman Schultz, Silver, Campbell, Rossin and Smith offered the following amendment which was moved by Senator Villalobos and adopted:

**Amendment 1 (845996)**—On page 179, line 29 through page 181, line 18, delete those lines and redesignate subsequent subsections.

Senators Villalobos, McKay, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Diaz de la Portilla, Futch, Garcia, Geller, Holzendorf, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Peaden, Posey, Pruitt, Rossin, Saunders, Sebesta, Silver, Smith, Sullivan, Wasserman Schultz, Webster and Wise offered the following amendment which was moved by Senator Villalobos and adopted:

**Amendment 2 (455138)**—On page 654, lines 18-24, delete those lines and insert: *juvenile justice system. District school boards may assign the student to a*

Senators Villalobos, McKay, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Cowin, Crist, Diaz de la Portilla, Futch, Garcia, Geller, Holzendorf, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Peaden, Posey, Pruitt, Rossin, Saunders, Sebesta, Silver, Smith, Sullivan, Wasserman Schultz, Webster and Wise offered the following amendment which was moved by Senator Villalobos and adopted:

**Amendment 3 (983436)**—On page 668, lines 6-11, delete those lines and insert: *school.*

Senators Villalobos, Klein, Geller, Wasserman Schultz, Posey, Silver, Campbell, McKay, Brown-Waite, Burt, Carlton, Clary, Constantine, Cowin, Crist, Diaz de la Portilla, Futch, Garcia, Holzendorf, King, Latvala, Laurent, Lawson, Lee, Meek, Miller, Peaden, Pruitt, Rossin, Saunders, Sebesta, Smith, Sullivan, Webster and Wise offered the following amendment which was moved by Senator Villalobos:

**Amendment 4 (505566)**—On page 1789, between lines 10 and 11, insert:

Section 1063. *The Department of Education shall each year distribute for informational purposes to all district school board members, district school superintendents, and school principals the entire guidelines on "Religious Expression in Public Schools" published by the United States Department of Education, as updated from time to time.*

(Redesignate subsequent sections.)

Senators Webster, Wasserman Schultz, Cowin, McKay, Brown-Waite, Burt, Campbell, Carlton, Clary, Constantine, Crist, Diaz de la Portilla, Futch, Garcia, Geller, King, Klein, Latvala, Laurent, Lawson, Lee, Meek, Miller, Peaden, Posey, Pruitt, Saunders, Sebesta, Silver, Smith, Sullivan, Villalobos and Wise offered the following amendment to **Amendment 4** which was moved by Senator Webster and adopted:

**Amendment 4A (591784)**—On page 1, lines 19 and 20, delete those lines and insert: *school board members, district school superintendents, school principals, and teachers the entire guidelines on "Religious*

**Amendment 4** as amended was adopted.

On motion by Senator Villalobos, by two-thirds vote **SB 20-E** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Futch	Sanderson
Brown-Waite	Garcia	Saunders
Burt	King	Sebesta
Carlton	Latvala	Silver
Clary	Laurent	Smith
Constantine	Lawson	Sullivan
Cowin	Lee	Villalobos
Crist	Posey	Webster
Diaz de la Portilla	Pruitt	Wise

Nays—7

Campbell	Meek	Rossin
Geller	Miller	Wasserman Schultz
Klein		

Vote after roll call:

Yea—Peaden

**ANNOUNCEMENTS**

Senator Lee announced that the following meetings were scheduled for Wednesday, May 1: from 3:30 p.m. to 6:30 p.m., the Committee on Governmental Oversight and Productivity; and from 6:45 p.m. until completion, the Committee on Ethics and Elections.

## MOTIONS

On motion by Senator Lee, a deadline of 3:00 p.m. Thursday, May 2, was set for filing amendments to the appropriations bill and those bills related to appropriations which are on the Special Order Calendar for Friday, May 3.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Lee, by two-thirds vote **SB 34-E** and **SB 54-E** were withdrawn from the Committee on Judiciary; and referred to the Committee on Appropriations.

## REPORTS OF COMMITTEES

The Committee on Commerce and Economic Opportunities recommends the following pass: **SB 40-E**

The Committee on Judiciary recommends the following pass: **SB 30-E**

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

The Committee on Banking and Insurance recommends a committee substitute for the following: Senate Bills 42-E and 26-E

The Committee on Judiciary recommends a committee substitute for the following: **SB 28-E**

**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 Pruitt—

**SB 68-E**—A bill to be entitled An act relating to constitutional amendments proposed by initiative; amending ss. 100.371, 101.161, F.S.; requiring that the Revenue Estimating Conference provide an analysis of the fiscal impact to state or local governments resulting from any constitutional amendment proposed by initiative; authorizing the Revenue Estimating Conference to solicit information regarding a proposed initiative amendment; providing for a decision in the event of a tie vote among members of the Revenue Estimating Conference; requiring that a summary of the estimated fiscal impact be included within the ballot summary of the initiative; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was referred to the Committee on Ethics and Elections.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Judiciary; and Senator Burt

**CS for SB 28-E**—A bill to be entitled An act relating to controlled substances; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances; requiring certain health care providers to complete education courses relating to the prescription of controlled substances; providing penalties; providing for the emergency suspension of certain licenses for prescribing violations; requiring the Department of Health, the Department of Law Enforcement, the Statewide Prosecutor, and State Attorneys to share certain information regarding health care practitioners; requiring a report; requiring the Bureau of Pharmacy Services of the Department of Health to establish an electronic system to monitor the prescribing of certain controlled substances; authorizing the Bureau of Pharmacy Services to contract for the administration of the electronic monitoring system for certain controlled substances; establishing an advisory council and providing for its

membership, duties, staff, and compensation; requiring the Bureau of Pharmacy Services of the Department of Health to recommend performance-based measures to the Legislature for the electronic monitoring system; requiring that the Bureau of Pharmacy Services report to the Legislature on implementation of the electronic monitoring system; providing requirements for the report; providing duties of the Bureau of Pharmacy Services with respect to the purposes and use of the electronic monitoring system; prohibiting the use of specified funds for the electronic monitoring system; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in prescribing controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an appropriation; providing an effective date.

By the Committee on Banking and Insurance; and Senators Latvala and Geller—

**CS for SB's 42-E and 26-E**—A bill to be entitled An act relating to powers and duties of the Chief Financial Officer; creating s. 17.001, F.S.; establishing the Office of the Chief Financial Officer; creating s. 20.121, F.S.; creating the Department of Financial Services; providing for the divisions of the department; specifying division directors who shall act as agency head for purposes of ch. 120, F.S.; establishing the manner of their appointment and confirmation; providing that this act shall not affect the validity of certain judicial and administrative actions; transferring the Department of Banking and Finance and the Department of Insurance to the Department of Financial Services; repealing s. 20.12, F.S.; abolishing the Department of Banking and Finance; providing that existing agency contracts continue to be binding with the successor department or agency; repealing s. 20.13, F.S.; abolishing the Department of Insurance; redesignating the Insurance Commissioner's Regulatory Trust Fund the Insurance Regulatory Trust Fund; redesignating the Department of Banking and Finance Regulatory Trust Fund the Banking and Finance Regulatory Trust Fund; amending and transferring ss. 18.01, 18.02, 18.021, 18.05, 18.06, 18.08, 18.10, 18.101, 18.103, 18.104, 18.125, 18.15, 18.17, 18.20, 18.23, 18.24, F.S., and amending ss. 11.12, 11.13, 11.147, 11.151, 11.40, 11.42, 13.05, 14.055, 14.057, 14.058, 14.202, 14.203, 14.24, 15.09, 16.10, 17.011, 17.02, 17.03, 17.031, 17.04, 17.0401, 17.041, 17.0415, 17.05, 17.06, 17.075, 17.076, 17.08, 17.09, 17.10, 17.11, 17.12, 17.13, 17.14, 17.16, 17.17, 17.20, 17.21, 17.22, 17.25, 17.26, 17.27, 17.28, 17.29, 17.30, 17.32, 17.325, 17.41, 17.43, 20.04, 20.055, 20.195, 20.425, 20.435, 24.105, 24.111, 24.112, 24.120, 25.241, 26.39, 27.08, 27.10, 27.11, 27.12, 27.13, 27.34, 27.3455, 27.703, 27.710, 27.711, 28.235, 28.24, 30.52, 40.30, 40.31, 40.33, 40.34, 40.35, 43.16, 43.19, 48.151, 55.03, 57.091, 68.083, 68.084, 68.087, 68.092, 77.0305, 92.39, 99.097, 101.151, 103.091, 107.11, 110.1127, 110.113, 110.114, 110.116, 110.1227, 110.1228, 110.123, 110.125, 110.181, 110.2037, 110.205, 112.061, 112.08, 112.191, 112.215, 112.3144, 112.3145, 112.3189, 112.31895, 112.3215, 112.63, 114.03, 116.03, 116.04, 116.05, 116.06, 116.14, 120.52, 120.80, 121.0312, 121.055, 121.061, 121.133, 121.4501, 125.0104, 129.201, 131.05, 137.09, 145.141, 154.02, 154.03, 154.05, 154.06, 154.209, 154.314, 163.01, 163.055, 163.3167, 175.101, 175.121, 175.151, 185.08, 185.10, 185.13, 189.4035, 189.427, 190.007, 191.006, 192.091, 192.102, 193.092, 195.101, 198.29, 199.232, 203.01, 206.46, 210.16, 210.20, 210.50, 211.06, 211.32, 212.08, 212.12, 212.20, 213.053, 213.054, 213.255, 213.67, 213.75, 215.02, 215.03, 215.04, 215.05, 215.11, 215.20, 215.22, 215.23, 215.24, 215.25, 215.26, 215.29, 215.31, 215.32, 215.3206, 215.3208, 215.321, 215.322, 215.34, 215.35, 215.405, 215.42, 215.422, 215.44, 215.50, 215.551, 215.552, 215.555, 215.559, 215.56005, 215.5601, 215.58, 215.62, 215.684, 215.70, 215.91, 215.92, 215.93, 215.94, 215.95, 215.96, 215.965, 215.97, 216.0442, 216.102, 216.141, 216.177, 216.181, 216.183, 216.192, 216.212, 216.221, 216.235, 216.237, 216.251, 216.271, 216.275, 216.292, 216.301, 217.07, 218.06, 218.23, 218.31, 218.321, 218.325, 220.62, 220.723, 228.2001, 229.0535, 229.0537, 229.05371, 229.111, 229.781, 231.261, 231.30, 231.545, 233.063, 233.07, 233.15, 233.16, 233.255, 236.43, 236.601, 237.121, 237.181, 237.211, 238.11, 238.15, 238.172, 238.173, 240.551, 242.331, 242.341, 245.13, 250.22, 250.24, 250.25, 250.26, 250.34, 252.62, 252.87, 253.02, 253.025, 255.03, 255.052,

255.258, 255.503, 255.521, 257.22, 258.014, 259.032, 259.041, 265.53, 265.55, 267.075, 272.18, 280.02, 280.04, 280.041, 280.05, 280.051, 280.052, 280.053, 280.054, 280.055, 280.06, 280.07, 280.071, 280.08, 280.085, 280.09, 280.10, 280.11, 280.13, 280.16, 280.17, 280.18, 280.19, 282.1095, 284.02, 284.04, 284.05, 284.06, 284.08, 284.14, 284.17, 284.30, 284.31, 284.32, 284.33, 284.34, 284.35, 284.37, 284.385, 284.39, 284.40, 284.41, 284.42, 284.44, 284.50, 287.042, 287.057, 287.058, 287.063, 287.064, 287.09451, 287.115, 287.131, 287.175, 288.1045, 288.106, 288.109, 288.1253, 288.709, 288.712, 288.776, 288.778, 288.99, 289.051, 289.081, 289.121, 292.085, 313.02, 314.02, 316.3025, 316.545, 320.02, 320.081, 320.20, 320.71, 320.781, 322.21, 324.032, 324.171, 326.006, 331.303, 331.309, 331.3101, 331.348, 331.419, 336.022, 337.25, 339.035, 339.081, 344.17, 350.06, 354.03, 365.173, 370.06, 370.16, 370.19, 370.20, 373.503, 373.59, 373.6065, 374.983, 374.986, 376.11, 376.123, 376.307, 376.3071, 376.3072, 376.3075, 376.3078, 376.3079, 376.40, 377.23, 377.2425, 377.705, 378.035, 378.037, 378.208, 381.765, 381.90, 388.201, 388.301, 391.025, 391.221, 392.69, 393.002, 393.075, 394.482, 400.0238, 400.063, 400.071, 400.4174, 400.4298, 400.471, 400.962, 401.245, 401.25, 402.04, 402.17, 402.33, 403.1835, 403.1837, 403.706, 403.724, 403.8532, 404.111, 408.040, 408.05, 408.08, 408.18, 408.50, 408.7056, 408.902, 409.175, 409.25656, 409.25658, 409.2673, 409.8132, 409.817, 409.818, 409.910, 409.912, 409.9124, 409.915, 411.01, 413.32, 414.27, 414.28, 420.0005, 420.0006, 420.101, 420.123, 420.131, 420.141, 420.5092, 430.42, 430.703, 440.103, 440.105, 440.1051, 440.106, 440.13, 440.134, 440.135, 440.20, 440.24, 440.38, 440.381, 440.385, 440.44, 440.4416, 440.49, 440.50, 440.51, 440.515, 440.52, 443.131, 443.191, 443.211, 447.12, 450.155, 456.047, 468.392, 473.3065, 475.045, 475.484, 475.485, 489.144, 489.145, 489.533, 494.001, 494.0011, 494.0017, 494.00421, 497.005, 497.101, 497.105, 497.107, 497.109, 497.115, 497.117, 497.131, 497.201, 497.253, 497.313, 497.403, 497.407, 497.435, 497.525, 498.025, 498.049, 499.057, 501.212, 509.215, 513.055, 516.01, 516.03, 516.35, 517.021, 517.03, 517.061, 517.075, 517.1204, 517.1205, 517.131, 517.141, 517.151, 518.115, 518.116, 519.101, 520.02, 520.07, 520.31, 520.34, 520.61, 520.76, 520.998, 526.141, 537.003, 537.004, 537.011, 548.066, 548.077, 550.0251, 550.054, 550.0951, 550.125, 550.135, 550.1645, 552.081, 552.161, 552.21, 552.26, 553.72, 553.73, 553.74, 553.79, 554.1021, 554.105, 554.111, 559.10, 559.543, 559.545, 559.55, 559.555, 559.725, 559.730, 559.928, 560.102, 560.103, 560.119, 560.4041, 560.408, 561.051, 562.44, 567.08, 569.205, 570.13, 570.195, 570.20, 574.03, 589.06, 597.010, 601.10, 601.15, 601.28, 607.0501, 607.14401, 609.05, 617.0501, 617.1440, 624.05, 624.155, 624.305, 624.307, 624.310, 624.314, 624.319, 624.320, 624.321, 624.322, 624.33, 624.404, 624.4071, 624.4085, 624.40851, 624.422, 624.423, 624.442, 624.4435, 624.484, 624.5015, 624.502, 624.506, 624.5091, 624.5092, 624.516, 624.517, 624.519, 624.521, 624.523, 624.610, 624.87, 624.91, 625.161, 625.317, 625.52, 625.53, 625.83, 626.266, 626.2815, 626.322, 626.592, 626.742, 626.7492, 626.8427, 626.8463, 626.8467, 626.847, 626.8736, 626.906, 626.907, 626.912, 626.918, 626.931, 626.932, 626.936, 626.9361, 626.937, 626.938, 626.9511, 626.9541, 626.9543, 626.989, 626.9892, 626.9911, 626.9912, 626.9916, 627.0613, 627.0628, 627.0651, 627.06535, 627.0915, 627.0916, 627.092, 627.096, 627.221, 627.311, 627.351, 627.413, 627.4236, 627.6472, 627.6482, 627.6488, 627.6675, 627.7012, 627.7015, 627.727, 627.728, 627.736, 627.849, 627.912, 627.9122, 627.919, 627.94074, 627.944, 627.948, 628.461, 628.4615, 629.401, 631.001, 631.221, 631.392, 631.54, 631.57, 631.59, 631.714, 631.72, 631.723, 631.813, 631.814, 631.904, 631.911, 631.912, 631.917, 631.931, 632.628, 633.01, 633.022, 633.025, 633.052, 633.061, 633.081, 633.111, 633.161, 633.162, 633.30, 633.31, 633.353, 633.382, 633.43, 633.445, 633.45, 633.46, 633.461, 633.47, 633.50, 633.524, 634.011, 634.137, 634.151, 634.161, 634.221, 634.301, 634.313, 634.324, 634.327, 634.3284, 634.401, 634.415, 634.416, 634.427, 634.433, 635.011, 635.041, 636.003, 636.043, 636.047, 636.052, 641.185, 641.19, 641.23, 641.26, 641.28, 641.39001, 641.402, 641.403, 641.412, 641.454, 641.455, 641.48, 641.49, 641.511, 641.52, 641.55, 641.58, 642.015, 642.0475, 648.25, 648.26, 648.34, 648.355, 648.37, 648.386, 648.442, 650.06, 651.011, 651.015, 651.0235, 651.035, 651.121, 651.125, 655.001, 655.005, 655.057, 655.90, 657.002, 657.253, 658.23, 658.295, 658.2953, 658.83, 660.27, 660.28, 687.13, 687.14, 697.202, 697.205, 697.206, 713.596, 716.02, 716.03, 716.04, 716.05, 716.06, 716.07, 717.101, 717.135, 717.138, 718.501, 719.501, 721.24, 721.26, 723.006, 732.107, 733.816, 744.534, 766.105, 766.1115, 766.314, 766.315, 768.28, 790.001, 790.1612, 791.01, 791.015, 817.16, 817.234, 839.06, 849.086, 849.33, 860.154, 860.157, 896.102, 903.101, 903.27, 925.037, 932.7055, 932.707, 938.27, 939.13, 943.031, 943.032, 944.516, 946.33, 946.509, 946.510, 946.517, 946.522, 946.525, 947.12, 950.002, 957.04, 985.406, 985.409, F.S., to conform; creating ss. 633.801, 633.802, 633.803, 633.804,

633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821, F.S.; providing a short title; providing definitions; providing legislative intent; authorizing the Division of State Fire Marshal of the Department of Financial Services to adopt rules related to firefighter safety inspections; requiring the division to conduct a study of firefighter occupational diseases; authorizing representatives of the division to enter and inspect any place of firefighter employment; requiring firefighter employers to provide safe employment conditions; authorizing the division to adopt rules that prescribe means for preventing accidents in places of firefighter employment and establish standards for construction, repair, and maintenance; requiring the division to inspect places of firefighter employment and to develop safety and health programs for those firefighter employers whose employees have a high frequency or severity of work-related injuries; requiring certain firefighter employers to establish workplace safety committees and to maintain certain records; providing penalties for firefighter employers who violate provisions of the act; providing exemptions; providing a penalty for the failure to implement a safety and health program and cancellations; providing for expenses of administration; providing penalties for refusal to admit division; specifying firefighter employee rights and responsibilities; providing division remedies for failure to comply; providing penalties for firefighter employers who make false statements to the division or to an insurer; providing criminal penalties for false, malicious, or fraudulent statements and representations; specifying applicability to volunteer firefighters and fire departments; providing for workplace safety and authorizing the division to adopt rules including federal standards for assuring safe working conditions for all firefighter employees; amending s. 633.31, F.S.; changing the name of and expanding and diversifying the Firefighters Standards and Training Council; amending s. 633.33, F.S.; providing additional duties of the council; amending ss. 383.3362, 633.330, and 633.32, F.S.; revising cross-references, to conform; providing for legislative determination of important state interest; increasing membership on the board of directors of the Florida Healthy Kids Corporation; amending s. 288.99, F.S.; transferring certain responsibilities of the Office of Tourism, Trade, and Economic Development relating to the Certified Capital Company Act to the Department of Financial Services; prescribing duties of that department; revising and adding definitions; providing for additional premium tax credits under the act; repealing s. 18.03, F.S., relating to the residence and office of the Treasurer, s. 18.07, F.S., relating to records of warrants and state funds and securities, s. 18.09, F.S., relating to a report to the Legislature, s. 18.091, F.S., relating to employees for legislative sessions, s. 18.22, F.S., relating to rules, s. 627.0623, F.S., relating to restrictions on expenditures and solicitations of insurers and affiliates, s. 655.019, F.S., relating to campaign contributions and limitations on them, s. 657.067, F.S., relating to conversion of credit unions from federal to state charter; amending s. 163.05, F.S.; transferring responsibility for the Small County Technical Assistance Program from the Comptroller to the Commissioner of Agriculture; revising legislative findings; providing criteria for contracts between the commissioner and program providers; deleting responsibilities of the Legislative Committee on Intergovernmental Relations; authorizing the commissioner to award contracts to provide assistance to small counties; requiring fiscal oversight and performance reviews; providing an appropriation; amending s. 112.313, F.S.; declaring that certain relationships between business entities and the Governor and members of the Cabinet do not violate standards of conduct; providing for construction of laws enacted at the 2002 Regular Session in relation to this act; providing effective dates.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of April 29 was corrected and approved.

**CO-SPONSORS**

Senators Crist—SB 18-E; Peaden—SB 40-E; Posey—SB 18-E; Silver—SB 18-E; Webster—SB 18-E

**RECESS**

On motion by Senator Lee, the Senate recessed at 10:20 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, May 2 or upon call of the President.